

To: All Members of the LICENSING SUB-COMMITTEE C
(Other Members for Information)

When calling please ask for:

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Legal & Democratic Services

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Direct line: 01483 523258

Calls may be recorded for training or monitoring

Date: 21 June 2023

Membership of the Licensing Sub-Committee C

Cllr Jerome Davidson
Cllr Maxine Gale

Cllr James Staunton

Dear Councillors

A meeting of the LICENSING SUB-COMMITTEE C will be held as follows:

DATE: MONDAY, 3 JULY 2023

TIME: 10.00 AM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

Susan Sale,
Executive Head of Legal & Democratic Services & Monitoring Officer

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NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **ELECTION OF CHAIR**

To elect a chair for the purpose of this hearing.

2. **LICENSING ACT 2003 - APPLICATION FOR REVIEW OF A PREMISES LICENCE - THE RAJASTHAN RESTAURANT, 103 LONG GORE, FARNCOMBE, GODALMING, SURREY GU7 3TW** (Pages 3 - 36)

An application to review the Premises Licence for the Rajasthan Restaurant, 103 Long Gore, Farncombe, Godalming, GU7 3TW under section 51 of the Licensing Act 2003 has been submitted by Home Office (Immigration Enforcement). No other relevant representations have been received.

3. **LEGAL ADVICE**

For further information or assistance, please telephone Kimberly Soane, Democratic Services Officer, on 01483 523258 or by email at kimberly.soane@waverley.gov.uk

Waverley Borough Council

Report to: Licensing Sub-Committee C

Date: 03 July 2023

Ward(s) affected: All Godalming Wards

Report of Director: Community Wellbeing/Place/Transformation & Governance

Author: Paul Hughes

Licensing and Environmental Enforcement Manager

Tel: 01483 523189

Email: paul.hughes@waverley.gov.uk

Executive Portfolio Holder/ Lead Councillor responsible: Cllr Tony Fairclough
Portfolio Holder for Enforcement and Regulatory Services

Email: tony.fairclough@waverley.gov.uk

Report Status: Open

**Licensing Act 2003 – Application for
review of a Premises Licence – The
Rajasthan Restaurant, 103 Long Gore,
Farncombe, Godalming, Surrey
GU7 3TW**

1. Executive Summary

- 1.1 An application to review the Premises Licence for the Ragasthan Restaurant, 103 Long Gore, Farncombe, Godalming, GU7 3TW under section 51 of the Licensing Act 2003 has been submitted by Home Office (Immigration Enforcement). No other relevant representations have been received.

2. Recommendation to Council

It is recommended that the Sub-Committee determine the application.

3. Reason(s) for Recommendation:

- 3.1. To address the application for review received as required by the Licensing Act 2003. The general principle is that an application for a Review of a Premises Licence must be considered once received unless subsequently withdrawn. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
- 3.2. The Sub-Committee must consider the application on its individual merits and take into account all relevant matters, then determine the application by taking the steps it considers appropriate and necessary / proportionate to promote the licensing objectives. Having considered all relevant representations, and having taken into account the promotion of the licensing objectives, a decision can be taken:
 - To modify or impose additional relevant conditions (ie to alter, omit or add any new condition) to such an extent as is considered necessary for the promotion of the licensing objectives (in relation to matters raised by this review);
 - To exclude one or more of the licensable activities from the scope of the Premises Licence
 - to remove the Designated Premises Supervisor;

- to suspend the premises licence for not more than three months
 - to revoke the premises licence to continue in its present form, with or without a written warning
- 3.3. The Licensing Members are also reminded of the option to issue a 'yellow card' i.e. a warning as to future conduct which may accompany options 1 to 4 above.
- 3.4. The Licensing Authority may decide that no action is appropriate if it finds that the Review does not require it to take any steps that are appropriate to promote the licensing objectives.

4. Exemption from publication

- 4.1. No

5. Purpose of Report

- 5.1. The purpose of the report is to enable the Sub-Committee to determine an application from Home Office (Immigration Enforcement) for a review of the Premises Licence for the Rajasthan Restaurant, 103 Long Gore, Farncombe, Godalming, GU7 3TW under section 51 of the Licensing Act 2003.

6. Strategic Priorities

- 6.1. Waverley promotes a strong, resilient local economy, supporting local businesses and employment and the health and wellbeing of our communities. Waverley's strategic priorities are supporting a strong, resilient local economy and improving the health and wellbeing of our residents and communities.

7. Background

Grounds for review

7.1. Home Office (Immigration Enforcement) have applied for the review of the premises licence for the purposes of promoting the licensing objectives in relation to the prevention of crime and disorder. The application to review the premises licence relates to the following licensing objectives;

- the prevention of crime and disorder

In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

A copy of the application for review is summarised as follows:

Home office (Immigration Enforcement) believe that the Premises Licence holder of the Rajasthan Restaurant is not preventing crime and disorder and therefore should no longer be allowed to hold a premises licence.

Illegal working has been identified which is strictly prohibited under the Licensing Act 2003 and Immigration Act 1971.

Employing illegal workers in the UK has the following impact on the community and society as a whole:-

- a. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
- b. It exploits the undocumented by paying less than the minimum wage and provides no employment or income protection.
- c. It encourages other overstayers/illegals to seek similar work.
- d. It allows a business to unfairly undercut other businesses by employing cheap labour.

- e. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

Details of premises Licence

7.2 The premises applied for a premises licence in September 2006. The application was advertised and in accordance with the Licensing Act 2003 the licence was granted after a 28 day period having received no objections.

- 7.3. A copy of the Premises Licence is attached (Annexe 1) and summarised below:

Provision of regulated entertainment:-

Recorded Music;

Friday & Saturday 1200 – 1430

Sunday 1700 –2300

Sale by Retail of Alcohol

Monday - Saturday 1200 – 1430

Sunday 1700 - 2300

Hours of opening:

As per the sale of alcohol.

- 7.4. In accordance with the legislation, the applicant has sent copies of the application to responsible authorities and was advertised in accordance with the requirements of the Licensing Act 2003 and notification was made to the licence holder and responsible authorities. The review documents were sent to the licence holders. The consultation period for the review ended on 12 June 2023.

Application for a Review of the Licence

- 7.5. An application for review of this premises licence has been made by Home Office (Immigration Enforcement) as a responsible authority. The application has been advertised at the premises by the Licensing

Authority, and elsewhere in accordance with the Licensing Act 2003. A copy of the review notice is attached at Annexe 2, giving a deadline date of 12th June 2022 for any representations to be submitted to the Licensing Authority. The application for a review is set out in full at Annexe 3.

- 7.6. The applicant for the review (Home Office (Immigration Enforcement)) and the subject of the review, (The Rajasthan) may call witnesses in support of any evidence they may give, having first notified the Licensing Authority of their intention to do so.

Other Responsible Authorities - Responses to the Notice Procedure

- 7.7. No representations have been received from other responsible authorities in respect of the application.

Interested Parties - Responses to the Notice Procedure

- 7.8. No representations have been received from ‘other persons’, in respect to the application.

Statutory Guidance

- 7.9. Statutory Guidance issued under Section 182 of the 2003 Act, published in December 2022, regarding determining a Review (Paragraphs 11.1- 11.28).

The guidance will be available for reference purposes at the meeting.* Particular attention is drawn to:

- Reviews — paragraphs 11.1-11.28
- The Licensing Objectives — paragraphs 2.1-2.32
- Hearings — paragraphs 9.31 to 9.44

The guidance can be found at:

<https://www.gov.uk/government/publications/explanatory-memorandumrevised-guidance-issued-under-s-182-of-licensing-act-2003>

Policy and statutory considerations

7.10. When determining the application, the committee must have regard to and take steps to ensure :the promotion of the licensing objectives which are

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

As well as:

- The Licensing Act 2003
- The adopted statement of licensing policy (August 2018 to July 2023) - with headed paragraphs 6, (prevention of crime and disorder) and 15 (complaints/review of licence) being relevant to this application:
- The current statutory guidance issued by the Home Officer in accordance with section 182 of the Act:
- The representations, including supporting information presented by all the parties; and
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider the Equality Act 2010 public sector equality duty requiring public bodies to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act:
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - Foster good relations between people who share a protected characteristic and people who do not share it.

The Statutory Guidance provides advice in relation to the consideration of review applications. In particular, members should have regard to the following advice:

Paragraph 11.1 - "The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."

Paragraph 11.2 - "At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."

Paragraph 11.10 - "Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the Steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."

Paragraph 11.16 - "The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives." In reaching a decision upon a review application, the guidance offers assistance to the licensing authority as follows:

Paragraph 11.17 - "The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder

and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder."

Paragraph 11.18 - "However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement — either orally or in writing — that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."

Paragraph 11.19 - "Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence."

Paragraph 11.20 - "In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

Paragraph 11.21 - "For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual."

Paragraph 11.22 - "Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented.

Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."

Paragraph 11.23 - "Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the

prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

Paragraph 11.26 - "Where a licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objections and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder."

Paragraph 11.27- "There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

Paragraph 11.28 - “it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered”.

A copy of the Statement of Licensing Policy, current statutory guidance and the Act will be made available for reference at the hearing.

8. Consultation

- 8.1. The application has been dealt with in accordance with the requirements of the Licensing Act 2003

9. Key Risks

- 9.1. There are no specific implications arising from this report.

10. Financial Implications

- 10.1. There are no immediate resource implications in this report; resources required to fulfil the Council’s duties in respect of the licensing process are met from the existing budget.

11. Legal Implications

11.1. The Council has a duty to determine the application under the Licensing Act 2003. A decision of this Committee can be subject to appeal in accordance with section 181 and schedule 5 of the Licensing Act 2003.

12. Human Resource Implications

12.1. There are no additional human resource implications

13. Equality and Diversity Implications

13.1 None

14. Climate Change/Sustainability Implications

14.1. There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

15. Summary of Options

15.1 The general principle is that an application for a Review of a Premises Licence must be considered once received unless subsequently withdrawn. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

The Sub-Committee must consider the application on its individual merits and take into account all relevant matters, then determine the application by taking the steps it considers appropriate and necessary / proportionate to promote the licensing objectives. Having considered all relevant representations, and having taken into

account the promotion of the licensing objectives, a decision can be taken:

- 1. To modify or impose additional relevant conditions (ie to alter, omit or add any new condition) to such an extent as is considered necessary for the promotion of the licensing objectives (in relation to matters raised by this review);
- 2. To exclude one or more of the licensable activities from the scope of the Premises Licence
- 3. to remove the Designated Premises Supervisor;
- 4. to suspend the premises licence for not more than three months
- 5. to revoke the premises licence to continue in its present form, with or without a written warning

16. Conclusion

16.1 The Committee is asked to consider the report and determine the application.

17. Background Papers

17.1 The Licensing Act 2003 (legislation.gov.uk)

Licensing Act 2003 Revised guidance (December 2022) issued under section 182 of Licensing Act 2003 - GOV.UK (www.gov.uk)

Waverley's Revised Statement of Licensing Policy 2018 (waverley.gov.uk)

18. Appendices

18.1 Annexe 1 – A copy of the current Premises Licence.

18.2 Annexe 2 – A copy of the review notice.

18.3 Annexe 3 – A copy of the application for a review.

Please ensure the following service areas have signed off your report.
Please complete this box, and do not delete.

Service	Sign off date
Finance / S.151 Officer	
Legal / Governance	
HR	
Equalities	
Lead Councillor	
CMB	
Executive Briefing/Liaison	
Committee Services	

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Licensing Act 2003
Premises Licence - Summary

The Rajasthan 103 Long Gore Farncombe Godalming Surrey GU7 3TW	Licence number: LN/00000531		
	Valid from: 16th February 2017		
	Valid until:		
	Telephone: 01483 419333		
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Recorded Music	Monday - Sunday	12:00 17:00	14:30 23:00
Sale by Retail of Alcohol	Monday - Sunday	12:00 17:00	14:30 23:00
Non-standard Timings:	N/A		

The opening hours of the premises: Opening hours as for the sale of alcohol

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises: On the premises

Name & (registered) address of holder of premises licence: Mr Aminur Rahman

Registered number of holder, for example company number, charity number (where applicable): N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Aminur Rahman

Whether access to the premises by children is restricted or prohibited: No restrictions

Licensing Act 2003
Premises Licence - Detail

The Rajasthan 103 Long Gore Farncombe Godalming Surrey GU7 3TW	Licence number:	LN/000000531	
	Valid from:	16th February 2017	
	Valid until:		
	Telephone:	01483 419333	
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Recorded Music	Monday - Sunday	12:00 17:00	14:30 23:00
Sale by Retail of Alcohol	Monday - Sunday	12:00 17:00	14:30 23:00
Non-standard Timings:	N/A		

The opening hours of the premises: Opening hours as for the sale of alcohol

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Name & (registered) address of holder of premises licence: Mr Aminur Rahman
{

Registered number of holder, for example company number, charity number (where applicable): N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Aminur Rahman

Whether access to the premises by children is restricted or prohibited: No restrictions

Annexe 1 – Mandatory Conditions

Alcohol

No supply of alcohol may be made under the premises licence:

- At a time when there is no designated premises supervisor in respect of the premises licence.
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
6. For the purposes of the condition set out in paragraph 5—
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
 - (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$
 where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).
7. Where the permitted price given by Paragraph (b) of paragraph 6 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 6 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annexe 2 – Conditions consistent with the operating schedule

Recorded Music	Monday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Tuesday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Wednesday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Thursday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Friday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Saturday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Sunday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	

Further Detail

N/A

Non-Standard Timing

N/A

Location of activity : Indoors

Alcohol ON sale only	Monday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Tuesday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Wednesday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Thursday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Friday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Saturday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	
	Sunday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours	

Further Detail

N/A

Non-Standard Timing

N/A

Sale of alcohol to be for consumption : On the premises

Designated Premises Supervisor

Name: Mr Aminur Rahman

Address:

Personal Licence Number (If known): GUF

Issuing Licence authority (If known): Guildford Borough Council

Opening Hours	Monday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours
	Tuesday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours
	Wednesday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours
	Thursday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours
	Friday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours
	Saturday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours
	Sunday	12:00 hours to 14:30 hours 17:00 hours to 23:00 hours

Further Detail

N/A

Non-Standard Timing

N/A

ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:

a) General - all four licensing objectives (b,c,d,e)

All four licensing objectives shall be considered by the licensee.
A responsible attitude to the four licensing objectives shall be taken.
Staff shall be aware of the four licensing objectives at all times and the law in general.
Training shall be given to staff on these subjects.

b) The prevention of crime and disorder

Any member of the public causing a problem shall risk being barred from the premises.

c) Public Safety

The licensees shall comply with all health and safety legislation and codes of practice, etc.

d) The prevention of public nuisance

Patrons shall be encouraged verbally to leave the premises as quietly as possible and avoid causing a disturbance with slamming doors, shouting, etc.

e) The protection of children from harm

Under age children shall not be permitted to smoke or drink alcoholic beverages on the premises. Parents/guardians shall be encouraged to look after their children at all times they are on the premises.
Children shall be required to sit with their parent/guardian so as to ensure proper control.

Annexe 3 – Conditions attached after a hearing by the Licensing Authority

N/A

Annexe 4 – Plans

Attached

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LICENSING ACT 2003
NOTICE OF APPLICATION TO REVIEW A PREMISES
LICENCE

**THE RAJASTHAN, 103 LONG GORE, FARNCOMBE,
GODALMING, SURREY, GU7 3TW**

NOTICE IS HEREBY GIVEN that an application has been made to the Licensing Authority of WAVERLEY BOROUGH COUNCIL for review of a premises licence under Section 51 (3) of the Licensing Act 2003. Details of the grounds of the application for review of the licence are as follows:

Prevention of crime and disorder

Any responsible authority or interested party wishing to make representations on this matter must submit those representations in writing to Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR by not later than **12TH JUNE 2023** stating the grounds on which the representation is made. Written representations may also be made by e-mail to: licensing@waverley.gov.uk.

Please note that it is an offence under Section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application for review and any person making such a statement shall be liable, on summary conviction, to a fine not exceeding level five on the standard scale (currently £5,000).

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PRIVACY NOTICE

Waverley Borough Council will use the information you provide in this form to process your application for a review of a premises licence, or club premises certificate, to fulfil our licensing obligations and maintain our statutory public register. We may share your information with other local councils, the police and other government agencies to verify/process the information you have supplied, where required by law and for statistical research purposes (anonymised data) by government agencies only. We will keep it for ten years after the premises licence ends.

For Online Payments Only;

Please note; Our payments website processes your payment and does not store any personal data.



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Ava Ansari, Immigration Enforcement

(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Rajasthan Restaurant, 103 Long Gore, Farncombe	
Post town Godalming	Post code (if known) GU7 3TW

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Ava Ansari, Immigration Officer 18323 South Central Immigration, Compliance and Enforcement Team 2nd Floor, Eaton House 581 Staines Road Hounslow TW4 5DL	
Telephone number (if any)	
E-mail address (optional)	Ava.Ansari@homeoffice.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

One of the licensing objectives which underpins the Licensing Act 2003 is the prevention of crime and disorder and all operators are expected to take steps to promote the licensing objectives.

Home Office (Immigration Enforcement) believe Mr Aminur Rahman is not preventing crime and disorder and therefore should no longer be allowed to hold a premises licence.

Mr Aminur Rahman is using his restaurant businesses to employ illegal workers which is strictly prohibited under the Licensing Act 2003 and Immigration Act 1971(aa).

Employing illegal workers in the UK has the following impact on the community and society as a whole:-

1. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
2. It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
3. It encourages other overstayers / illegals to seek similar work.
4. It allows a business to unfairly undercut other businesses by employing cheap labour.
5. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

Please provide as much information as possible to support the application (please read guidance note 3)

Rajasthan Restaurant is a restaurant in the town of Farncombe, Surrey. The premises has a licence to sell Alcohol for consumption on the premises between the hours of 1200-1430 and 1700-2300 Monday - Sunday.

Home Office (Immigration Enforcement) had received information stating that the employer is employing Students who are not attending college to work full time, they are not paying taxes and being paid low wages. Students have employment restrictions of 20 hours a week in term time but must be attending college for conditions to be valid.

Immigration Enforcement has previously encountered illegal workers at the Rajasthan Restaurant. Incidences as follows:

06/03/2013 - Three males arrested for illegal working.
22/11/2016 - Two males arrested for illegal working.

As a result of this intelligence, Home Office (Immigration Enforcement) with Police Officers from Surrey Police and Licensing Officers from Waverley Council, planned an Enforcement visit to Rajasthan Restaurant, 103 Long Gore, Farncombe, Godalming, GU7 3TW which was conducted on 21/02/2023.

Entry was gained by Immigration Officers from South Central ICE under Section 179 of the Licencing Act 2003.

Throughout the visit 5 individuals were encountered, with 1 being arrested for illegally working in the UK.

Due to this, a Civil Penalty Referral has been served on the business and it is currently under consideration as to whether a fine will be served on the business for the employment of people who have no right to be working in the UK.

The business has previously had three referrals made against them for a civil penalty as follows:

CPCT ref:308687

Is

Penalty was cancelled at objection 23/01/17

CPCT ref:309729

Is

£20,000 penalty maintained at objection 23/02/17

Remains unpaid.

Referred for legal review.

CPCT ref:313929

Is

No Action Notice (NAN) issued 17/01/18

The Business has employed people who have no right to work in the UK, this means no checks have been carried out on the employees. Therefore, there is no knowledge of the persons history, this could put any member of the public at unnecessary risk.

There is clear disregard to UK law as the employment of people with no right to work in the UK has taken place at the restaurant on multiple occasions, with no consideration given to the potential harm that members of the public may face due to required checks not being carried out.

Revised Home Office guidance issued under section 182 of the Licensing Act 2003 – December 2022 states:

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for employing a person who is disqualified from that work by reason of their immigration status in the UK;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Please

tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Ava Ansari, IO 18323

Date 12.05.2023

Capacity Immigration Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Please copy Caroline Laird, Immigration Officer 18876 into all correspondence.	
Postal address is the same as myself.	
Post town	Post Code TW4 5DL
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003
SECTION 13 (4) - RELEVANT LICENSING AUTHORITIES

RESPONSIBLE AUTHORITY

- (a) **Police Authority**
Chief Officer of Police, c/o Waverley Licensing Officer, Surrey Police, P O Box 101,
GU1 9PE
Tel: 01483 639512
- (b) **Fire Authority**
Surrey Fire and Rescue Service, Surrey County Council, Woodhatch Place, 11 Cockshot
Hill, Reigate, Surrey, RH2 8EF
Tel: 01737 242444
- (c) **Trading Standards**
Surrey County Council Trading Standards, Consort House, 5-7 Queensway, Redhill,
Surrey, RH1 1YB
Tel: 01372 371700
- (d) **Health and Safety at Work**
Head of Environment, Waverley Borough Council, The Burys, Godalming, Surrey,
GU7 1HR.
Tel: 01483 523333
- (e) **Local Planning Authority**
Head of Planning, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR.
Tel: 014873 523333
- (f) **Local Authority – Prevention of Pollution (to environment or harm to human health)**
Head of Environment, Waverley Borough Council, The Burys, Godalming, Surrey, GU7
1HR.
Tel: 01483 523333
- (g) **Protection of Children from Harm**
County Child Employment Enforcement and Strategy Manager, Quadrant Court,
35 Guildford Road, Woking, Surrey. GU22 7QQ.
Tel: 01483 517838
- (h) **Licensing Authority (Other than the relevant licensing authority) in whose area part
of the premises is situated**
- (i) **Primary Care Trust**
Room G55, County Hall, Penrhyn Road, Kingston Upon Thames, KT1 2DN
Tel: 01737 733746
- (j) **Home Office (Immigration Enforcement)**
Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, Surrey, CR9 2BY

To be advised on individual cases
- (k) **In relation to a vessel - Navigation Authority**
Navigation Manager, National Trust, River Wey Navigations, Dapdune Wharf, Wharf Road,
Guildford, Surrey, GU1 4RR.
Tel: 01483 561389