

CANNOCK CHASE COUNCILLICENSING SUB-COMMITTEE27 JULY 2017REPORT OF THE MANAGING DIRECTORLICENSING ACT 2003APPLICATION FOR A REVIEW OF A PREMISES LICENCEBILASH, 2 BOW STREET, RUGELEY, STAFFS, WS15 2BT1. Reason for Hearing

Staffordshire Police have made application to the licensing authority for a review of the Bilash Restaurant Premises Licence on the basis that the owner has committed offences under Section 15 of The Immigration, Asylum and Nationality Act 2006. With respect to this, the Police state that the review relates to the licensing objectives of Prevention of Crime and Disorder and Public Safety. A copy of the Application for Review of the Premises Licence is given as a confidential Annex 1 to this report.

## 2.

Name and Address of Premises.	Bilash Restaurant 2 Bow Street Rugeley Staffs WS15 2BT
Applicant for Review of Premises Licence	PC David Evans Staffordshire Police Southern Licensing Unit Burton Police Station Horninglow Street Burton-on-Trent Staffs, DE14 1PA
Date of Application for Review	16 June 2017
Name and Address of the Premises Licence Holders	Mr Abdul Muktadir 2 Bow Street Rugeley Staffs WS15 2BT

Designated Premises Supervisor (DPS)	Abdul Muktadir
Other Responsible Authority representation.	No representations have been received from any other Responsible Authority
Valid Representations from Other Persons	No other representations have been received
Matters of note	<p>On 24 November 2016, Home Office Immigration officers entered the Bilash Restaurant in order to execute a search warrant. Two male workers were arrested at the premises at that time and further enquiries into their identity revealed that they were in the United Kingdom illegally.</p> <p>Since that time, Mr Muktadir has been served with a Civil Penalty of £30,000 imposed upon him under the Immigration, Asylum and Nationality Act 2006.</p> <p>Staffordshire Police ask that the premises licence be revoked due to the nature of the criminal offences committed at the premises and the total lack of regards for the licensing objectives.</p>
Other matters of note	There are no other matters of note.

### **3. Human Rights Act 1998 Implications**

- 3.1 Article 6 of the Act provides that where a person's civil rights and obligations are being determined, s/he is entitled to a "fair trial". The Council complies with Article 6 in that it gives the person the opportunity to state their case, will make a decision within a reasonable period of time and will give reasons for its decision.
- 3.2 The Article also provides for the issue to be determined by an independent tribunal. The right of appeal to the Court against the Council's decision fulfils this.

### **4. Legal Implications**

- 4.1 The Licensing Sub Committee is permitted under section 52(4) of the Licensing Act 2003 ('the Act') having had regard to the representations, to take such steps as it considers appropriate for the promotion of the licensing objectives namely;
- a) to modify the conditions of the licence
  - b) to exclude a licensable activity from the scope of the premises
  - c) to remove the Designated Premises Supervisor
  - d) to suspend the licence for a period not exceeding 3 months
  - e) to revoke the licence.

- 4.2 The Licensing Sub-Committee can also resolve to take no action, issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.
- 4.3 Any remedial action taken should be directed at the cause of the concerns which the representations identify. The remedial action should always be directed at these causes and should be no more than an appropriate and proportionate response.
- 4.4 The applicant, the licence holder and other persons who made relevant representations in relation to the application have a right of appeal to the Magistrates' Court should they disagree with the Licensing Sub Committee's decision. The appeal must be made within 21 days of the Committee's decision being notified (in writing) to the appellant.

**5. Financial Implications**

- 5.1 No fees are payable upon application for a review of a premises licence. However, both the applicant and licence holder have the right of appeal to the Magistrates' Court against the decision.
- 5.2 The Court is however, less likely to award costs against the Council if it is satisfied that the Council had acted honestly, reasonably and properly and on grounds which appeared to be sound.
- 5.3 Should the Premises Licence be revoked, then the annual fee of £180 due in August each year would not be payable to the Council.

**6.**

<p>Annexes Attached</p> <p>Confidential Annex 1</p>	<p>The application for review of the Premises Licence.</p>
<p>7. Determination Required</p>	<p>Members are asked to determine what action may be required in order to ensure that the licensing objectives are met at the Bilash Restaurant, having regard to the legislation, the 4 Licensing Objectives, the Council's Licensing Policy &amp; Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.</p> <p>The 4 licensing objectives are:</p> <ul style="list-style-type: none"> <li>• The Prevention of Crime &amp; Disorder</li> <li>• Ensuring Public Safety</li> <li>• The Prevention of Public Nuisance</li> <li>• The Protection of Children from Harm</li> </ul>