

Licensing Act 2003 Sub-Committee

Tuesday, 17th August 2021, 2.00 pm

Council Chamber, Chorley Town Hall and Youtube

Agenda

Apologies

1 **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

2 **Procedure**

(Pages 3 - 4)

General procedure points and hearing procedure for the meeting.

3 **Application for a Review of a Premises Licence under the Licensing Act 2003**

(Pages 5 - 32)

To receive and consider the report of the Director of Planning and Development.

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Licensing Act 2003 Sub-Committee Councillor Margaret France (Chair) and Councillors Hasina Khan and Harold Heaton.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

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**LICENSING ACT 2003 SUB-COMMITTEE
HEARING PROCEDURE
REVIEW OF CLUB PREMISES CERTIFICATE / PREMISES LICENCE**

1. CHAIR OF SUB-COMMITTEE:

- opens meeting
- introduces Members and Officers
- confirms details of all parties in attendance
- outlines procedure to be followed

2. SUB-COMMITTEE TO DECIDE WHETHER TO ALLOW PERSON SPECIFIED ON REGULATION 8 NOTICE PERMISSION TO SPEAK

- Members should note that permission should not be unduly withheld

3. LICENSING OFFICER OUTLINES THE APPLICATION AND RELEVANT REPRESENTATIONS

4. QUESTIONS TO THE LICENSING OFFICER FOR CLARIFICATION FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other Persons
- The Licence Holder

5. THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE MAKES REPRESENTATIONS REGARDING THEIR APPLICATION

6. QUESTIONS TO THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE FROM:

- Sub-Committee
- Responsible Authorities/Other Persons
- The Licence Holder

6. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

7. QUESTIONS TO RESPONSIBLE AUTHORITIES FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Other Persons
- The Licence Holder

8. REPRESENTATIONS FROM OTHER PERSONS

9. QUESTIONS TO OTHER PERSONS FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities
- The Licence Holder

10. REPRESENTATION FROM LICENCE HOLDER**11. QUESTIONS TO LICENCE HOLDER FROM:**

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other Persons

12. APPLICANT INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)**13. RESPONSIBLE AUTHORITIES INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)****14. OTHER PERSONS INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)****15. LICENCE HOLDER INVITED TO SUM UP (IF THEY WISH)****16. DECISION MAKING**

All parties retire whilst Sub-Committee makes decision

17. NOTICE OF DECISION

Parties re-admitted and Chair announces decision and reasons



Report of	Meeting	Date
Director of Planning and Development	Licensing Act Sub Committee	17 August 2021

Confidential report	Yes	No
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LICENCE HOLDER’S DETAILS

Licence Holder:	Mr. Fayzul ISLAM	Premises Name:	Bangla Spice Brasserie
Address:	Wigan Road, Clayton-Le-Woods, Leyland. PR25 5SB		
Application:	Application for the Review of a Premises Licence under the Licensing Act 2003		

Reason for referral

- To advise members of an application for the review of a premises licence which has been served by Nathan Howson for and on behalf of the Licensing Authority, acting in their role as a Responsible Authority, in respect of the premises detailed above.
- To request that members determine the application in accordance with the provisions of the Licensing Act 2003.

Corporate priorities

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	

Licensing objectives

- Members are reminded of the Licensing Objectives, as follows:
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- Members are reminded that the duty of the licensing authority is to take steps necessary to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

Appeals

6. An appeal against the decision of the Council may be made to the Magistrates' Court within 21 days of receipt of the determination notice which will be delivered to all relevant parties.

Any decision made does not have effect until the end of this period or, if the decision is appealed, until the appeal is disposed of.

Legal considerations

7. Members must have regard to the following:
 - The Guidance issued under Section 182 of the Licensing Act 2003. In particular, **Section 9.31 to 9.44, Section 11.16 to 11.23 and 11.24 to 11.28** may guide members
 - The Council's Statement of Licensing Policy effective from 2016.
 - The Licensing Act 2003.

The application

8. On 21 June 2021, an application for the review of the premises licence was served by Nathan Howson, acting in their role as a Responsible Authority under the Act. This application, which is appended at [Appendix 2](#), related to the following licensing objective:

- Prevention of Crime and Disorder

9. During the statutory consultation period, public notices were displayed from the premises, in accordance with the regulations. No representations were received during this period.
10. Members will note from the application that the Enforcement Team Leader (Licensing), together with Immigration Officers, attended the premises known as Bangla Spice Brasserie, following intelligence received by Immigration Enforcement that an individual was working illegally at the business. You will note that this was found to be the case.
11. Members will also note that at that same visit, the Enforcement Team Leader (Licensing) had concerns around the management of the premises.
12. On 05.07.2021, the Enforcement Team Leader (Licensing) carried out an inspection at the premises, the record of which is appended at [Appendix 3](#) with the summary of the inspection at [Appendix 4](#).

Implications of report

13. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

Comments of the Statutory Finance Officer

14. There are no comments from the Statutory Finance Officer.

Comments of the Monitoring Officer

15. The powers available to the sub-committee are described in the body of the report.

The licence holder enjoy a right of appeal against the decision of the licensing authority to the local magistrates' court within 21 days of notice of the decision.

The duty of the sub-committee to have regard to any relevant representations, national

guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and also to the Council's adopted licensing policy is referred to in the body of the report.

Aspects of the Human Rights Act 1998 are engaged, namely the right to a fair trial and the protection of property.

Conclusions

16. The decision should be based on the individual merits of the application and the representation. In accordance with Regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within the period of 5 working days beginning with the day or the last day on which the hearing was held.
17. In accordance with Section 52 of the Act the Authority must, having regard to the representation made, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:
 - a) To modify the conditions of the licence, (including altering, omitting or adding any condition),
 - 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, or
 - e) To revoke the licence.
18. Where members decide to take such steps at a. or b. of paragraph 17 above, they *may* provide that they have effect for only such a period (not exceeding three months) as they may specify.

Jonathan Noad
Director of Planning and Development

Appendices

Appendix	Description
Appendix 1	Premises Licence
Appendix 2	Application for the Review of a Premises Licence- Bangla Spice Brasserie, Wigan Road
Appendix 3	Documentary Information Provided in Advance of a Hearing - Licensed Premises Inspection record- 05.07.21
Appendix 4	Documentary Information Provided in Advance of a Hearing - Summary of Inspection- Bangla Spice 05.07.21

Background papers

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2016 - 2021	The Council's Statement of Licensing Policy
Secretary of State Section 182 Guidance	April 2018	Secretary of State Section 182 Guidance

Report Author	Ext	Date
Tracy Brzozowski	5875	03.08.2021

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Licensing Act 2003
Premises Licence PLA0331

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Bangla Spice Brasserie
 Wigan Road Clayton-Le-Woods Leyland PR25 5SB

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Performance of Recorded Music
- Late Night Refreshment
- The sale by Retail of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and area if applicable)	Days and times
Performance of Recorded Music	Sunday 12:00 - 02:00
	Monday to Wednesday 17:30 - 02:00
	Thursday to Saturday 17:30 - 02:00
Late Night Refreshment	Monday to Sunday 23:00 - 02:00
The sale by Retail of Alcohol (Indoors) (On the premises)	Sunday 12:00 - 01:30
	Monday to Wednesday 17:30 - 01:30
	Thursday to Saturday 17:30 - 01:30

THE OPENING HOURS OF THE PREMISES

Sunday 12:00-02:00
 Monday to Wednesday 17:30-02:00
 Thursday to Saturday 17:30-02:00



Licensing Act 2003
Premises Licence

PLA0331

WHERE THE LICENCE AUTHORISES THE SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

The sale by retail of alcohol for consumption ON the premises.

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mr Fayzul Islam

169 Preston New Road Blackburn BB2 6BN

Email address: chan70@live.co.uk
Mobile phone number: 07939363904

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Fayzul Islam

169 Preston Road Blackburn BB2 6BN

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence Number: 11699

Issuing Authority: Blackburn With Darwen Borough Council

ANNEXES

ANNEX 1 – MANDATORY CONDITIONS

MANDATORY DRINKS CODE

No supply of alcohol may be made under the premises licence - (a) at a time when there is no designated premises supervisor in respect of the premises licence; or (b) 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.

ALCOHOL PROMOTIONS

(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.



Licensing Act 2003
Premises Licence

PLA0331

(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

DISPENSING ALCOHOL

(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).

FREE TAP WATER

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

AGE VERIFICATION

- (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. .

ALCOHOL MEASURES

The responsible person shall 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: 1/2 pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers



Licensing Act 2003
Premises Licence

PLA0331

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.

EXHIBITION OF FILMS

1a) The Premises licence holder shall ensure that the admission of children to the exhibition of any film shall be restricted in accordance with section 20 of the Licensing Act 2003(the Act)

1b) Unless section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the film classification board specified in this licence

1c) Where section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the licensing authority

1d) Where no film classification board is specified in this licence admission of children to the exhibition of any film shall be restricted in accordance with any recommendation made by the licensing authority.

1e) For the purposes of this condition:-

"children" means persons aged under 18; and

"film classification board" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984

(authority to determine suitability of video works for classification)

DOOR SUPERVISORS

The Premises licence holder shall ensure that each individual present on the premises to carry out a security activity [as defined by paragraph 2(1) (a) of the Schedule 2 to the Private Security Industry Act 2001] must be licensed by the Security Industry Authority.

SCHEDULE Mandatory Licensing Condition

MINIMUM DRINKS PRICING

1. 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.

2. For the purposes of the condition set out in paragraph 1-

(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



Licensing Act 2003
Premises Licence

PLA0331

(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).

3. Where the permitted price given by Paragraph (b) of paragraph 2 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.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

None.

1) Admission is controlled, excluding entry to any potential troublemakers or undesirables.

2) Ensure departure of the drunk and disorderly from the premises.

3) Capacity limit to 100 to prevent overcrowding.

4) No drinks are served in bottles except wine sold for consumption with a table meal.

5) No customers carrying bottles are admitted into the premises.

6) All drinks are served in toughened glass containers.

1) Adequate arrangements exist to assist any disabled people on the premises.

2) Escape routes are clearly identified, kept unobstructed, free from trip hazards and in good maintenance order.) The premises and fire doors are well maintained.

4) Regular safety checks of the premises and on the emergency lighting are carried out.

5) All fire equipment is serviced annually.

6) Annual safety checks by the fire authority are made.

7) Doors to cupboards housing generators, meters and other hazards are kept locked shut.



Licensing Act 2003
Premises Licence

PLA0331

8) Curtains, hangings, decorations and upholstery are flame proof or flame retardant and arranged so as not to be a hazard.

9) No intoxicated people are allowed admission, if customers become drunk on the premises they will not be served.

Free water/coffee for anyone who appears to need it.

10) Staff will order cabs/taxis if requested to do so by customers.

11) Access for emergency vehicles is kept clear and free from obstruction.

12) Adequate and appropriate supply of fire fighting equipment is available.

13) Adequate and appropriate supply of first aid equipment and material are available.

14) Lighting is adequate and fully operational.

15) Fire safety signs are adequately illuminated.

16) Emergency lighting batteries are fully charged and have capacity to ensure safe evacuation.

1) Volume of music emanating from the premises is strictly controlled to remain at low levels to provide ambience only.

2) Extraction system and other equipment are of the appropriate specification to prevent noise, vibration and smells emanating from the premises.

3) Waste disposal and refuse from the premises are dealt with in accordance with strict guidelines.

1) Children under the age of 16 must be accompanied by an adult on the premises.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None.

ANNEX 4 – PLANS



Licensing Act 2003
Premises Licence PLA0331

Summary of Licence

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Bangla Spice Brasserie
 Wigan Road Clayton-Le-Woods Leyland PR25 5SB

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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- Late Night Refreshment
- The sale by Retail of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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THE OPENING HOURS OF THE PREMISES

Sunday 12:00-02:00
 Monday to Wednesday 17:30-02:00
 Thursday to Saturday 17:30-02:00

WHERE THE LICENCE AUTHORISES THE SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

Licensing Act 2003
Premises Licence **PLA0331**

The sale by retail of alcohol for consumption ON the premises.

Part 2

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

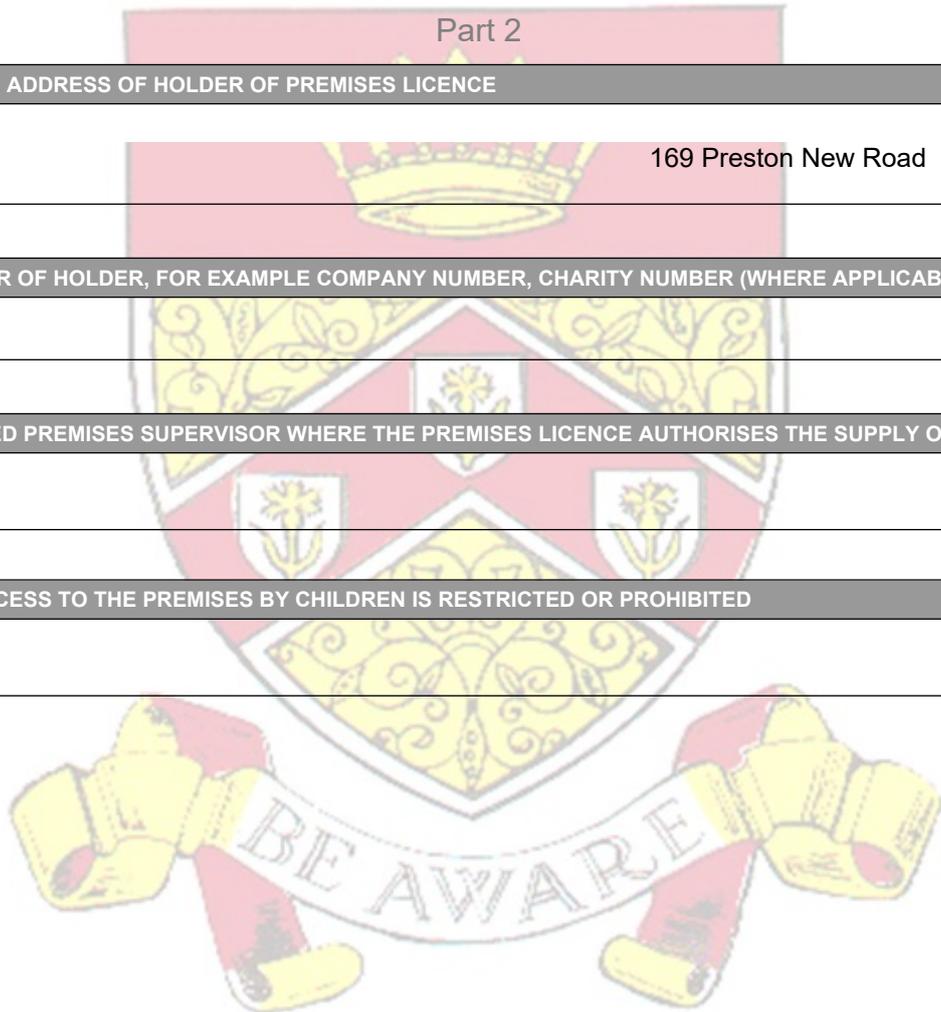
Mr Fayzul Islam 169 Preston New Road Blackburn BB2 6BN

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Fayzul Islam

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



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 Mr Nathan Howson,
 for and on behalf of the Licensing Authority of Chorley Council

.....
(Insert name of applicant)

apply for the review of a premises licence under section 51 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	
Bangla Spice Brasserie Wigan Road Clayton-le-Woods	
Post town Leyland	Post code (if known) PR25 5SB

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

Number of premises licence or club premises certificate (if known)
PLA0331

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

Please tick ✓ yes

I am 18 years old or over

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 Mr Nathan Howson For and on behalf of the Licensing Authority Chorley Council Civic Offices Union Street Chorley Lancashire PR7 1AL
Telephone number (if any) 01257 515665
E-mail address (optional) Nathan.howson@chorley.co.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)

This application for the review of a premises licence is being submitted by the Licensing Authority, acting as a responsible authority. It will be supported by Home Office Immigration Enforcement.

The licensing objective of The Prevention of Crime and Disorder is being undermined at the premises in that a person who was not permitted to work in the United Kingdom by reason of his immigration status was found to be working on the premises.

There are further concerns regarding the management of the premises in that it is not clear who is responsible for the premises or who the person carrying on licensable activities is.

Please provide as much information as possible to support the application

At approximately 1920hrs, on Friday 11th June 2021, I, and a team of 8 Immigration Officers, attended the premises known as Bangla Spice Brasserie, Wigan Road, Leyland. This was a targeted visit following intelligence received by Immigration Enforcement that an individual, Ripon MIAH, was working illegally at the business.

On entering the premises, the lead Immigration Officer, Paul LEWIN, and I identified ourselves and asked to speak to the manager. Mr Jamil ALI identified himself and stated he was the person in charge.

Whilst speaking to ALI, I asked where Fayzul ISLAM, the premises licence holder and DPS, was. ALI initially told me that ISLAM was sick and that's why he wasn't at the premises. I pressed ALI further and he eventually revealed to me that ISLAM was in Bangladesh and hadn't been able to get a flight home because of the pandemic. I asked ALI who was authorising alcohol sales at the premises and he stated Abdul MALIQUE was responsible. MALIQUE produced the paper counterpart of a Personal Licence to me but was unable to produce the photocard and so I was unable to establish his identity. MALIQUE told me he had worked at the premises approximately 18 months ago but that he had been furloughed and this was his first night back. He told me he was "just here to help". It was clear to me that he did not have any supervisory or management capacity at the premises, despite him producing his personal licence.

I told ALI that I had sent information to him by email in February 2021 about how to apply to Transfer a Premises Licence and Vary the DPS. He stated that ISLAM was still involved with the business. I told ALI it didn't follow that ISLAM was still involved at the business, as he was not being in attendance that evening and that ALI had made enquiries about transferring the licence in February. I told ALI I would expect an application to follow by the end of the following week.

ALI also told me that there was a Limited Company which was responsible for the business, Noy Bhai Restaurant Ltd.

The summary of the premises licence was not displayed at the premises, nor was a notice under Section 57 of the Licensing Act displayed. ALI was not able to produce the full licence following my request.

During this time, Immigration Officers were carrying out checks on the 6 members of staff who were found to be working at the premises. One of these staff members was identified as Ripon MIAH who was arrested and who it was later revealed was an overstayer in the UK, meaning he did not have permission to work. MIAH was detained and removed from the premises.

ALI contacted me by telephone on 17th June 2021 and informed me that ISLAM was to remain the PLH and DPS and that he would be returning to the country on Saturday 19th June. I told ALI that, if that were true, I would expect a face to face meeting with ISLAM at the premises on Monday morning.

ALI stated that ISLAM would be required to quarantine and so wouldn't be able to attend the premises. I informed ALI that I would therefore require confirmation that ISLAM was travelling to the country in the form of copies of his passport and flight tickets, confirming his name and the date of travel. This information was provided on 21st June. ISLAM has not made any direct contact with officers at the time this application was completed, despite his premises having been visited by immigration and licensing officers, numerous offences having been identified and, ultimately, an illegal worker having been found at the premises.

It is clear to me that the premises is not being managed adequately. It is unclear whether it is the poor management of the premises or the premises licence holder's intent that has allowed a person who is not permitted to work in the United Kingdom being employed at the premises.

The Section 182 Guidance states:

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 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.*

*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.***

Relevant Legislation:

Immigration, Asylum and Nationality 2006

Section 15 (1)(b) and (2)

It is a breach of this section to employ an adult whose leave to remain in the UK has ceased to have effect and such an employer may be given a penalty notice, requiring them to pay a prescribed amount.

Immigration Act 1971

Section 24 (1)(b)

Makes it an offence for a person who is not a British Citizen and has a limited leave to remain, to knowingly remain beyond that time.

Licensing Act 2003

Section 57 (2)

Requires a premises licence holder to keep the premises licence or a certified copy of it on the premises licence under the control of the PLH or a nominated person.

Section 57 (3)

- a) Requires the summary of the premises licence to be displayed
- b) Requires a notice setting out who has custody of the full premises licence to be displayed.

Section 57 (4)

Makes it an offence to fail to comply with the preceding two subsections.

Section 135 (2)

Requires the holder of a personal licence to produce that licence to a constable or authorised officer on request.

Section 135 (4)

Makes it an offence to fail to comply with the preceding section.

Please tick ✓ yes

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

N/A

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

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

N. Howson

Date

21st June 2021

Capacity

Enforcement Team Leader (Licensing), Authorised Officer of Licensing Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

LICENSED PREMISES INSPECTION RECORD

Premises Details:

Premises Name:	Bangla Spice	Trading As:	Bangla Spice
Address:	Wigan Road		

Previous Inspection:

Date of Inspection:	05/06/21	Rating:	13:40
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Inspection Details:

Date of Inspection:	05/06/21	Time started:	13:40	Time Ended:	
Inspecting Officer:	N. Hanson	Other persons present:	Fayzul ISLAM. - DPS. Jameel ALI. Ashik MAH. Bashir ALI.		
Name of premises liaison:	Fayzul ISLAM.				
Position:	DPS				
Signature of inspecting officer:					

Display of licence:

Prem licence summary displayed	Yes	<input checked="" type="radio"/> No	S57 notice displayed	Yes	<input checked="" type="radio"/> No
Prem licence produced	Yes	<input checked="" type="radio"/> No	Is the PLH the business operator	Yes	<input checked="" type="radio"/> No
If no, name of current operator	Nay Bhai Restaurant Ltd.				
Contact details	Rezwon HUSSAIN.				

DPS details:

Is the DPS as per the licence and still employed at the premises	<input checked="" type="radio"/> Yes	<input type="radio"/> No
DPS present at time of inspection	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Personal Licence produced (if not RBC issued)	<input type="radio"/> Yes	<input type="radio"/> No
Personal licence issuing authority	BWD.	Lic No 11699. 27/10/15
If no DPS, who is in charge of alcohol sales	N/A	
Contact details	07939363904	

Notices & Miscellaneous Matters

Gaming machines on premises	Yes	<input checked="" type="radio"/> No	If yes, how many?	
Challenge Signage	None.			
Challenge Scheme	Challenge 18.			
Alcohol Pricing	N/A - Restaurant.			
No. of music events per month	N/A.			
Conditions of note				

Awareness of licence conditions:

	Good	Fair	Bad
Not sell alcohol outdoors. - can't sell for consumption off premises - 70/80 max capacity - when prompted. - All glasses decanted into glasses, apart from mixers + wine			

Awareness of licensing objectives:

	Good	Fair	Bad
None.			

Awareness of licensing offences:

	Good	Fair	Bad
Not sell underage. Not sell to drunks. - selling alcohol w/ a table meal - 16 selling out of hours. - permitted hours.			
- Proxy sales - said fine provided they are over age.			

Additional Information:

Best Practice Measures:
No CCTV - has cameras but don't record.
Don't get much disorder
No EPOS system + so no prompts to challenge.
Nothing on news re underage sales.
- ID = driving licence, Passport, ID cards - but no extra info. Birth Cert.
no documented staff training - send more like briefing ↳ tell important bits.

Summary of points discussed and any other notes

Summary on rear of page + attached page

Any conditions not being complied with and immediate action due?

Licensing Profiles – Risk Rating Breakdown:

1. Venue Type		2. Hours of Operation		3. NDRV	
60	Nightclub	30	Between 2 & 5 am	20	Band D, E
50	Pub etc (regular dance/music)	20	Between 12 & 2am	15	Band C
40	Pub etc (irregular dance/music)	15	Between 11pm and midnight	10	Band B
30	Off Lic & late night takeaway	10	Between 7 and 11 pm	5	Band A
20	Off lic (supermarkets etc)	5	Between 5 and 7 pm		
10	Restaurants, hotels etc	0	Residents only		
5	School, village halls etc				
4. Compliance: Legislation		5. Compliance: Conditions		6. Best Practice Measures	
40	Very poor (No/very little)	40	Very poor (No/very little)	30	No measures
30	Poor (few)	30	Poor (few)	15	1 or 2 measures
20	Fair (Most)	20	Fair (Most)	5	Several measures
10	Good (Almost all)	10	Good (Almost all)	0	All possible measures
0	Excellent (All)	0	Excellent (All/no conditions)		
7. Complaints History		8. Confidence in Operation		TOTAL: 180	
40	Persistent Complaints	60	No confidence		
30	Regular complaints	40	Low confidence		
20	Isolated incidents (>2)	25	Slight lack of confidence		
10	Isolated complaints (<2)	15	Reasonable confidence		
0	None	5	High level of confidence		
		0	Total confidence		

Risk Rating:

Points	Category	Description	Inspection Frequency
210+	A	Very High Risk	Every 3 months
160 – 209	B	High Risk	Every 6 months
110 – 159	C	Medium Risk	Every 12 months
60 – 109	D	Low Risk	Every 18 months
0 – 59	E	Very Low Risk	Every 36 months

Risk Rating:

Very High High Medium Low Very Low

Proposed action by Licensing Authority:

Revisit in 6 months Report for offence Warning Advice

Type of Operation:

This factor considers the effect of the carrying on of activities at the premises that pose a risk to the promotion of the licensing objectives. This list is not exhaustive.

Score	Guidance on the scoring system
50	<ul style="list-style-type: none"> Public house, bar or members club with music/dancing on a regular basis (at least once a month)
40	<ul style="list-style-type: none"> Public house, bar or members club with music/dancing on a regular basis (up to around 12 times per year)
10	<ul style="list-style-type: none"> Theatre/Cinema (alcohol) Restaurant / Cafe Hotel/Guest House
5	<ul style="list-style-type: none"> Village/ Community / Church Hall / School

Away - Bangladesh - went Feb or March 21.

left someone supervising - Abdul MALIQUE.

be here + supervise. If not here, put some one else in place.

Waiting on + looking after alcohol side
Fazal Islam in charge.

Owner of the building - Ashik MIAH.

↳ works as chef

Nay Bhai Restaurant Ltd. - Sept 2019.

Rezaul Hussain - director.

↳ son of Jumal ALI.

Took over 2013. = Bangla Spice.

↳ Leased for some years - 3 years ish = MIAH.

Nay Bhai Restaurant Ltd = overall in charge + Islam.

Fazal Islam - in charge of bar.

BSR (Wigan) Ltd - Oct 2020. = Ashik MIAH!

↳ Struggling language etc.

BSR → Nay Bhai = Dec 2019 ish.

Staff tell Rezwan that
need someone.

All team members try to find
someone.

If find someone, let Rezwan know.

Rezwan will speak to them +
check all documents

Rezwan will say - new free story
+ tells when.

This is the case normally unless
he hands over to someone.

Staff of staff - person married ^{+ so didn't} check
Mr MIAM employed him. ^{any} further.
↑
Ashik.

Sys employed that day.

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Summary of Inspection- Bangla Spice Brasserie, Wigan Road.**05th July 2021**

Attended premises to carry out licensed premises inspection. Met with DPS (Fayzul ISLAM), Jamal ALI, Ashik MIAH, Bashir ALI.

Very poor compliance shown by premises. Summary and S.57 notice not displayed. Unable to produce full licence. Stated Challenge 18 is the age verification policy but no signage to promote this and no information on menus etc. No knowledge of licence conditions, only reason for any compliance is because of poor quality of conditions. Unable to state any of the licensing objectives. Showed a fair understanding of licensing offences.

No best practice measures at all. Even stated would accept birth certificate as acceptable form of ID. No form of documented staff training, stated more like a "briefing".

Tried to establish management structure of premises, summary as follows:

- Premises first became an Indian restaurant in 2013 under BSR (Wigan) Ltd under Ashik MIAH. For a number of years MIAH leased the building then bought the building.
- In Dec 2019, Noy Bhai Restaurant Ltd took over as MIAH was struggling with language and running the business. Rezwan HUSSAIN is the director of this company and the son of Jamal ALI.
- Fayzul ISLAM is actually just the "bar manager" but not overall in charge of the business. This is HUSSAIN, on behalf of Noy Bhai.
- MIAH is now just the owner of the building but not responsible for the business. He is a chef.

Gave advice that it appeared to me that Noy Bhai should be the premises licence holder and that an application to transfer the premises licence should be made. Also gave advice on how to request a copy of the licence etc and advised it was an offence to fail to display the licence/ produce the full licence/ display the S.57 notice. Provided advice regarding resources for Age Check polices, posters, staff training schemes etc on LCC website.

Asked how, in general, a new member of staff came to be employed at premises. Process was that the staff would tell HUSSAIN that someone was needed. All staff members would attempt to find a person and HUSSAIN would then speak to them and check they were suitable. He would check their documents. HUSSAIN would then tell the staff to expect the new worker to start on the date.

Asked how the overstayer came to be employed. Stated that this was a one off as MIAH had decided they were short staffed and asked the individual to work. Stated MIAH knew he was married and so didn't check any other documents. I stated if found it unbelievable that we had decided to visit the premises based off of intelligence that that person was working there but that no dates had been given and that, by coincidence, the date we had decided to visit was the first day the person had started working. MIAH stuck to his explanation of the facts, despite my continued pressing in this way.

Risk rating came out at High Risk. Current review of premises licence so summary to be produced at Committee hearing.

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