



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