

**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

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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)