

Report of	Meeting	Date
Chief Executive	Licensing Act 2003 Sub Committee	15 March 2023

Confidential report	Yes	No
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LICENCE HOLDER'S DETAILS

Licence Holder:	Mr. Monir UDDIN	Premises Name:	Daisy Tandoori
Address:	44 Steeley Lane, Chorley PR6 0RD		
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 give due consideration to the application and any relevant representations and take such steps as are considered appropriate for the promotion of the licensing objectives.

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

- 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 2021.
 - The Licensing Act 2003.

8. Background

The premises have been licenced in the name of the current premises licence holders name since November 2005. A copy of the current premises licence is appended at [Appendix 1](#).

9. Application for review of a premises licence

On 24th January 2023, an application for the review of the premises licence was received from Mr Nathan Howson, Licensing Enforcement Team Leader for an on behalf of the Licensing Authority of Chorley Council. A copy of the application is appended at [Appendix 2a](#) and is concerned with the Prevention of Crime and Disorder objective being undermined at the premises.

10. The grounds for the review are as follows:

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 was another person found to be working who was working in breach of his immigration bail conditions.

11. Copies of information received in relation to the visit undertaken by the Home Office Border Agency officers and a previously issued Caution by Chorley Council is appended at [Appendix 2b and 2c](#).

Advertisement of the application and relevant representations

12. The application was advertised in accordance with the regulations in that a notice was displayed at the premises, at the Council Offices and a copy of the application was published on the Council's website for the whole 28-day consultation period.
13. In response to the consultation with the Responsible Authorities, Home Office Immigration Enforcement made a representation to the review application. A copy of the representation is appended at [Appendix 3](#).

Implication of report

14. 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

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

Comments of the Monitoring Officer

16. The licensing objectives which members must have regard to are referred to in the body of the report as well as other considerations such as the national section 182 guidance and the Council's local licensing policy. The premises licence holder enjoys a right of appeal against any decision to revoke, suspend for up to three months or attach conditions to the premises licence as well as other adverse decisions such as removal of the DPS. The Licensing

Authority which sought the review also has a right of appeal to the magistrates' court.

Conclusions

17. 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.
18. 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,
 - 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,
 - e) To revoke the licence.
19. For the purposes of the previous paragraph, a condition of the licence is modified if any of them are altered, or omitted, or any new condition is imposed.

Chris Sinnott
Chief Executive

Appendices

Appendix	Description
Appendix 1	Current Premises Licence
Appendix 2a	Application for the Review of a Premises Licence-Daisy Tandoori
Appendix 2b	Email from ICE
Appendix 2c	Copy of the Caution
Appendix 3	Copy of Home Office Immigration Enforcement Representation

Background papers

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2021 - 2026	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
Usman Gazra		23.2.2023