

RECORD OF DECISION

LICENSING SUB-COMMITTEE

DATE OF HEARING: WEDNESDAY, 21 AUGUST 2024

**MEMBERS: Councillors J Clarke, P A Jordan and N Wells
(Chair)**

**APPLICATION CONSIDERED: KAAIZAN'S, 1 LONGSANDS PARADE, ST
NEOTS PE19 1SU**

We heard representations from the following persons:

The Applicant – Mr Wootton (Home Office)

The Respondent (Premises Licence Holder) – Mr Rankin (Counsel), the
Premises Licence Holder and the Son of the Previous Licence Holder.

We found the following facts:

- That illegal working had taken place at the Premises – this was accepted by the Respondent.
- That there was little to no management control of the Premises by either M Shohid or A Shohid.
- That conducting right to work checks is an easy process – this was outlined by the Applicant and the Respondent apologised that this had not happened.
- That the Premises is in the process of being sold to a Mr Rahman with the sale being contingent on a Premises Licence existing for the Premises – this was confirmed by the Respondent in questioning.
- That completion of the sale (by way of assignation of the lease) is due to take place on or around 10 September 2024.
- That Mr Aahil will manage the Premises up to the point of sale, at which time an entirely new management team and staff will take over the operation of the Premises.

- That Mr Rahman will be making an application to transfer the Premises Licence and to vary the Designated Premises Supervisor upon completion.

In making our decision we considered the following:

- ❖ The Licensing Act 2003
- ❖ The Council's Statement of Licensing Policy
- ❖ The Agenda Papers
- ❖ Oral submissions from the parties
- ❖ Submission from the Applicant
- ❖ Written representations from those not in attendance
- ❖ Responses to questions asked by Members

We did not consider the following matters to be relevant:

- The specific circumstances of each individuals' right to work – it was accepted that illegal working had taken place.
- Mr M Shohid's personal circumstances – these were not relevant to the Licensing Objectives.
- Mr A Shohid's personal circumstances – these were not relevant to the Licensing Objectives.
- The commercial interests of the former and current Premises Licence Holder – these were not relevant to the Licensing Objectives.

Our decision is as follows:

Having listened to all the evidence and considered the above the Members determined to **SUSPEND** the Premises Licence for a period of three (3) months and to modify the conditions of the Premises Licence.

Our reasons for reaching the decision are as follows:

In terms of Members' options. Clearly, it would not be appropriate and proportionate to:

- Take no action at all – the Licensing Authority takes illegal working particularly seriously in-line with the Section 182 guidance.
- Exclude a Licensable Activity – this would have had no impact.
- Remove the DPS – the DPS at the time of the illegal working had already been replaced and the Committee did not think it would be appropriate to remove the current DPS pending the sale of the business.
- Revoke the Licence – Members seriously considered revoking the Premises Licence however, Members noted that the Applicant for Review (the Home Office) indicated that having heard all the evidence, they would support a suspension of the Premises Licence pending the sale of the

business coupled with the imposition of robust conditions regarding illegal working to enable future checking and monitoring to take place.

Accordingly, Members decided to:

- (1) Suspend the Premises Licence for a period of three (3) months – Members wish to be clear to the outgoing, current, and any prospective Premises Licence Holders that illegal working is against the law, unacceptable, and will not be tolerated in Huntingdonshire. Members imposed the maximum suspension available to them to send a clear message to all of the above, that should further illegal working be discovered at this Premises, revocation will almost certainly result.
- (2) To add a series of conditions to the Premises Licence dealing with the genesis of the review, namely illegal working permitted by management – Members felt that it was appropriate and proportionate to add these conditions to promote the Licensing Objective of the Prevention of Crime and Disorder and to ensure that the Premises Licence Holder and any future Premises Licence Holders conduct robust right to work checks with appropriate recording of those checks. The Members also imposed a condition, suggested by the Respondent, that neither M Shohid or A Shohid will have any future involvement or say in the business.

The Conditions to be added to the Premises Licence are as follows:

- Neither Mr Mohammed Shohid (previous Premises Licence Holder/DPS) or Mr Abdul Shohid shall be permitted to have any involvement, either directly or indirectly, with the day-to-day operation of the Premises, nor shall they be permitted to be present at the Premises at any time the Premises is providing Licensable Activities or is open to the public.
- The Premises Licence Holder shall conduct Right to Work (RTW) checks on all staff employed at or from the Premises, including any casual or temporary staff. RTW checks must be conducted before any work takes place at or from the Premises.
- The Premises Licence Holder shall maintain an Employment Record for each staff member employed at or from the Premises, including any casual, or temporary staff. The Employment Record shall, at a minimum, record the following details:
 - Full name
 - Any alias or other name known by
 - Home address/address resided at
 - Any previous addresses (in the last 3 years)
 - Date of birth
 - Place of birth
 - Nationality
 - National Insurance Number
 - RTW status including any end dates (e.g. the conclusion of a visa)
 - Copy of photographic identification (e.g. passport or driving licence)

Employment Records shall be created prior to the staff member working at or from the Premises, shall be maintained and updated for the duration of the staff member's employment, and shall be retained by the Premises Licence Holder for a period of at least 24 months from the date of cessation of employment.

- The Premises Licence Holder shall keep physical copies of the Employment Records at the Premises and those records shall be made available for inspection by Responsible Authority Officers upon request.

Date: 21 August 2024

PLEASE NOTE

The Applicant or those who have made a relevant representation has the right of appeal to a Magistrates Court within 21 days from the date of this decision notices by contacting:

Peterborough Magistrates Court
The Court House
Bridge Street
Peterborough
PE1 1ED