

NOTICE IS HEREBY GIVEN that a hearing of the **LICENSING SUB-COMMITTEE** will be held in the **CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **MONDAY, 21 SEPTEMBER 2015** at **10:00 AM** and you are requested to attend for the transaction of the following business:-

A G E N D A

ITEM LED BY

APOLOGIES

1. ELECTION OF CHAIRMAN	
2. MEMBERS' INTERESTS To receive from Members declarations as to disclosable pecuniary and other interests in relation to any Agenda item. Please see Notes below.	
3. INTRODUCTION	Chairman
4. LICENSING SUB-COMMITTEE PROCEDURE (Pages 5 - 10)	
5. AKBAR TANDOORI, ST NEOTS (Pages 11 - 44) To consider an application for a review of a premises licence made under Section 51 of the Licensing Act 2003 made by the following:- Time: 10:00am Applicant: The Chief Officer of Police Premises: Akbar Tandoori 99 Great North Road Eaton Socon St Neots PE19 8EL	Mrs C Allison 388010
6. EXCLUSION OF PRESS AND PUBLIC To resolve:- to exclude the press and public from the hearing during the determination of the application.	

7. DETERMINATION To determine the application referred to in agenda item 5.	Chairman
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Dated this 3rd day of September 2015



Head of Paid Service

Notes

1. Disclosable Pecuniary Interests

- (1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*
- (2) *A Member has a disclosable pecuniary interest if it -*
 - (a) *relates to you, or*
 - (b) *is an interest of -*
 - (i) *your spouse or civil partner; or*
 - (ii) *a person with whom you are living as husband and wife; or*
 - (iii) *a person with whom you are living as if you were civil partners*

and you are aware that the other person has the interest.
- (3) *Disclosable pecuniary interests includes -*
 - (a) *any employment or profession carried out for profit or gain;*
 - (b) *any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);*
 - (c) *any current contracts with the Council;*
 - (d) *any beneficial interest in land/property within the Council's area;*
 - (e) *any licence for a month or longer to occupy land in the Council's area;*
 - (f) *any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or*
 - (g) *a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.*

Other Interests

- (4) *If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.*
- (5) *A Member has a non-disclosable pecuniary interest or a non-pecuniary interest where -*
 - (a) *a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or*

(b) it relates to or is likely to affect any of the descriptions referred to above, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

2. Filming, Photography and Recording at Council Meetings

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link - [filming,photography-and-recording-at-council-meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact Mrs C Bulman, Democratic Services Officer on Tel No. 01480 388169/e email: Claire.Bulman@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Elections & Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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HUNTINGDONSHIRE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE PROCEDURE

1. Introduction

- 1.1 The following proceedings apply to the licensing sub-committees established by the Licensing Committee of the Huntingdonshire District Council acting as the Licensing Authority.

2. Membership

- 2.1 Each licensing sub-committee shall comprise three Members appointed by the Licensing Committee from amongst its membership. A sub-committee shall elect a Chairman from amongst its members at each meeting, for the purpose of that hearing or meeting.
- 2.2 The quorum for hearings and meetings of a sub-committee shall be three members.
- 2.3 Members shall endeavour to be present throughout an individual hearing by a sub-committee. If a member of a sub-committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the period whilst that member is unavailable. Any member who is absent from a hearing for any reason whilst that hearing is taking place shall be precluded from commencing or continuing to take part in the matter under debate upon his arrival/return and from voting upon the matter at the conclusion of that item of business.
- 2.4 Where the Sub-Committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he has not attended that site visit.
- 2.5 A member will not take part in a hearing or meeting at which a matter is being discussed which relates to a premises licence, club premises certificate, temporary events notice or personal licence where either the premises or the person is resident in the ward which he represents.

3. Notice of Hearings

- 3.1 Upon the date of a hearing of a sub-committee being arranged, notice shall be given to the parties to the hearing in accordance with the requirements of the Hearings Regulations. For the purposes of this procedure, a party is defined as an applicant for a licence or certificate, a person who has given a temporary events notice, a responsible authority or a person or business that has submitted relevant representations in respect of an application or applied for a review of a licence or certificate and, in certain additional instances, the Chief Officer of Police.
- 3.2 The notice of the hearing shall be accompanied by a copy of this procedure which sets out
- the right of attendance at a hearing by a party and the right to submit representations etc.

- the consequences if a party does not attend or is not represented at a hearing
 - the procedure to be followed at the hearing
- 3.3 The notice of the hearing will also be accompanied by copies of the documents required by the Hearings Regulations and any particular points upon which the Sub-Committee considers that it will want clarification from a party at the hearing.
- 3.4 Where a hearing is to be held on more than one day, the hearing will be arranged so that it takes place on consecutive working days.

4. Action Following Receipt of Notice of Hearing

- 4.1 Upon receipt of a notice of a hearing, a party is required to give notice to the licensing authority whether
- he intends to attend or be represented at the hearing,
 - he wishes to request permission for any other person to appear at the hearing, accompanied by the name of the person and a brief description of the point(s) to be made by the person, and
 - he considers the hearing to be necessary.
- 4.2 A party should notify the licensing authority within the following timescales-
- 1 working day of the hearing in the case of a cancellation of an interim authority notice following police objections or a counter notice following police objection to a temporary events notice;
 - 2 working days of the hearing in the case of a review of a premises licence following a closure order or the conversion of an existing licence or club premises certificate or an application by the holder of a justices' licence for a personal licence; or
 - 5 working days of the hearing in all other cases.
- 4.3 Notice may be given to licensing authority by electronic means to the address democratic.services@huntsdc.gov.uk but upon sending the notice by this means, a party must also give the notice to the licensing authority in writing.
- 4.4 A sub-committee may dispense with the holding of a hearing if all of the parties have given notice that they consider a hearing to be unnecessary. Where the parties have agreed that a hearing is unnecessary in such circumstances, the Council shall give notice to the parties that the hearing has been dispensed with.
- 4.5 Where a hearing has been dispensed with, the matter which was to have been the subject of the hearing shall be determined at a meeting of the Sub-Committee.

5. Withdrawal of Representations

- 5.1 A party may give notice to the licensing authority no later than 24 hours before the commencement of the hearing that he wishes to withdraw his representations or he may do so orally at the hearing.

6. Extension of Time

- 6.1 The Sub-Committee may extend any of the time limits specified in this procedure where it considers it necessary to do so in the public interest and shall give notice of the extension of time and the reason for it to the parties to the hearing.
- 6.2 The Sub-Committee may adjourn the hearing or arrange for it to be held on specified additional days, where it considers this to be necessary to consider any representations made by a party. The parties to the hearing will be notified of the adjournment or rearrangement.
- 6.3 In considering any extension of time or adjournment, the Sub-Committee will not exercise its powers so that an application is deemed as granted or rejected in accordance with the transitional arrangements specified in the Act.

7. The Hearing

- 7.1 The Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. The Sub-Committee will normally resolve to exclude the public from that part of the hearing during which the Sub-Committee determines the matter which is the subject of the hearing.
- 7.2 Subject to the above, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified
- 7.3 At the commencement of the hearing, the Chairman shall introduce the members of the Sub-Committee and any officers in attendance to support the Sub-Committee and shall ask the parties and any persons accompanying them to state their names and addresses or who they represent. The Chairman shall explain to the parties present that the hearing is subject to this procedure, copies of which will have been distributed to the parties with the notice of the hearing, and shall enquire of the persons present whether there are any questions of clarity or explanation about its contents.
- 7.4 The Sub-Committee shall consider any request from another person to appear at the hearing of which notice has been given but such permission shall not be unreasonably withheld.

Procedure in all cases other than an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence

- 7.5 The Licensing Officer will present the application. The Chairman will then invite the applicant or his representative to address the Sub-Committee on his application, to respond to any point(s) upon which notice has been given that clarification is required by the licensing authority and to call any person(s) to whom permission has been granted to appear in support of his application.

The applicant will be allowed a maximum period of time of twenty minutes in which to address the Sub-Committee and call persons on his behalf.

- 7.6 The applicant or his representative or any person called on his behalf may then be asked any questions upon their presentation by any member of the Sub-Committee or by any of the other parties present at the hearing or their representatives.
- 7.7 The Chairman will then invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person(s) to whom permission has been granted to appear. Each party will be allowed a maximum period of time of twenty minutes in which to address the Sub-Committee and call persons on his behalf. The sequence in which each of the parties will be invited to address the Sub-Committee will be at the discretion of the Chairman but will normally be in the order of the Chief Officer of Police, the Fire Authority, the health and safety at work enforcing authority, the local planning authority, the local environmental health authority, the local weights and measures authority, the authority responsible for the protection of children from harm, a navigation or other authority responsible for waterways and any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee.
- 7.8 The party or his representative or any of his witnesses may be asked any questions upon their presentation by any member of the Sub-Committee or by the applicant or his representative or any of the other parties present at the hearing or their representatives.
- 7.9 Where relevant written representations have been received and the party submitting those representations has given notice of his intention not to attend the hearing, the parties present will be invited by the Chairman to indicate whether they wish to comment on the representations submitted. The Sub-Committee may take into account documentary or other evidence submitted by a party either in support of their application, notice or representations either before the hearing or, with the consent of all of the other parties present, at the hearing.
- 7.10 Where appropriate, the Chairman shall remind the parties that their representations should be relevant to the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Sub-Committee shall disregard any information given by a party or person permitted to appear which is not relevant to their application, notice or representations or to the licensing objectives. If, in his opinion, the Chairman feels that the representations being made are not relevant, he may, after first reminding the party of the need for relevance, advise the party that he will no longer be heard. Where in the opinion of the chairman, a party is being repetitious, vexatious or slanderous in his remarks, the Chairman may first warn the party and may then advise the party that he will no longer be heard. The ruling of the Chairman shall be final in such circumstances.
- 7.11 The Chairman may require any person who in his opinion is behaving in a disruptive manner at a hearing to leave the hearing and may refuse to permit that person to return or to return only upon complying with such conditions as the Chairman may specify. However any such person may submit any

evidence in writing that they proposed to give orally, provided that they do so before the end of the hearing.

- 7.12 After each party has addressed the Sub-Committee and after comments have been invited on written representations, the applicant or his representative will be invited by the Chairman to sum up his application for a time not exceeding two minutes but without introducing any new evidence to the proceedings.

Procedure in cases relating to an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence

- 7.13 In the case of such hearings, the above procedure shall be followed with the exception that the applicant for a review of a premises licence or a club premises certificate or the chief officer of police in the case of an objection notice where convictions have come light after the grant or renewal of a personal licence will be invited to address the Sub-Committee first and to call any person(s) to whom permission has been granted to appear.
- 7.14 After any questions have been dealt with the holder of the licence or certificate will be invited to address the Sub-Committee and to call any person(s) to whom permission has been granted to appear.
- 7.15 There shall be no right of reply for the applicant for a review of the licence or certificate or for the Chief Officer of Police.

8. Determination of Applications

- 8.1 At the conclusion of the hearing, the Sub-Committee will determine the application in accordance with the timescales specified in the Hearings Regulations but, in any event, will endeavour to do so as soon as practicable after the hearing has concluded.
- 8.2 Where a hearing has been dispensed with in accordance with paragraph 4.2 above, the application will be determined by the Sub-Committee within 10 working days of notice having been given to the parties that the hearing has been dispensed with.
- 8.3 The Licensing Authority will notify the applicant and parties of its decision forthwith upon the making of the decision.
- 8.4 A record shall be taken of the hearing by the licensing authority which shall be retained for six years after the date of the determination of the hearing or the disposal of an appeal against the determination.

9. Meetings of the Sub-Committee

- 9.1 Any meetings of the Sub-Committee, other than hearings described above, shall be subject to the proceedings adopted by the Licensing Committee for the conduct of its own business except where otherwise stated above.

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LICENSING SUB- COMMITTEE

21 September 2015

**LICENSING ACT 2003
REVIEW OF PREMISES LICENCE
THE AKBAR TANDOORI, 99 GREAT NORTH ROAD, EATON SOCON, ST
NEOTS, PE19 8EL
(Report by the Head of Community)**

1. INTRODUCTION

- 1.1 On the 18 October 2005 Huntingdonshire District Council issued a premises licence HDC/PRE00012 to the Akbar Tandoori under the Licensing Act 2003 ('the Act').
- 1.2 Mr Chunu Miah is the current Premises Licence holder, the licence having been transferred into his name on 6 August 2015 from Mr Runu Miah. Mr Chunu Miah has been the Designated Premises Supervisor (DPS) since 2005. Mr Chunu Miah also holds a personal licence, issued by Huntingdonshire District Council in 2005.
- 1.3 The Act sets out the proceedings for reviewing premises licences, representing a key protection for the community where problems associated with the licensing objectives occur after the grant of a premises licence. Any responsible authority or other person may apply for the review of a licence if concerned about licensable activities at premises that are relevant to the promotion of one or more of the licensing objectives.

2. GENERAL DUTY

- 2.1 The Sub-Committee is reminded that the licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives which are –
 - (a) the prevention of crime and disorder,
 - (b) public safety,
 - (c) the prevention of public nuisance, and
 - (d) the protection of children from harm.
- 2.2 The licensing authority must also have regard to –
 - (a) its licensing statement, and
 - (b) any statutory guidance issued by the Home Office under Section 182 of the Act.
- 2.3 The Licensing Authority is bound by the Human Rights Act 1988. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

3. APPLICATION FOR REVIEW OF LICENCE

- 3.1 On the 28 July 2015, PC Paul Hawkins, acting on behalf of the Chief Officer of Police, Cambridgeshire Constabulary, a responsible authority, submitted to the licensing authority an application for the review of the premises licence for the Akbar Tandoori. The grounds for the review have arisen in connection with crime under the prevention of crime and disorder objective. The review

states that following information received, officers of the Border Agency entered the premises on 29 October 2014, where two illegal workers were identified and arrested, one for overstaying the period on his visa, the other for working in breach of his employment conditions. Mr Chunu Miah was issued with a fine on 19 January 2015. On 6 May 2015, officers from the East Midlands immigration, compliance and enforcement team entered the premises again. On the second occasion, a further male was arrested for overstaying the period granted on his visa. Mr Chunu Miah received a further fine on 30 June 2015.

- 3.2 Cambridgeshire Constabulary are of the belief that Mr Chunu Miah has exploited the labour of vulnerable persons, knowingly employing them illegally. The police consider that there is clear evidence that the management have continued to mismanage, failing to carry out relevant checks on those they employ and are requesting revocation of the licence quoting Section 11.27 of the latest Government Guidance. A copy of the application for review with supporting documents, including an illegal working impact statement from Immigration Enforcement and the current licence are attached as Appendix A.
- 3.3 Between 29 July and 25 August 2015, the requisite public notice advertising the review was placed on the premises, at the offices of the licensing authority and on the licensing authority's website. A copy of the public notice is attached as Appendix B.

4. REPRESENTATIONS

- 4.1 During the period for the receipt of representations, no additional representations have been received.

5. CONCLUSION

- 5.1 Having considered the review application and representations contained and attached to this report and any other information presented at the hearing, the Licensing Sub-Committee may decide that the review does not require them to take any further steps appropriate to promote the licensing objectives. In addition there is nothing to prevent the issuing of an informal warning. However, where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps 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.

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.2 Government Guidance, paragraphs 11.16 – 11.23 cover the range of powers of the licensing authority on determining a review, where considered appropriate for the promotion of the licensing objectives.

- Paragraph 11.20 states that in deciding which powers to invoke, it is expected that the licensing authority should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at

these causes and should always be no more than an appropriate and proportionate response.

- Paragraph 11.21 states licensing authorities should be alive to the possibility that the removal and replacement of the DPS may be sufficient to remedy a problem where the cause for concern directly relates to poor management decisions made by that individual.
- Paragraph 11.22 states that if poor management is a direct reflection of poor company practice, the mere removal of the DPS may be an inadequate response to the problems presented.
- Paragraph 11.23 points out that modifications of conditions and exclusions of licensable activities may be imposed permanently or for a temporary period of up to three months. It is important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. Where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

5.3 Government Guidance paragraphs 11.24 – 11.28 cover reviews specifically arising in connection with crime that may not be directly connected with licensable activities.

- Paragraph 11.26 states that where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purpose, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- Paragraph 11.27 lists matters that should be treated particularly seriously. One listed matter is 'for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.'
- Paragraph 11.28 envisages that the responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authorities 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.

5.4 An appeal is available to the Magistrates' Court in respect of the decision of the Sub-Committee. An appeal may be made by the applicant for the review, the holder of the premises licence and any other person who has submitted a representation.

6. RECOMMENDATION

6.1 The Sub-Committee is

RECOMMENDED

To determine what action to take in respect of the premises licence after hearing the evidence from the applicant, Cambridgeshire Constabulary and any submissions on behalf of the licence holder.

BACKGROUND INFORMATION

Licensing Act 2003.

Licensing Act 2003 (Hearings) Regulations 2005.

Guidance issued under section 182 of the Licensing Act 2003.

Huntingdonshire District Council Statement of Licensing Policy.

Contact Officer: Christine Allison, Licensing Manager
☎ 01480 387075

F:\Licensing\Licensing Act 2003\Hearings\2015\Akbar Tandoori

Appendix A

Huntingdonshire District Council
Licensing Section, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN
Tel:01480 387075 Email:licensing@huntingdonshire.gov.uk

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 PC 2094 Paul HAWKINS

(acting on behalf of the Chief Officer of Cambridgeshire Police)

(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

The Akbar Tandoori
99 Great North Road
Eaton Socon
St Neots
Cambridgeshire

Post town
St Neots

Post code (if known) PE19 8EL

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

Mr Runu MIAH
35 Wymondley Road
Hitchin
Hertfordshire
SG4 9PN

Number of premises licence or club premises certificate (if known)
HDC/PRE00012

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

I am 18 years old or over

Please tick ✓ yes

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 Acting on Behalf of the Chief Officer of Cambridgeshire Police PC 2094 Paul Hawkins Licensing Officer Cambridgeshire Constabulary Huntingdon Police Station Ferrars Road Huntingdon Cambridgeshire PE29 3DQ
Telephone number (if any) 101 ext 7111790 or direct 07921 938073
E-mail address (optional) paul.hawkins@cambs.pnn.police.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

✓
x

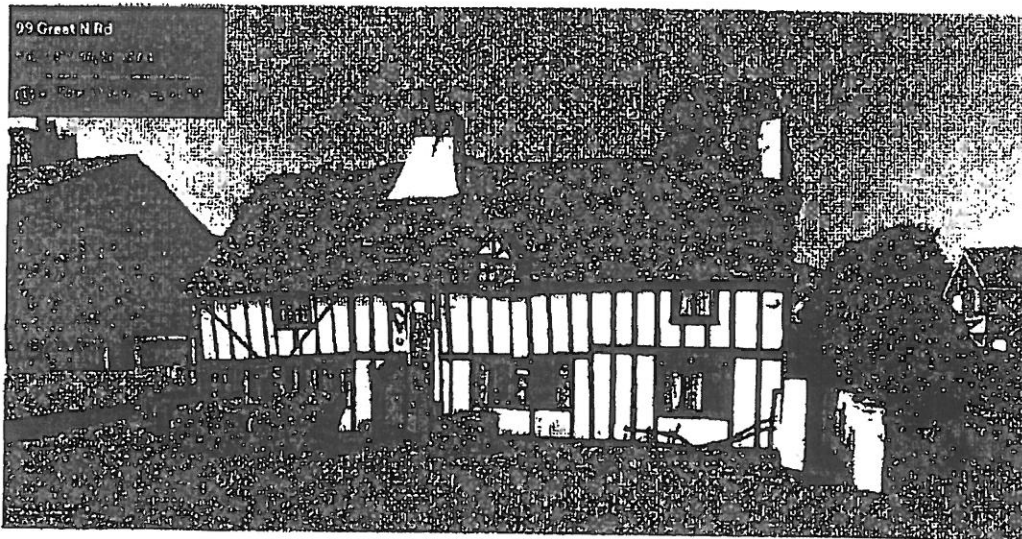
Please state the ground(s) for review (please read guidance note 2)
(Refer to Guidance under Section 182 Licensing Act 2003)

Review is requested arising in connection with crime

11.27 *There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. The use of the licensed premises:*

- *for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;*

Licensed Premise



Satellite Image



Location of Premise

The Market

North East

Great N Rd

The White Horse

11
Akbar Gandoori

B1428

Incidents of concern

Incident 1.

Wednesday 29th October 2014 - The Akbar Tandoori

The Akbar Tandoori Restaurant, 99 Great North Road, Eaton Socon, St Neots, PE19 8EL was entered by officers from East Midlands immigration, Compliance and Enforcement Team, on Wednesday 29th October 2014, at approximately 18:10 hours following intelligence being received, entry was gained by consent.

At the location the Immigration officer's identified 5 persons and arrested two of these persons in relation to immigration offences. Neither the DPS Mr Chuna MIAH, nor the Premises Licence holder Mr Runu MIAH were on the premise at the time.

However Chuna MIAH was spoken to on the telephone and asked to attend the premises, Chunu MIAH attended at approximately 18:43 hours and was interviewed by an IO. Mr Chuna MIAH was served a referral notice, as two of his employees did not have the right to work in the United Kingdom

Immigration action taken / resulted:

- Two illegal workers identified
Male 1 – Arrested for overstaying period granted on visa - Granted Leave To Remain in the UK under HR Family/Private Life as he claimed to have been in the UK 10yrs.

Male 2 - Arrested for working in breach of his employment conditions – Removed from the UK 10/11/2014.
- Issued a fine to Mr Chunu MIAH - 19th Jan 2015 objection/appeal had been raised but penalty was maintained.

Incident 2..

Wednesday 6th MAY 2015 – AKBAR TANDOORI

The Akbar Tandoori Restaurant, 99 Great North Road, Eaton Socon, St Neots, PE19 8EL was entered by officers from East Midlands immigration, Compliance and Enforcement Team, on Wednesday 6th May 2015, at approximately 18:25 hours following intelligence being received and under the power of a 17(2) warrant issued by Peterborough Magistrates Court on 05th May 2015.

At the location the Immigration officer's identified 6 persons and arrested one of these persons in relation to an immigration offence. Neither the DPS Mr Chuna MIAH, nor the Premises Licence holder Mr Runu MIAH were on the premise at the time. IO RUSH however spoke with Chuna MIAH on the telephone, who confirmed that he did not keep records of his employees, on the premise, despite being aware of his obligation to do so. Mr Chuna MIAH was informed that he would be served a referral notice as one of his employees did not have the right to work in the United Kingdom.

Immigration action taken / resulted:

- Male Arrested for overstaying period granted on visa – Initially detained but granted temporary release (immigration bail) as he has made an application to stay in the UK under HR Family/Private Life as he claimed to have been in the UK 10yrs. Subject will not be considered for removable until this application has an outcome.
- Fine was to the business owner, Mr Chunu MIAH, issued 30th June 2015.

Police Impact Statement

It is the applicant's belief that the licence holder and those associated in the running of the premise, namely Mr Chuna Miah have exploited the labour of vulnerable persons, knowingly employing them illegally. There is clear evidence that the management have continued to mismanage, failing to carry out relevant checks on those they employ. It is important that we as a responsible authority do all we can to safe guard the vulnerable and protect them harm and exploitation.

Police Recommendations (including any conditions)

- Revocation of Premises licence

Please provide as much information as possible to support the application (please read guidance note 3)

A) 29th October 2014 (The Plough Tandoori) - statements (attached) from the attending immigration officers:

1. IO NORTON
2. IO DIXON
3. IO WHYMAN

B) 6th May 2015 (Akbar Tandoori) - statements (attached) from the attending immigration officers:

1. IO RUSH
2. IO MORFILL
3. IO DIXON

C) Impact statement Illegal working Impact statement provided by Patrick Rush Immigration Officer

Please tick ✓ yes

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

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

Please tick ✓ yes

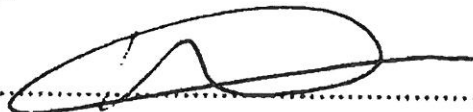
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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



Date **27th July 2015**

Capacity **Licensing Officer (Huntingdonshire), Cambridgeshire Constabulary**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

PC 2094 Paul Hawkins
Licensing Officer
Cambridgeshire Constabulary
Huntingdon Police Station
Ferrars Road
PE29 3DQ

Post town Huntingdon	Post Code PE29 3DQ
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Telephone number (if any) 101 ext 7111790 or direct 07921 938073

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) paul.hawkins@cambs.pnn.police.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**DATA PROTECTION ACT 1998 – PRIVACY DISCLAIMER – FAIR PROCESSING-
How we use your information**

Huntingdonshire District Council is registered under the Data Protection Act 1998. This allows it to process personal data in performing its lawful business. Information held by the Council, including personal data you provide now or in the future, will be processed in compliance with data protection principles. Your personal data may be used to manage, monitor, improve and promote the Council's services. Where delivery of services or actions is in partnership with others, or dependent on the actions of others, it may also be shared with other persons or bodies in accordance with, and restricted to the terms of information sharing agreements and protocols. To protect public funds it may also be shared with other persons or bodies to prevent and detect fraud.

Further details are available on the Council's website www.huntingdonshire.gov.uk/privacy. If you have concerns about the processing of your personal data by the Council you may contact the Data Protection Officer at Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, Cambridgeshire, PE29 3TN or the Office of the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
HUNTINGDONSHIRE DISTRICT COUNCIL**

Premises Licence Number

HDC/PRE00012

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code
The Akbar Tandoori
99 Great North Road
Eaton Socon
St Neots
Cambridgeshire
PE19 8EL

Telephone number 01480 219783

Where the licence is time limited the dates :Not Applicable

This licence comes into effect on : 24.11.2005

The annual fee is due with effect from : 25.07.2006 and each year thereafter.

Licensable activities authorised by the licence
(L) Late Night Refreshment - Indoors
(M) Supply of Alcohol on Premises

Licence valid from: 24.11.2005



Date of Issue: 18.10.2005

Signed:

Head of Administration

Page 1 of 8

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
HUNTINGDONSHIRE DISTRICT COUNCIL**

Premises Licence Number

HDC/PRE00012

Registered number of holder, for example company number, charity number (where applicable)
Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Chunu Miah
17 Wyboston Court
Eaton Socon
St Neots
Cambridgeshire
PE19 8PL

Telephone Number 01480 219783

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Reference Number: PER00112 Licensing Authority: Huntingdonshire District Council

Notes for the attention of the Licensee:

Licence valid from: 24.11.2005

Date of Issue: 18.10.2005

Signed:



Head of Administration

Page 3 of 8

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
HUNTINGDONSHIRE DISTRICT COUNCIL**

Premises Licence Number

HDC/PRE00012

Times the licence authorises the carrying out of licensable activities

(L) Late Night Refreshment - Indoors

Week Days (including Saturdays) 23:00 - 00:00

Sundays 23:00 - 23:30

Christmas Day(1) 23:00 - 23:30

Good Friday 23:00 - 23:30

(M) Supply of Alcohol on Premises

Week Days (including Saturdays) 11:00 - 00:00

Sundays 12:00 - 23:30

Christmas Day(1) 12:00 - 23:30

Good Friday 12:00 - 23:30

The opening hours of the premises

Opening times were not given on application

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption on the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Runu Miah
35 Wymondley Road
Hitchin
Hertfordshire
SG4 9PN

Telephone Number 01462 438825

Licence valid from: 24.11.2005



Date of Issue: 18.10.2005

Signed:

Head of Administration

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
HUNTINGDONSHIRE DISTRICT COUNCIL**

Premises Licence Number

HDC/PRE00012

ANNEX 1 – MANDATORY CONDITIONS

- 1 If the supply of alcohol is authorised by this licence
- (a) no supply may be made
 - (i) at a time when there is no designated premises supervisor in respect of the premises licence; or
 - (ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended;
 - (b) every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Licence valid from: 24.11.2005



Date of Issue: 18.10.2005

Signed:

Head of Administration

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Schedule 12

Part A

Regulation 33, 34

Premises Licence *HUNTINGDONSHIRE DISTRICT COUNCIL*

Premises Licence Number

HDC/PRE00012

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- 1 This licence is subject to conditions that reproduce the effect of conditions attached to the following licence which applied in respect of the premises at the time of conversion

Restaurant Licence

This licence is also subject to conditions which reproduce the effect of any restriction contained in the following legislation which had effect on the use of the premises for licensable activities at the time of conversion

- (a) Children and Young Persons Act 1933;
- (c) Licensing Act 1964; and
- (d) Sporting Events (Control of Alcohol, etc) Act 1985.

For the avoidance of doubt, the table attached as Appendix 1 should be regarded as the embedded restrictions under the Licensing Act 1964.

The time of conversion in respect of the premises is the date when the licence was granted by the licensing authority under the Licensing Act 2003.

Licence valid from: 24.11.2005



Date of Issue: 18.10.2005

Signed:

Head of Administration

Page 5 of 8

**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
HUNTINGDONSHIRE DISTRICT COUNCIL**

Premises Licence Number

HDC/PRE00012

**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY
Not Applicable**

Licence valid from: 24.11.2005



Date of Issue: 18.10.2005

Signed:

Head of Administration

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Schedule 12

Part A

Regulation 33, 34

Premises Licence

HUNTINGDONSHIRE DISTRICT COUNCIL

Premises Licence Number

HDC/PRE00012

ANNEX 4 – PERMITTED HOURS – For the licensable activities authorised by this licence:

- 1 Alcohol may also be supplied during the following permitted hours -
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Licence valid from: 24.11.2005



Date of Issue: 18.10.2005

Signed:

Head of Administration

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**Schedule 12
Part A**

Regulation 33, 34

**Premises Licence
HUNTINGDONSHIRE DISTRICT COUNCIL**

Premises Licence Number

HDC/PRE00012

ANNEX 5 – PLANS

For plan see inside rear cover

Licence valid from: 24.11.2005



Date of Issue: 18.10.2005

Signed:

Head of Administration

Page 8 of 8

Appendix B

LICENSING ACT 2003

NOTICE OF THE REVIEW OF A PREMISES LICENCE

Notice is given that on the **28th July 2015** Huntingdonshire District Council as the Licensing Authority has received a request for a review of the Premises Licence for

The Akbar Tandoori, 99 Great North Road, Eaton Socon, St Neots, PE19 8EL

On the grounds of

THE PREVENTION OF CRIME AND DISORDER

Anyone wishing to make representations concerning this application should do so in writing to:

**Huntingdonshire District Council, Licensing Section,
Pathfinder House, St.Mary's Street, Huntingdon, PE29
3TN**

Representations in respect of this application must reach the Licensing Authority by **TUESDAY 25th August 2015**

Persons wishing to inspect the register or the record of this application may do so by attending the office of the Licensing Section, during office hours, Monday to Friday inclusive. It is an offence knowingly or recklessly to make a false statement in connection with an application, the maximum fine for which on summary conviction is £5000.

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