



## **RECORD OF DECISION**

### **LICENSING SUB-COMMITTEE**

**DATE OF HEARING: MONDAY, 17 JULY 2023**

**MEMBERS: Councillors B S Banks, M L Beuttell (Chair) and P A Jordan**

**APPLICATION CONSIDERED: INDIAANA RESTAURANT, 61 HIGH STREET, RAMSEY PE26 1AB**

#### **We heard representations from the following persons:**

The Applicant – Immigration Enforcement  
Interested Parties – Cambridgeshire Constabulary  
The Premises Licence Holder – Did Not Attend.

#### **We found the following facts:**

The proprietor of the Indiaana Restaurant, 61 High Street Ramsey, Huntingdon PE29 1AB were found to have been employing persons disqualified from working in the UK. As a Licence Holder, he is responsible for ensuring compliance with all legal requirements and that by employing disqualified persons he not only committed a criminal offence but undermined the licensing objectives.

#### **In making our decision we considered the following:**

- ❖ Statutory provisions referred to in the report
- ❖ Statutory Guidance referred to in the report
- ❖ Huntingdonshire District Council Statement of Licensing Policy
- ❖ The Committee report
- ❖ Advice from the District Council's Legal Representative
- ❖ Submission from the applicant
- ❖ Representations from those listed above
- ❖ Suggested amendments from the applicant
- ❖ Written representations from those not present at the hearing.

#### **We did not consider the following matters to be relevant:**

N/A.

**Our decision is as follows:**

To revoke the licence immediately.

**Our reasons for reaching the decision are as follows:**

The Sub-Committee formed the view that the premises licence holder had been supported by and had received advice from the Licensing Authority to enable the full terms and conditions of the licence to be complied with so that the four licensing objectives could be met but the licence holder ignored that advice and committed a criminal offence by employing 5 x disqualified persons by reason of immigration status. Sect 182 part 11.27 of The Licensing Act 2003 states it is a crime to employ a person disqualified from working by reason of immigration status. The immigration Act 2016 amended the Licensing Act 2003 and introduced safeguards with regards to such matters. The intention of the aforementioned was to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment, this includes restaurants so licensed. As a result of this employment the Sub Committee formed the opinion the premises licence be revoked as flagrant disregard was shown to the legislation.

The Sub-Committee felt the Licence Holder's absence was indicative of the fact they knew they had committed an offence. The Sub-Committee felt the Licence Holder's reticence to attend was indicative of the fact that they were well versed in employing illegal immigrants and hence chose to avoid the hearing.

**Date:** 17 July 2023

**PLEASE NOTE**

You have a right of appeal to the Magistrates Court against the decision above. You MUST lodge any appeal with the Magistrates Court within 21 days from the date of this decision.

The address of the Magistrates Court is:-  
Peterborough, Huntingdon and Fenland Magistrates Court  
Bridge Street  
Peterborough  
PE1 1ED