

**LICENSING ACT 2003  
REVIEW OF PREMISES LICENCE  
BOLLYWOOD TIGER, 124-126 Main Street, Yaxley, PE7 3LP  
(Report by the Head of Community)**

**1. INTRODUCTION**

- 1.1 Huntingdonshire District Council has received an application to review a premises Licence, from Cambridgeshire Constabulary; Bollywood Tiger, Licence number HDC/PRE00627 under the Licensing Act 2003 ('the Act').
- 1.2 As required under the Licensing Act 2003, notice of the application was advertised on the Council's website, and Blue notices were displayed at or near the premises from 16<sup>th</sup> November 2018. The 28 day consultation period ended on 13<sup>th</sup> December 2018.
- 1.3 A copy of the application for review is attached as Appendix A, supporting documentation at Appendix B, and the current premises licence at Appendix C.
- 1.4 Redacted versions of the documents have been made available to the public, to protect the identity of persons not connected to the Licence or Review process.

**2. BACKGROUND**

- 2.1 Premises Licence HDC/PRE00627 was granted in June 2013, following a hearing of the licensing sub-committee. There have been no changes made to the Licence since then.  
The Premises Licence Holder is Mr Thahir Uddin. The Designated Premises Supervisor is Paramveer Singh.

**3. APPLICATION FOR REVIEW OF LICENCE**

- 3.1 On the 15 November 2018, PC1572 Grahame Robinson, acting on behalf of the Chief Officer of Police for Cambridgeshire Constabulary, a responsible authority, submitted to the licensing authority an application to review the premises licence for Bollywood Tiger.
- 3.2 The grounds for the review are: Crime & Disorder – for knowingly employing persons who are unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter /remain in the UK.
- 3.3 Cambridgeshire Constabulary are requesting revocation of the licence quoting Section 11.27 of the latest Government Guidance.

**4. REPRESENTATIONS**

- 4.1 During the period for the receipt of representations, seven representations were received from other persons. The representations are attached in their

entirety at Appendix D. Not all matters raised in the representations may be relevant matters and it will be for members to attach appropriate weight.

- 4.2 During the period for representations, additional information regarding this premises, has been received from two Responsible Authorities, the Local Planning Authority and the Local Environmental Health Authority. These comments are at Appendix E

## **5 GENERAL DUTY**

- 5.1 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.
- 5.2 The licensing authority must also have regard to –
- (a) its licensing policy statement, and
  - (b) any statutory guidance issued by the Home Office under Section 182 of the Act.

- 5.3 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.

## **6. CONCLUSION**

- 6.1 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 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.

- 6.2 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.
- 6.3 Government Guidance paragraphs 11.24 – 11.28 cover reviews arising in connection with crime.
- 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.
- 6.4 Any decision by the Sub-Committee may be appealed to the Magistrates' Court. 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.

## **7. RECOMMENDATION**

To determine what action to take in respect of the premises licence after hearing the evidence from the applicant, Cambridgeshire Constabulary, those other persons who have made representation 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.

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