

LICENSING SUB-COMMITTEE – 17th July 2023

LICENSING ACT 2003 APPLICATION TO REVIEW PREMISES LICENCE Indiaana, 61 High Street, Ramsey, Huntingdon, PE29 1AB

1. INTRODUCTION

- 1.1 Huntingdonshire District Council as the Licensing Authority has received an application to review a premises Licence, from Home Office Immigration Enforcement in their capacity as a Responsible Authority under the Licensing Act 2003 ('the Act'), for Premises Licence HDC/PRE00613; Indiaana, 61 High Street, Ramsey, Huntingdon, PE26 1AB.
- 1.2 The Application was received on 31 May 2023. 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 02 June 2023. The 28 days consultation period ended on 28 June 2023.
- 1.3 A copy of the application for review, along with supporting documentation is attached as **Appendix A** and **Appendix B & C**
- 1.4 The current premises licence, is at **Appendix D**.
- 1.5 Officers attended the premises on the 2 June 2023 in order to display the required blue notices of Review. These Officers have provided statements of their encounters during this visit. These statements are attached as **Appendix E**

2. BACKGROUND

- 2.1. The Premises Licence HDC/PRE00613, for 61 High Street, Ramsey was first issued in November 2012, at that time the Premises traded as Blue Tiffin and the Premises Licence Holder was a previous owner Mr FM.
- 2.2. In June 2013, the Premises Licence was transferred to Mr Abdul AWAL & Mr AM. At the same time an application to Vary the DPS to Mr Abdul AWAL was received and the premises then began trading as Indiaana.
- 2.3. In October 2015, we received a letter from Mr Abdul AWAL, informing he had changed his name to Mr Harun RASHID. The copy of the Deed of Change was dated October 2013. The record of the Premises Licence and Mr RASHID's Personal Licence were updated with the new name details.
- 2.4. The letter of October 2015 also explained Mr AM was no longer involved with the business and the Premises Licence should be only in the name of Mr Harun RASHID. At this time Mr RASHID was advised, to remove Mr AM as a Licence Holder he should complete an application to transfer the premises licence, into only his own name.
- 2.5. In December 2017, an application to transfer the Premises Licence was received and granted, stating Mr Harun RASHID as the sole Licence Holder.
- 2.6. In March of 2023, there is a record of Mr RASHID telephoning the Licensing Team and advising he had sold the business. He was advised the new owners would need to

make an application to Transfer the licence to themselves. Mr RASHID was asked to email in the details of the new owner in order that we could make contact. He was advised he would still be liable for the annual fee payments until such time as the licence is transferred or surrendered.

- 2.7. Mr Harun RASHID remains the Premises Licence Holder and the named Designated Premises Supervisor of this Licence.
- 2.8. However, records from our Business Rates and Council Tax team confirm on the 8 August 2022 RAMSEY FOODS LTD became the occupier of the restaurant premises and Mr Falah CHOUDHURY become responsible for the upstairs living accommodation.

3. REPRESENTATIONS

- 3.1 During the period for representations 2 valid representations in support of the application have been received from Cambridgeshire Constabulary in their role as a Responsible Authority. These representations have been attached in their entirety as **Appendix F**.
- 3.2 Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.
- 3.3 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

4. GENERAL DUTY/ POLICY CONSIDERATIONS

- 4.1 The licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives, each objective has equal importance, the objectives 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.
- 4.2 The sub-committee must also have regard to –
 - a. its statement of licensing policy, and
 - b. any statutory guidance issued under Section 182 of the Licensing Act 2003.
 - c. the Human Rights Act 1988
- 4.3 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.

5. DETERMINATION

- 5.1. In making a decision, this application must be determined on its individual merits having regard to the representations and supporting documents included as part of the report along with additional information considered relevant at the hearing. As part of the decision process the sub-committee is required to give its reasons for any decision arrived at.
- 5.2. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- a. modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - b. exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - c. remove the designated premises supervisor, for example, because it is considered that the problems are the result of poor management;
 - d. suspend the licence for a period not exceeding three months;
 - e. revoke the licence.
 - f. take no action
- 5.3. Any decision made by the sub-committee must be reasonable and proportionate and promote the Licensing objectives.

BACKGROUND INFORMATION

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

Licensing Officer: Sarah Mardon

30 June 2023