

LICENSING SUB-COMMITTEE – 21st August 2024

LICENSING ACT 2003 APPLICATION TO REVIEW PREMISES LICENCE Kaaizan's, 1 Longsands Parade, St Neots, PE19 1SU

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/PRE00377; Kaaizan's, 1 Longsands Parade, St Neots, PE19 1SU.
- 1.2 The Application was received on 05 July 2024. 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 05 July 2024. The 28 days consultation period ended on 1 August 2024.
- 1.3 A copy of the application for review, along with supporting documentation is attached as **Appendix A** and **Appendix B**
- 1.4 The current premises licence, is at **Appendix C**.

2. BACKGROUND and TIMELINE

- 2.1. The Premises Licence HDC/PRE00377, for 1 Longsands Parade, St Neots was first issued in **November 2005**, at that time the Premises traded as The Curry Spice and the Premises Licence Holders were Mr RM and Mr MM.
- 2.2. In **April 2015**, the Premises Licence was transferred to Mr Abdul SHOHID. At the same time an application to Vary the DPS to Mr Abdul SHOHID was received and the premises then began trading.
- 2.3. In **July 2020**, an application to vary the Premises Licence was received. The variation requested to include OFF sale as an activity on the licence, with no other changes requested. This application was granted as applied for with no representations.
- 2.4. During the period of the variation, we were notified of the change of trading name for The Curry Spice to KAAISANS.
- 2.5. On **2 June 2024**, Home Office Immigration Officers attended the Premises.
- 2.6. On the **5 July 2024**, the application to Review the Premises Licence was received.
- 2.7. On the **11 July 2024**, we received an application to Transfer the Premises licence to Mr M RAHMAN. This application was withdrawn on the **17 July**, following a telephone conversation with Mr RAHMAN, where it became apparent Mr RAHMAN was not aware of the application to Review the Premises Licence.
- 2.8. A further application to Transfer followed on the **18 July 2024** along with an application to vary the DPS. Once these applications become valid on the **22 July 2024** and

following a telephone conversation with him, Mr Mohammed AAHIL, became the Premises Licence Holder and the DPS.

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 D**.

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.

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

..... • for employing a person who is disqualified from that work by reason of their immigration status in the UK;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority 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

- 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

06.08.2024