



LICENSING SUB-COMMITTEE

Friday 27th October 2023

APPLICATION DETAILS

Type:	Transfer of Premises Licence & Variation of Designated Premises Supervisor
Name of Applicant(s):	Mr Tarek Ahmed Lahin
Address of Applicant(s):	16 Newgate, Beccles, NR34 9QD
Type of applicant (Premises Only):	Individual
Name of Premises:	Bombay Restaurant
Address of premises:	1 Exchange Square, Beccles, NR34 9HL
Description of Premises:	Restaurant

EXECUTIVE SUMMARY:

- This is an application to transfer the Premises Licence and to vary the Designated Premises Supervisor.

Is the report Open or Exempt?	Open
Wards Affected:	Beccles and Worlingham
Cabinet Member:	Councillor Jan Candy, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Hoult Licensing Officer 01502 523624 Leonie.Hoult@eastsoffolk.gov.uk

1. SUMMARY OF APPLICATION

- 1.1 An application to transfer the premises licence and to vary the designated premises supervisor has been received from Mr Terek Ahmed Lahin under s42(6) and s37(5) of the Licensing Act 2003.

Bombay Restaurant, Beccles has a premises licence for the 'on sales' of alcohol Monday to Saturday 11:00 to 00:00 and Sunday 12:00 to 23:30.

Mr Lahin holds a Personal Licence, WPERS3738, issued by East Suffolk Council on 11 September 2023

The Police have made an objection to this application on the grounds that Mr Lahin's appointment as Premises Licence Holder and Designated premises Supervisor could undermine the licensing objective of 'prevention of crime and disorder'.

This hearing is to consider the application and the representation from the Police.

2. REASON FOR HEARING

- 2.1 A representation against the applications was received on the 19 September 2023 from Suffolk Constabulary.

- 2.2 The applicant has been provided with a copy of the representation and it is attached as **Appendix A** for members of the Sub-Committee.

- 2.3 Summary of grounds for representation:

The Police have made an objection to this application on the grounds that Mr Lahin's appointment as Premises Licence Holder and Designated Premises Supervisor could undermine the licensing objective of 'prevention of crime and disorder. This is because Mr Lahin whilst running the India Gate Restaurant, Beccles, has employed illegal workers, he failed to ensure that correct checks and procedures were carried out to ensure compliance with immigration matters. He has also failed to ensure that an authority under the Licensing Act 2003 was in place to allow the sale of alcohol or late-night refreshment.

3. POINTS FOR CONSIDERATION

- 3.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

- 3.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above, it is asked to give full reasons for so doing.

b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 3.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 20 October 2023 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

4. CONCLUSION

- 4.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the other persons before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:
- Granting the applications subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
 - Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
 - Rejecting the application.
- 4.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

4.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates Court.

4.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	Police Representation (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	