



LICENSING SUB-COMMITTEE

Committee Date: Wednesday 8th November 2023

APPLICATION DETAILS

Type:	Review – Premises Licence
Name of Applicant(s):	Home Office, Immigration Enforcement
Address of Applicant(s):	Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY
Type of applicant (Premises Only):	Responsible Authority
Name of Premises:	Lowestoft Tandoori
Address of premises:	176 High Street, Lowestoft, NR32 1HU
Description of Premises:	Restaurant

EXECUTIVE SUMMARY:

<ul style="list-style-type: none">• This is an application for the review of a premises licence.• The current premises licence holders are Ms Nasima Begum & Mr Bepari Muhammad Meherajul Alam. Ms Begum is also the Designated Premises Supervisor.• The Home Office, in its capacity as a Responsible Authority, is calling for a review of the premises licence under the licensing objectives of 'prevention of crime and disorder'.
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Is the report Open or Exempt?	Open
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Wards Affected:	Harbour and Normanston
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Cabinet Member:	Councillor Jan Candy - Cabinet Member with responsibility for Community Health
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Supporting Officer:	Leonie Houtt Licensing Officer 01502 523624 Licensing@eastsoffolk.gov.uk
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1. EXISTING LICENCE

- 1.1 The existing licence holders of Lowestoft Tandoori are Ms Nasima Begum and Mr Bepari Alam, both of Lowestoft. The named Designated Premises Supervisor is also Ms Begum.
- 1.2 The existing premises licence is attached at **Appendix A**.
- 1.3 A plan of the premises is attached as **Appendix B**.

2. REASON FOR HEARING

- 2.1 In accordance with the Licensing Act 2003, a responsible authority has made an application for a review of the premises licence relating to Lowestoft Tandoori, Lowestoft with the intention to prevent illegal working at the premises.
- 2.2 The review application supplied by the Home Office has not been published; some of the material contained in the document could prejudice any future criminal proceedings. The licence holder and all the Responsible Authorities who are named consultees to a licensing review have been provided with a copy of the application. The application will also be made available to the Licensing Sub-Committee panel, this is attached at **Appendix C & C1**.
- 2.3 The Home Office may make an application for the public to be excluded from the part of the hearing where information they do not wish to be placed in the public domain is to be discussed.
- 2.4 If any such application is made, the Sub-Committee will need to consider and determine the application pursuant to Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005, on the day of the hearing.
- 2.5 Summary of grounds for review:

This review has been called under the grounds of the licensing objectives of prevention of crime and disorder.

The Home Office conducted an enforcement visit on 10th August 2023. Two males were identified to have no permission to live or work in the United Kingdom.

3. POINTS FOR CONSIDERATION

- 3.1 The premises licence holders have submitted documentation in their defence, and this is attached at **Appendix D**.
- 3.2 A representation was received in support of the review application from Suffolk Constabulary. This is attached at **Appendix E**.

3.3 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.

3.4 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.

3.5 The relevant notices about this hearing have been served on the applicant and the premises licence holder and they have until 1st November 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 Sub-Committee will be asked to determine this application by:

- **Modifying the conditions of the licence**
This could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives.

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

- **Excluding a licensable activity from the scope of the licence**
The sub-committee may decide that it is proportionate and relevant to the licensing objectives to remove one or more of the licensable activities.
- **Remove the Designated Premises Supervisor (DPS)**
- **Suspend the licence for a period not exceeding three months.**
- **Revoke the licence.**

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	Existing premises licence
Appendix B	Plan of premises
Appendix C	Review application submitted by Home Office (private document for the Sub-Committee only)
Appendix C1	Supporting documentation for Review application submitted by Home Office (private document for the Sub-Committee only)
Appendix D	Documents submitted by the premises licence holders (private document for the Sub-Committee only)
Appendix E	Suffolk Constabulary representation (private document for the Sub-Committee only)

BACKGROUND PAPERS	
	None