



## Licensing Sub-Committee

Members are invited to a **Meeting of the Licensing Sub-Committee** to be held in the Conference Room, Riverside, on **Wednesday, 8 November 2023 at 9.30am**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/QttCQ3vWKGc?feature=share>

### Members:

Councillor Mark Jepson, Councillor Sarah Plummer, Councillor Lee Reeves, Councillor John Fisher (Reserve)

An Agenda is set out below.

### Part One – Open to the Public

Pages

- 1 Election of a Chair**  
To elect a Chair for the Licensing Sub-Committee.
- 2 Apologies for Absence**  
To receive apologies for absence, if any.
- 3 Declarations of Interest**  
Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.
- 4 Declarations of Lobbying and Responses to Lobbying**  
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.
- 5 Review - Premises Licence: Lowestoft Tandoori, 176 High Street, Lowestoft, NR32 1HU ES/1725** **1 - 12**  
Report of the Licensing Officer

### Part Two – Exempt/Confidential

Pages

**There are no Exempt or Confidential items for this Agenda.**

**Close**



Chris Bally, Chief Executive

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**LICENSING SUB-COMMITTEE**

**Committee Date: Wednesday 8<sup>th</sup> November 2023**

**APPLICATION DETAILS**

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

**EXECUTIVE SUMMARY:**

- 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’.

Is the report Open or Exempt?	Open
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<b>Wards Affected:</b>	Harbour and Normanston
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<b>Cabinet Member:</b>	Councillor Jan Candy - Cabinet Member with responsibility for Community Health
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<b>Supporting Officer:</b>	Leonie Houtt Licensing Officer 01502 523624 <a href="mailto:Licensing@eastsoffolk.gov.uk">Licensing@eastsoffolk.gov.uk</a>
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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 10<sup>th</sup> 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 1<sup>st</sup> 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.

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

<b>BACKGROUND PAPERS</b>	
	None

Licensing Act 2003  
**Premises Licence**

**WPREM2101** ES/1725

LOCAL AUTHORITY	
 <p><b>EASTSUFFOLK</b> COUNCIL</p>	<p><b>East Suffolk Council</b>                      East Suffolk House Riduna Park                      Station Road Melton                      Woodbridge                      Suffolk                      IP12 1RT</p> <p>tel: 01394 444802                      web: <a href="http://www.eastsuffolk.gov.uk">www.eastsuffolk.gov.uk</a></p>

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION
<p><b>Lowestoft Tandoori</b>                      176 High Street, Lowestoft, Suffolk, NR32 1HU.</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> <li>- provision of late night refreshment</li> <li>- the supply of alcohol</li> </ul>

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	Midnight
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	Noon	Midnight

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Monday to Sunday	Noon	Midnight	

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Nasima Begum	18 Stimpson Close, Lowestoft, Suffolk, NR32 4WH.
Bepari Muhammad Meherajul Alam <a href="mailto:ameherazul@hotmail.com">ameherazul@hotmail.com</a>	18 Stimpson Close, Lowestoft, Suffolk, NR32 4WH.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



Licensing Act 2003

# Premises Licence

# WPREM2101

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Nasima BEGUM

18 Stimpson Close, Lowestoft, Suffolk, NR32 4WH.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. WPERS2023

Issued by Waveney





# Premises Licence

## ANNEXES

### ANNEX 1 - MANDATORY CONDITIONS

The quick brown fox jumped over the lazy dog.

### ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The quick brown fox jumped over the lazy dog.

### ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The quick brown fox jumped over the lazy dog.

### ANNEX 1 - MANDATORY CONDITIONS

Where a premises licence authorises the sale of alcohol, the licence must include the following conditions:

**1. (1) No supply of alcohol may be made under the premises licence -**

- At any time when there is no designated premises supervisor in respect of the premises, or
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.**

**4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**

(2) The designated premises supervisor in relation to the premises licence must ensure



## Premises Licence

## ANNEXES continued ...

that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

6. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

6.1 For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and



## ANNEXES continued ...

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(a).

6.2 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

6.3 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1 The Licence holder shall make sure that the premises have valid public liability insurance in force and that a copy of the schedule is available for inspection by an authorised officer on request.

2 The Licence holder shall ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder asks for a photo ID proof of age where they have reason to suspect that the individual may be under 18 years of age.

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

N/A



## Premises Licence Summary

## LOCAL AUTHORITY



East Suffolk Council  
 East Suffolk House Riduna Park  
 Station Road Melton  
 Woodbridge  
 Suffolk  
 IP12 1RT

tel: 01394 444802  
 web: www.eastsuffolk.gov.uk

## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Lowestoft Tandoori**

176 High Street, Lowestoft, Suffolk, NR32 1HU.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the supply of alcohol

## THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
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J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	Noon	Midnight

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	Noon	Midnight

## WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Nasima Begum	18 Stimpson Close, Lowestoft, Suffolk, NR32 4WH.
Bepari Muhammad Meherajul Alam	18 Stimpson Close, Lowestoft, Suffolk, NR32 4WH.

## REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



# Premises Licence Summary

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Nasima BEGUM

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

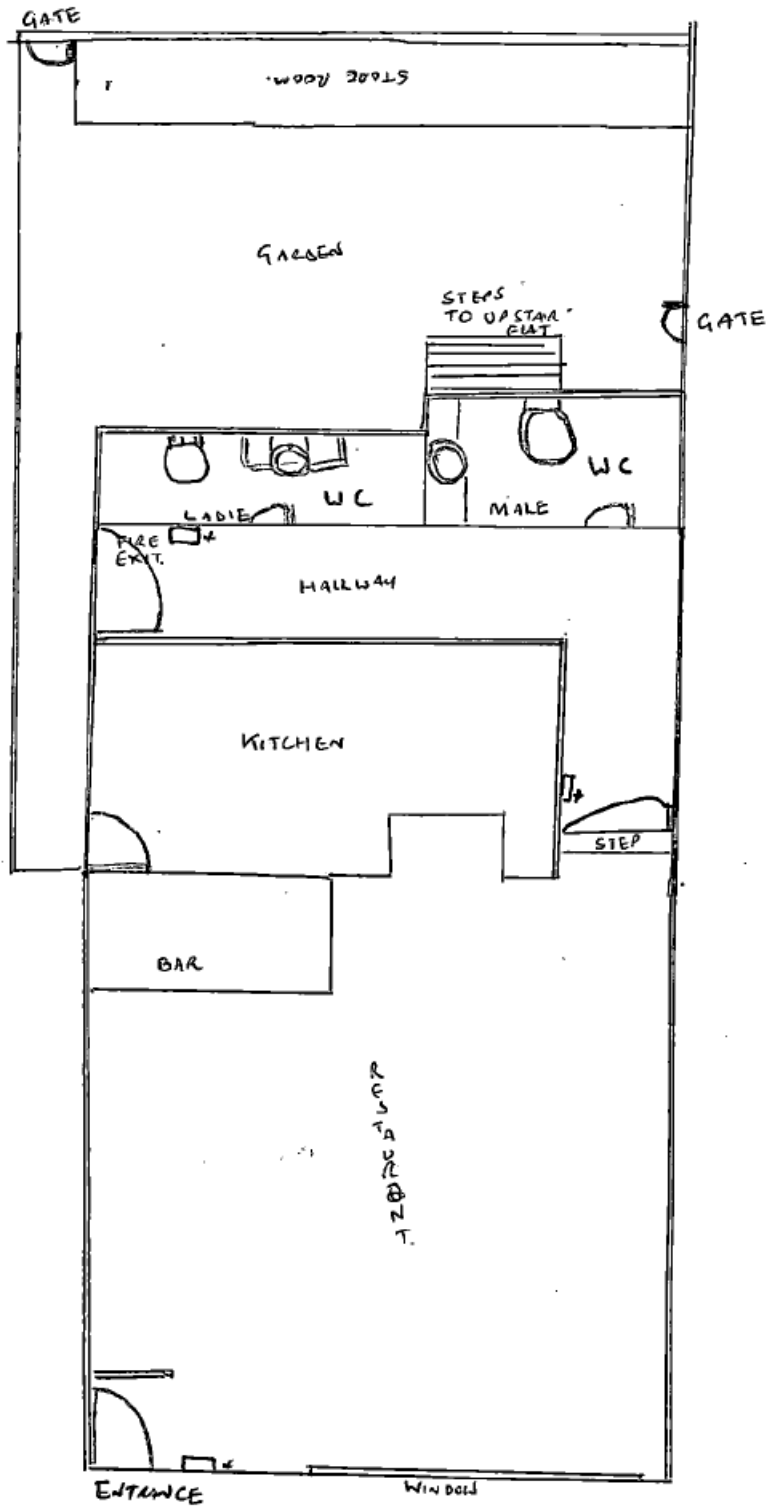


LICENSING ACT 2003 – ANNEX 4 – PLAN  
Lowestoft Tandoori  
176 High Street, Lowestoft

Agenda Item 5

ES/1725

TAJ INDIAN RESTAURANT  
176 HIGH STREET  
LOWESTOFT.



\* EMERGENCY  
LIGHT.

PLAN'S  
SCALE 1:100