

# REPORT TO ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT COMMITTEE

**REPORT OF:** Mark Jones, Service Manager, Community Safety & Licensing

**REPORT NO:** CSL 047

**DATE:** 4 July 2014

<b>TITLE:</b>	Review of a Premises Licence, Bombay Brasserie, 11 London Road, Grantham.	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor John Smith Green, Healthy and Arts Portfolio Holder	
<b>CONTACT OFFICER:</b>	Richard Etherton 01476 406312 (not public number) r.etherton@southkesteven.gov.uk	
<b>INITIAL IMPACT ANALYSIS:</b>  Equality and Diversity	Carried out and Referred to in paragraph (7) below  N/A	Full impact assessment Required:
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Statement of Licensing Policy 6 January 2011. <a href="http://www.southkesteven.gov.uk/index.aspx?articleid=2955">http://www.southkesteven.gov.uk/index.aspx?articleid=2955</a>  Guidance issued under Section 182 of the Licensing Act 2003. <a href="http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary">http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary</a>	

## 1. RECOMMENDATIONS

- 1.1 It is recommended that the Alcohol, Entertainment and Late Night Refreshment Licensing Committee (“the Committee”) consider the application for a review of the premises licence relating to a premises known as The Bombay Brasserie, 11 London road, Grantham and determine either to:
- a. modify the conditions of the licence;
  - b. exclude a licensable activity from the licence;
  - c. remove the designated premises supervisor;
  - d. suspend the licence for a period not exceeding 3 months; or
  - e. revoke the licence.

If the Committee decides that none of the above steps are necessary then it need take no action.

## 2. PURPOSE OF THE REPORT

- 2.1 The purpose of this report is to provide the committee with information to enable it to consider this application for a review of the premise licence under Section 51 of the Licensing Act 2003 (‘the Act’).
- 2.2 Where a relevant application for a review is received, the Licensing Authority must hold a hearing to determine the application. The options available to the Committee are as detailed at item 1 of this report.

The guidance issued under Section 182 of the Act is:

“In deciding which of these powers to invoke, it is expected that licensing authorities should, so far as possible, seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.” (Paragraph 11.20 at page 78 of the Guidance Issued under S182 of the Act.)

- 2.3 The Committee should therefore take a stepped approach to the problem and the Committee should assess the evidence to seek to understand the cause of the problem and focus their powers accordingly.

## 3. DETAILS OF REPORT

- 3.1 Lincolnshire Police, a Responsible Authority under the Licensing Act 2003, submitted an application on 12 May 2014 to review the premises licence for the Bombay Brasserie, Grantham. (**Appendix 1**)
- 3.2 The grounds for review are under the licensing objective of:
- Prevention of Crime and Disorder
  - Public Safety
  - Protection of Children from Harm

- 3.3 The Premises were visited on 1 May 2014 whilst under the control of the Licence Holder by officers from Lincolnshire Police Licensing and Home Office Immigration.
- 3.4 On this occasion, 10 Asian males were identified as working at the premises in front of house and in the kitchen. Subsequent checks identified that 1 male worker was ineligible to work and was escorted of the premises. 4 males were arrested and detained as illegal workers at the premises for relevant offences under the Immigration Act 1971. **(Appendix 1)**

**4. OTHER OPTIONS CONSIDERED**

There are no other options available.

**5. RESOURCE IMPLICATIONS**

There are no resource implications associated with this report

**6. RISK AND MITIGATION**

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
Nil	None

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

N/A

**8. CRIME AND DISORDER IMPLICATIONS**

- 8.1 Crime and disorder implications will be considered in accordance with the licensing objective and the duty to consider in accordance with s.17 of the Crime and Disorder Act 1998

**9. COMMENTS OF FINANCIAL SERVICES**

- 9.1 There are no specific financial implications associated with this report however in the event of an applicant making an appeal against a decision which was then subsequently upheld, the council may occur additional legal costs

**10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

- 10.1 The Act provides a procedure whereby a premises licence can be reviewed at any time on the application of an interested party or a responsible authority. On receipt of an application for review of a licence, the Council are obliged to hold a hearing to consider the application.

- 10.2 The Committee should consider the Guidance issued under S182 of the Act and the Council's own statement of licensing policy when considering if the application merits evidence that the licensing objectives are being undermined or not.
- 10.3 The licensing objectives are:
- Prevention of Crime & Disorder
  - Public Safety
  - Public Nuisance
  - Protection of Children from harm
- 10.4 Any decision taken by the Committee should be reasonable and proportionate and must be appropriate for the promotion of the licensing objectives. The decision of the committee should be no more than an appropriate and proportionate response to the concerns raised.
- 10.5 The decision must be based on factual evidence that is relevant in establishing an alleged breach of one or more of the licensing objectives and, the Committee must not take into account irrelevant facts that do not relate directly to an undermining of one or more of the licensing objectives.

11. **COMMENTS OF OTHER RELEVANT SERVICES**

None

12. **APPENDICES:**

1. Application for review of premises licence.
2. Witness Statements from Police/Immigration Officers
3. Prohibition Notice from Lincolnshire Fire and Rescue
4. Letters from Chattertons Solicitors