

WEST LINDSEY DISTRICT COUNCIL

LICENSING ACT 2003

Licence Number: 32UHB14004

Hearing Type: Review of a Premises Licence

Applicant: Lincolnshire Police

Premises: The Gate of India, 5 King Street, Market Rasen, Lincolnshire LN8 3BB

Premises Licence Holder: Mr Mohammed Jillul Haque

1 The Application for Review

- 1.1.1 An application for review of the Premises Licence for The Gate of India, 5 King Street, Market Rasen, Lincolnshire LN8 3BB has been made by Lincolnshire Police which was received on 23 June 2016. Lincolnshire Police are a Responsible Authority, as defined by Section 13(4) of the Licensing Act 2003 and are therefore entitled to apply for a review of a licence when of the opinion a premises is failing to operate with a view to promoting one or more of the licensing objectives. A copy of the application, outlining the grounds for review is attached at Appendix 1.
- 1.1.2 From the information detailed in the application for review, Lincolnshire Police have concluded that there is evidence that the licensing objective for the prevention of crime and disorder is being undermined.
- 1.1.3 Lincolnshire Police visited the premises with Immigration and HMRC officers on 8th April 2016. Further information detailing this and the reasons for the review application can be found in Appendix 1 and Annexes A to F.
- 1.1.4 The Licensing Act 2003 requires the applicant of a premises review, to notify each Responsible Authority by way of a Notice containing details of the review application. The Licensing Authority must advertise the review application as defined by regulations which means a Notice is placed on its website, in the Guildhall main reception area and also onto or nearby the premises concerned, in order to invite representations to be made by Other Persons and Responsible Authorities. In this instance the Notice was attached to the drain pipe to the right of the building when viewed from the front.

2 The Premises

- 2.1 The Gate of India holds a licence authorising the sale of alcohol (for consumption both on and off the premises) and late night refreshment (indoors). This was issued in 2014 under the current licensing regime (Licensing Act 2003). A copy of the premises licence including any attached conditions is attached at Appendix 2.
- 2.2 The Premises has previously held a licence (32UHB50212) which was revoked by the Licensing Sub-Committee in June 2014. This premises licence

was originally granted in Mohammed Haque's name but transferred to Sanu Meah in May 2006, whose name it was in when revoked.

- 2.3 The decision to revoke this licence was appealed but before it was heard by the Courts, a new application for a premises licence was submitted in July 2014. This was granted following a Hearing and is the current licence that is being reviewed (32UHB14004).

3 Representations – Responsible Authorities

- 3.1 There have been no representations received from other Responsible Authorities within the statutory timescale.

4 Representations – Other Persons

- 4.1 There have been no representations received from any Other Persons within the statutory timescale.

5 Considerations

- 5.1 With respect to the review application, Members of the Licensing Sub-Committee must satisfy themselves whether or not the licence holder is satisfactorily promoting the licensing objective in relation to the prevention of crime and disorder.

- 5.2 In considering the application for review and making its decision the Licensing Sub-Committee must do so in line with:

- The Licensing Act 2003
- The Section 182 Guidance made under the Act
- The Licensing Authority's Statement of Licensing Policy

- 5.3 When considering the application and representations received, attention is drawn to the Licensing Authority's Policy which can be found at the link below by clicking on the Download Tab, then downloading the Policy:

<http://www.west-lindsey.gov.uk/businesses/licensing/licensing-and-gambling-policies/licensing-policy/104810.article>

- 5.4 Attention is also drawn to the contents of the section 182 statutory guidance which can be found at the link below:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

6 Options

- 6.1 The Licensing Sub-Committee (in its capacity as licensing authority) must, having regard to the application for review, take such steps, if any, it considers appropriate and proportionate for the promotion of the licensing objectives.

- 6.2 The steps available are:

- to modify the conditions of the licence
- to exclude a licensable activity from the scope of the licence
- to remove the designated premises supervisor from the licence
- to suspend the licence for a period not exceeding 3 months
- to revoke the licence

(For the avoidance of doubt, the conditions of a licence are modified if any of them are altered or omitted or any new condition is added).

- 6.3 Any action the Licensing Sub-Committee resolve to implement must be appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.
- 6.4 **N.B.** whatever decision the Members of the Licensing Sub-Committee arrive at, they are reminded that with regards to decision making, "*the fuller and clearer the reasons they give, the more force they are likely to carry*". Therefore, Members are strongly advised to give good, clear, justifiable, reasons in relation to their decision, which will have more chance of being upheld, should the decision be appealed against.
- 6.5 If the Licensing Sub-Committee resolve to implement any of the steps set out at 6.2 above, the action will not take effect until the end of the period for appeal (21 days) or if the decision is appealed against, until the appeal is disposed of.

7 List of Associated Papers

Appendix 1	Application for Review 2016
Appendix A	Application for Review 2014
Appendix B	Decision Notice for Review 2014
Appendix C	Police Representation to New Application 2014
Appendix D	Decision Notice for New Application 2014
Appendix E	Restricted Witness Statement - HMRC
Appendix F	Restricted Witness Statement - Police
Appendix 2	Premises Licence for The Gate of India

8 Background Papers

Licensing Act 2003
Section 182 Government Guidance
WLDC Statement of Licensing Policy