

## Report to Licensing Sub Committee

Date of Meeting: 11 June 2018

By the Head of Environmental Health & Licensing

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### **Application for the review of a premises licence under Section 51 of the Licensing Act 2003**

#### **Executive Summary**

On the 23 April 2018, the Chief Immigration officer for The South East Immigration Compliance and Enforcement Team based at The Home Office, Timberham House, World Cargo Centre, Gatwick Airport, West Sussex, RH6 0EZ submitted a review application in respect of The Rajkumar, 27 – 31 Springfield Road, Horsham, West Sussex, RH12 2PG.

Between May 2013 and February 2018 there have been four enforcement and compliance visits to The Rajkumar and a total of eleven illegal workers and immigration offenders have been found to be working who have no right to work in the UK.

The purpose of the hearing is for the Licensing Sub-Committee to consider the Review Application, in relation to the Licensing Act 2003's Licensing Objectives. The relevant Licensing objectives being:

The prevention of crime and disorder

The Chief Immigration Officer seeks to revoke the premises licence.

#### **Recommendations**

That the Committee is recommended:

- i) To determine the review application

#### **Reasons for Recommendations**

- i) The Sub-Committee is required to make a decision under the Licensing Act 2003

## **Background Papers**

1. Review Application (Appendix 1)
2. Immigration Officer's Supporting Evidence (Appendix 2)
3. Sussex Police Representation (Appendix 3)
4. Premises Licence (Appendix 4)
5. Notification of review letter to the Premises Licence Holders (Appendix 5)
6. Newspaper Article, dated the 08 February 2018 (Appendix 6)
7. Stated Legal Case (Appendix 7)

### **9. Wards affected:**

Trafalgar (Horsham Town)

### **Contact:**

Chris Boyle, Licensing Officer, extension 5578

## **Background Information**

### **1 Introduction and Background**

- 1.1 For the Sub-Committee to determine the application for the review of an existing premises licence.
- 1.2 At present The Rajkumar benefits from a premises licence (LI/05/1148/PREM) that was granted on the 14 February 2006 and since the date of grant, the premises licence holder has been Mr Abdul Shahid.

The granting of the above mentioned premises licence allows the following licensable activities to take place:

#### **Premises open to the public:**

Monday to Thursday ~ 07:30 to 23:00  
Friday & Saturday ~ 07:30 to 00:00  
Sunday & Bank Holidays ~ 10:00 to 22:30

#### **Sale by Retail of Alcohol**

Week Days Only: 07:30 till 23:00  
Friday & Saturday: 07:30 - 00:00  
Sunday & Bank Holidays: 10:00 - 22:30

#### **Late Night Refreshment:**

Monday to Sunday: 23:00 till 00:00hrs

### **2 Relevant Council policy**

- 2.1 Statement of Licensing Policy dated January 2014.

### **3 Details**

- 3.1 The Rajkumar is a centrally located in Horsham and has been trading for many years.
- 3.2 On the 23 April 2018, the Chief Immigration officer for The South East Immigration Compliance and Enforcement Team based at The Home Office, Timberham House, World Cargo Centre, Gatwick Airport, West Sussex, RH6 0EZ submitted a review application in respect of The Rajkumar, 27 – 31 Springfield Road, Horsham, West Sussex, RH12 2PG.
- 3.3 09.05.2013, Immigration inspection conducted at the premises and 6 (six) illegal workers were found. A civil penalty of £30,000 issued on the 12.03.2013 to Sadiq-Nishat UK Limited who did not object or appeal against the civil penalty and no payment was made though the company was later dissolved.

03.04.2014, Immigration inspection conducted at the premises and 2 (two) illegal workers were found with a civil penalty of £10,000 issued on the 23.05.2014 to ALM Horsham who did not object or appeal against the civil penalty and the company was later dissolved.

10.06.2018, Immigration inspection conducted at the premises and 2 (two) illegal workers were found at the premises with a civil penalty of £10,000 issued on the 09.08.2017 to Apex Horsham Limited who did not object or appeal against the civil penalties and at the time of this report being written the Home Office has appointed a debt recovery agent to recover the outstanding amount.

11.02.2018, Immigration visit conducted an arrest and detain an immigration offender at the premises. No civil action was commenced but it is worth noting Immigration Officer will be able to testify that they saw the offender in a waiter's uniform, standing in the entrance to the premises.

19.02.2018, Immigration inspection completed at the premises as they had reason to believe that an E.U. National had submitted representation to the Home Office claiming to be in a relationship with an individual detained during an earlier visit on the 11.02.2018. The relationship was proved to aid the individual arrested on the 11.02.2018 with his immigration status and the E.U. national was served papers as an immigration offender; please note an appeal has been lodge against this.

## **4 Next Steps**

- 4.1 The Licensing Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives.
- 4.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under the Section 182 Licensing Act 2003 (as amended) and the Council's own Licensing Policy
- 4.3 The Sub-Committee must take one of the following steps as it considers necessary for the promotion of the Licensing Objectives:
  - To modify the existing conditions on the premises licence
  - To exclude a licensable activity from the scope of the premises licence
  - To remove the Designated Premises Supervisor
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
- 4.4 The Sub Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the four licensing objectives.

## **5 Outcome of Consultations**

- 5.1 The application was advertised on the Horsham District Councils website and notices were displayed on the premises to inform the general public as required by the Licensing Act 2003.
- 5.2 A copy of the application was served on all statutory Consultees in accordance with the provisions contained within the Licensing Act 2003 and its associated regulations.
- 5.3 The following consultation response was received:
  - 5.3.1 Sussex Police – Representation in support of the review submitted by Sussex Police and dated the 14 May 2018 was accepted as valid representation (Appendix 3)

## **6 Other Courses of Action Considered but Rejected**

- 6.1 None

## **7 Resource Consequences**

- 7.1 None

## **8 Legal Consequences**

- 8.1 The Council has a duty to determine the application under the Licensing Act 2003

## **9 Risk Assessment**

- 9.1 This application does not relate to any of the specific risks on the Corporate Risk Register.

## **10 Other Considerations**

- 10.1 The Sub-Committee are to determine the application under the following four licensing objectives.

- The prevention of crime and disorder.
  - The prevention of public nuisance.
  - The protection of children from harm.
  - Public Safety.

- 10.2 The operation of the Licensing Sub-Committee is a quasi-judicial function and as such particular regard is to be had to Article 6 'the right to a fair trial'.