

# Arun District Council

<b>REPORT TO:</b>	<b>Licensing Sub Committee on 19 August 2024</b>
<b>SUBJECT:</b>	<b>Review of a Premises Licence: Passage to India, 15 The Square, Barnham, Bognor Regis, West Sussex, PO22 0HB Application Number 119872</b>
<b>CONTACT OFFICER:</b>	<b>Bob Brown – Licensing Officer</b>
<b>DIRECTORATE:</b>	<b>GROWTH</b>
<b>WARD MEMBERS:</b>	<b>Councillor Paul Ayling, Councillor Anita Lawrence and Councillor Sue Wallsgrove</b>
<b>WARD(S):</b>	<b>Barnham</b>

## 1. Purpose

1.1 Arun District Council ('the Council' and 'the Licensing Authority') has received an application for a review of a premises licence and is being presented to the Licensing Sub-Committee for determination.

## 2. Recommendations

2.1 That the Sub-Committee should make an evidence-based determination, justified as being appropriate for the promotion of the licensing objectives and provide reasons.

2.2 The Sub-Committee may only consider matters referred to in the representations relevant to the promotion of one or more of the four licensing objectives. These must be considered in the context of what is relevant to the review application.

## 3. Background

3.1 The Licensing Authority received an application on 2 July 2024 from the Home Office Immigration Enforcement Alcohol Licensing Team, Luna House, 40 Wellesley Road, Croydon, CR9 2BY ('the Applicant'), who seeks a licence review of the premises licence under the Licensing Act 2003 in relation to Passage to India, 15 The Square, Barnham, Bognor Regis, West Sussex, PO22 0HB ('the Premises').

3.2 This application for review has been recorded under reference number 119872 dated 2 July 2024 ('the Application').

3.3 The Sub-Committee is asked to determine the Application for review as the applicant contends that the licensing objective of (1) The prevention of Crime and Disorder has been seriously undermined by the employment of illegal workers. A copy of the Application can be found as **APPENDIX A and the supporting evidence is available as APPENDIX F.**

3.4 One supporting representation in this matter has also been received from Sussex Police. **(APPENDIX B).**

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3.5 The Licensing Authority may only consider matters referred to in representations relevant to the promotion of one or more of the four licensing objectives. These are.

1. The Prevention of Crime and Disorder
2. The Prevention of Public Nuisance
3. Public Safety
4. The Prevention of Harm to Children

3.6 The Sub-Committee is requested to determine the Application having regard to the operating schedule, representations received, the Council's Statement of Licensing Policy, the revised Section 182 guidance of the Licensing Act 2003 and the four licensing objectives.

## 4. Summary of Application

4.1 On 2 July 2024, the Licensing Authority received an application from the Applicant, who seeks to review the premises licence in relation to Passage to India, 15 The Square, Barnham, Bognor Regis, West Sussex, PO22 0HB.

4.2 On 27 January 2024, the Home Office Immigration Enforcement team visited the Premises, on arrival they found 8 persons working at the Premises and enquiries revealed that 5 of those persons were working illegally in the UK. A full detailed account of the visit is contained in the supporting information pack with the Review Application in **APPENDIX F**.

4.3 A copy of the Review Application and additional information is attached at **APPENDIX A and F**, the supporting representation from Sussex Police is at **APPENDIX B**, a copy of the existing Premises licence is at **Appendix C**, there is also a premises layout and map of the area at **APPENDIX D and APPENDIX E**.

## 5. Background information

5.1 Passage to India is an Indian restaurant situated at 15 The Square, Barnham, West Sussex it is licensed under the Licensing Act 2003 for the following licensable activities:

1. The Supply of Alcohol (on and off sales) 1200hrs to midnight,
2. Late Night Refreshment 2300hrs to midnight
3. The playing of Recorded Music 1200hrs to midnight.

The premises has been licensed by the Council since 24 November 2005, the current licence holder is Mr Muhammed Yousef ISLAM. A copy Licence can be found at **APPENDIX C**. The Premises layout can be found at **APPENDIX D** and Site Map can be found at **APPENDIX E**.

## 6. Consultation

6.1 The 28-day representation period ran from 2 July 2024 to 30 July 2024. Responsible Authorities were advised of the review on 2 July 2024. The Application was advertised in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, with the required blue notices being placed at the premises by an officer from the Licensing team. The Application was also published on the public licensing register.

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## 7. Responses Received and Consultation

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		<b>x</b>
Relevant District Ward Councillors		<b>x</b>
Other groups/persons (as below)	<b>x</b>	

### Valid objections received

One. Sussex Police. **Appendix B.**

## 8. Summary of relevant representations

8.1 The representation received from Sussex Police, a Responsible Authority under the Licensing Act 2003, supports the application to review the licence as they believe the Licensing Objective at 1 below has been seriously undermined, they further request that the Sub-Committee consider revoking the Premises Licence as a result. To support this request, they highlight paras 11.27 and 11.28 from the Government Sec 182 Guidance of the Licensing Act 2003 which gives guidance to licensing sub-committees in such circumstances.

1. Prevention of Crime and Disorder

## 9. Arun District Council Policy Considerations

9.1 The Licensing Authority introduced the current Licensing Act 2003 Statement of Licensing Policy (version 4.3 on 1 January 2020) ('the Policy') which will remain in force for a period of not more than five years and will be subject to revision and further consultation prior to 2025.

9.2 Annex 3 to the Policy, lists the considerations to be given to a review request and weight to be given to the evidence supplied with the application.

## 10. Options

10.1 The Home Office's revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023) must be taken into account when determining this Application.

10.2 The Sub-Committee is asked to consider the application and any additional supporting representation and having due regard to the licensing objectives, decide whether the Application for the review of the Premises Licence is accepted or rejected. The Sub-Committee will need to give reasons for their decision.

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## OPTIONS

10.3 Upon determination, the Sub-Committee will need to consider what action is deemed appropriate, they will need to provide their reasons for doing so in the decision notice. The options open to the committee are as follows;

1. Take no further action.
2. Issue a written warning.
3. Modify conditions on the licence.
4. Exclude a licensable activity from the licence.
5. Replace the DPS on the Licence.
6. Suspend the licence for up to 3 months.
7. Revoke the licence.

## 11. Implications in relation to the following Council policies:

(Explain in more detail at 12 below)

	YES	NO
Financial		x
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

## 12. Implications

12.1 Any decision made by the Licensing Sub-Committee can be appealed to the Magistrates Court.

## 13. Reasons for the decision

13.1 The Licensing Sub-Committee must provide reasons for their decision in writing

## 14. Background Documents

(1) The Licensing Act 2003 <https://www.legislation.gov.uk/ukpga/2003/17/contents>

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- (2) Home Office Statutory Guidance issued under Section 182 of the Licensing Act 2003 (December 2023)  
[https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)
- (3) Arun District Council Statement of Licensing Policy <https://www.arun.gov.uk/alcohol-licensing-statement-and-policy/>
- (4) Contested Application Hearing Procedures <https://www.arun.gov.uk/licensing-subcommittee-contested/>

## 15. Appendices

- Appendix A – Application for Review. Home Office.
- Appendix B – Supporting Representation. Sussex Police.
- Appendix C – Current Premises Licence.
- Appendix D – Premises layout plan
- Appendix E – Map of Location
- Appendix F – Review supporting information – Redacted. Home Office

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