



STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB
Telephone 01453 766321 • Facsimile 01453 750932
www.stroud.gov.uk

DECISION NOTICE **LICENSING ACT 2003** **REVIEW OF PREMISES LICENCE**

PREMISES ADDRESS	India Palace, 13-15 Church Street, Wotton-Under-Edge, GL12 7HB
LICENCE HOLDER	Mr Firuj Miah
REVIEW APPLICANT	Home Office Immigration Enforcement
APPLICATION REFERENCE	21/00041/LAREV
DATE OF HEARING	31 March 2021
DATE OF DECISION	1 April 2021
DECISION	Suspend for 3 months and add conditions to the licence

PRESENT

Hearing Panel – Cllrs Brine, Craig and Oxley
Vikki Fennell – Legal Officer supporting the panel
Sophia Rice – Licensing Officer
Rachel Andrew – Principal Licensing Officer
Julia Lockie - Home Office Immigration Enforcement
Firuj Miah – Licence Holder
Heath Thomas – Solicitor representing the licence holder
PC Nick Battye – Police Licensing

BACKGROUND

On 31st March 2021, Stroud District Council (“the Council”), being the relevant Licensing Authority, received an application from Home Office Immigration Enforcement (Immigration Enforcement) for a review of the Premises Licence under Section 51 of the Licensing Act 2003. The review request is based on an incident where persons were discovered to be employed at the Premises whilst not entitled to work in the UK.

IMMIGRATION ENFORCEMENT

Ms Lockie stated that on the 19th October 2019 a visit to the Premises carried out by Immigration Enforcement revealed the presence of 4 persons suspected to be employed whilst having no entitlement to work in the UK. Civil penalties totalling £10,000 were subsequently assessed in respect of 1 of those persons. Ms Lockie said that the discovery of such unlawful working demonstrated a failure to meet the licensing objective of the prevention of crime and disorder and requested that the Panel revoke the Premises Licence.

POLICE

PC Nick Batty from Gloucestershire Constabulary stated that the Police supported the Immigration Enforcement's request for a review on the grounds of the prevention of crime and disorder and public safety. Furthermore, PC Batty stated that the licence holder had provided the wrong information pertaining to his home address and that this change had not been notified to the Council.

OTHER REPRESENTATIONS

There was one representation from a resident supporting the Home Office review application and sixteen representations in support of the premises from local residents and businesses saying they feel the premises are valuable to the local community and are run in a responsible manner.

DECISION

The Panel decided to **SUSPEND** the licence for a period of three months and to add the conditions below as proposed by Immigration Enforcement and the Police, as agreed and accepted by the licence holder through his advocate.

1. The Premises Licence Holder shall ensure that a digital CCTV system is installed at the premises which shall continually record whilst the premises are open to the public. The system shall be maintained to ensure that it is working correctly, and recordings shall be kept for a minimum of 31 days chronologically with time and date stamping. There shall be at least one camera positioned at each entry and exit point of the premises and at least one camera covering the kitchen area. Recordings shall be made immediately available to Police or an authorised officer of the Licensing Authority, together with facilities for viewing and a copy of any required recordings upon request. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.
2. The Premises Licence Holder (PLH) shall ensure that there is a CCTV Logbook kept at the premises and will ensure that actions are taken by staff to record;
 - Weekly checks of the CCTV system to ensure that it is working and recording correctly.
 - All checks shall be timed, dated and signed by the person carrying out the check.

- Should any defect be discovered the PLH shall immediately be made aware and the defect recorded in the Logbook and a suitably qualified CCTV Engineer contacted.
 - Should the CCTV system stop working for any reason then the Licensing Authority shall be notified within 24 hours upon discovery.
 - This CCTV Logbook will be made available for inspection by Police or authorised officers of the Licensing Authority upon request.
3. The Premises Licence Holder shall ensure that an Incident Logbook is kept at the premises at all times. All incidents which impact on any of the four licensing objectives and any incidents of any person other than bona fide members of staff found in staff only areas shall be recorded. The names of the person recording the incident and those members of staff who deal with any incident shall be recorded. Where known, any offenders name shall also be recorded. A weekly review of this logbook shall be carried out by the DPS or nominated representative and each entry signed and dated. This logbook shall be made available for inspection by Police or an authorised officer of the Licensing Authority upon request.

REASONS

The Panel had regard to what was said by Immigration Enforcement and the Police.

The Panel also had regard to the Licensing Act Statutory Guidance issued under s182 of the Licensing Act 2003.

The Panel further considered the representations from the licence holder's advocate.

The Panel noted that there was a clear breach of the licensing objective in relation to the prevention of crime and disorder. The licence holder had employed a person illegally. The case by Immigration Enforcement had been closed and the licence holder received a fine of £10,000. The Panel accept that the establishment had been poorly managed.

However, the Panel took in to account the fact that there had been almost 18 months since Immigration Enforcement visited the Premises, the fact that the Premises had operated throughout the pandemic, even if only as a take away venue, and the fact that there had been no further evidence of any wrong doing from either Immigration Enforcement or the Police.

Furthermore, the Panel noted that it was a family run business and the community had been enjoying the Premises for a number of years. The Panel therefore believed that revocation would not achieve the desired result. Suspension and the imposition of tighter conditions would be more beneficial.

The Panel would urge the interested parties to carry out spot checks on the Premises going forward to ensure compliance with the licence conditions.

RIGHT OF APPEAL

Any person who is aggrieved by the Panel's decision has the right to appeal to the Magistrate's Court. Any such appeal must be made within 21 days of the date of this letter. The Panel's decision will not come into effect until the end of the period for appealing the decision or after any appeal has been heard.