



**Notice of a meeting of
Licensing Sub Committee-Alcohol and Gambling**

**Monday, 4 February 2019
2.00 pm
Pittville Room - Municipal Offices**

Membership	
Councillors:	Roger Whyborn, Dennis Parsons and Diggory Seacome
Officers:	Vikki Fennell and Louis Krog

Agenda

1.	ELECTION OF CHAIR	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	MINUTES OF THE LAST MEETING	(Pages 3 - 6)
5.	DETERMINATION OF APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE India Lounge, 12 Suffolk Parade, Cheltenham	(Pages 7 - 20)
6.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION	

Contact Officer: Sophie McGough, Democracy Officer,
Email: democratic.services@cheltenham.gov.uk

This page is intentionally left blank

Licensing Sub-Committee – Alcohol and Gambling

17th December 2018

Councillors: Roger Whyborn (Chair), Diggory Seacome, Dennis Parsons

Officers in attendance: Phil Cooper, Donna Marks

Also present: Councillor Sudbury, on behalf of local residents
Debbie Coulter (applicant), Jeff Whiteley, Andrew Coulter

Minutes

1. Election of Chair

The sub-committee nominated Councillor Whyborn as Chair of the meeting.

2. Apologies

There were none.

3. Declarations of interest

There were none.

4. Minutes of last meeting

Minutes of the meeting held on 20th September 2018 were approved as an accurate record, without amendment.

5. Determination of an application for a premises licence: My Coffee, 186 Bath Road

The Licensing Officer introduced the application, made under the Licensing Act 2003, for a premises licence in respect of My Coffee, 186 Bath Road Cheltenham. The applicants are seeking a licence to authorise the sale of alcohol for consumption on and off the premises and the playing of recorded music and films. The proposed times for licensable activities are 7.30am – 11pm Monday to Saturday and 9am – 11pm on Sunday.

During the consultation process, none of the responsible authorities commented on the application but 14 representations were received from other people. These are reproduced as an appendix to the report pack.

Some of the comments made by objectors are discussed in more detail at paragraph 7.5 of the report. The consideration for the sub-committee is whether the sale of alcohol and the provision of recorded music and films at the premises will compromise the licensing objectives, which are:

- (a) prevention of crime and disorder;
- (b) public safety;
- (c) prevention of public nuisance; and
- (d) protection of children from harm.

The options available to the sub-committee are to:

- grant the licence as applied for, or with such amendments and conditions as members feel are appropriate for the promotion of the licensing objectives, or
- refuse the application.

Page 4

As Members did not have any questions for the officer at this stage, Councillor Whyborn invited the applicant to state her case, to be followed by Councillor Sudbury speaking on behalf of local residents. He confirmed that the applicant would get the chance to respond to any objections.

The applicant

The applicant explained that she took on the coffee shop four years ago, always intending to apply for a licence. The business will remain first and foremost a coffee shop, extending its offer to selling beer and wine occasionally; there is no intention to turn it into a bar. Many objectors have misunderstood this – the business will offer food in the evening, and although the application is for 11.00pm Monday-Sunday, it will probably be open till that time only two or three nights a week. Use of the premises may be offered to other people or groups, such as a local film club, but overall, there will be no drastic change.

Councillor Sudbury, on behalf of local residents

There is some concern from local residents about this application. As stated in her own representation, a few things which need clarification, but nothing insurmountable; has no personal criticism of the applicants or the business, and loves and visits Bath Road every week.

Neighbour concerns can be summarised as follows:

- i. Smoking. If people are drinking, some will want to smoke or vape outside; the pavement is busy to the front and narrow to the side of the premises, and anyone walking home may feel intimidated by groups of people blocking pavements. Also, residents in the flat over Parsons Bakery opposite may be disturbed.
- ii. Litter. On the two-way part of Exmouth Street, there is a litter problem, with vans parking here for drivers to get sandwiches etc, and overflowing bins. There are always a lot of cigarette butts in this area, which could increase with My Coffee smokers; will the applicant undertake to sweep the street to the side of the premises, or install a stubber?
- iii. Noise. There will be noise from inside the premises from recorded music, and although a certain level of noise is expected in this area, can a condition be included to prevent a DJ from playing loud music?
- iv. Disposal of glass bottles. This can create noise which travels and could disturb local residents. Can a condition be included to control the timings of handling and disposing of glass to minimise any disturbance?
- v. Traffic. The two-way section of Exmouth Street is busy, and people congregating on the pavement here could be at risk.
- vi. Refreshments. Is the applicant intending to carry on trading as at present, the only difference being the inclusion of alcohol?
- vii. A few residents mentioned current issues of waste liquids being disposed of down the drain and the side door of the premises being left open

Member questions

In response to questions from Members, the applicant stated that:

- i. The coffee shop currently opens until 6.00pm, and the intention is to open until 11.00pm no more than two or three nights a week. Under temporary event notices, it has opened until 11.00pm on Thursday, Friday and Saturday; the most likely scenario going forward will be to open for its own purposes on Friday and Saturday nights, and on an ad hoc basis at other times. It will continue as a coffee shop, as at present.
- ii. A maximum 80 people can be accommodated at one time –this will be very crowded.

- iii. The small pavement at the side is too narrow for smokers to use. There is currently a stubber by the Co-op next door; maybe smokers could use this, or it could be improved?
- iv. If used to show films, this will be just for small groups of people. A film club has already made an approach, considering the premises ideal for its needs.
- v. No glass, bottles or china will be allowed outside. The only drinks to be taken outside will be a 'coffee cocktail' in a paper coffee cup.
- vi. The intention is to dispose of bottles first thing in the morning.
- vii. The music to be played will be predominantly background music, as now. There is no intention to play loud music or hold late-night parties. The target customers are most likely to be older people who want to sit and talk.
- viii. A condition to limit the music to recorded background music would not be an issue, although ideally live music, such as open mic nights, would be an option;

The licensing officer explained at this point that a lot of entertainment no longer needs a licence as the government has deregulated it. Incidental recorded music, such as background music, does not need a licence. In addition, premises that are licensed to sell alcohol for consumption on the premises can, without needing a music licence, put on performances of live music up to 11pm as long as the audience is below 500. There is therefore no need for any kind of music licence in the scenario presented, and this part of the application could be removed.

- ix. Confirmed that the main intention is to create a continental-style bar, open for coffee, food and alcohol throughout the day.
- x. Confirmed that a condition to establish an agreed smokers' station is acceptable.
- xi. Confirmed that a condition that no alcohol be taken onto the street is a good thing, and should minimise the amount of time smokers spend outside.
- xii. Confirmed that there will not be any door staff, but that the coffee shop has enormous glass windows, which will allow staff to keep a close eye on what is happening outside.

The Chair allowed Councillor Sudbury to make a further comment at this point of the meeting; she stated that, had neighbours known that an alcohol licence included permission for live music during the licensed hours, there would have been many more objections. There are different types of live music, and this is a long-running issue in other parts of the town, with businesses and residents suffering because there are no conditions regarding decibels, windows and doors being shut etc. As this point had not been raised previously, the Chair said that common sense would have to prevail, and such issues would have to be covered by a planning application rather than licensing.

In response to questions from Members, the licensing officer confirmed that:

- i. A condition can be included to restrict the times at which glass bottles can be disposed of. This could constitute public nuisance at certain times, and could be controlled under a statutory noise order if necessary, through environmental health officers.
- ii. With regard to customers buying 'coffee cocktails' to take away, and whether this would contravene public protection on drinking on the street, in Cheltenham people are allowed to drink in public but if they refuse to stop on being told to do so by an authorised officer, they commit an offence.
- iii. A carefully-worded condition can be included to allow customers to take alcoholic drinks away, but not allow them to take them outside while smoking.

Applicant summing-up

The applicant was happy that all issues had been covered, and reiterated the analogy with a continental coffee bar; the intention is not to create a pub or bar. Noise will be limited, any

obstruction to the pavement will be monitored and dealt with, and litter swept up. My Coffee is not trying to be a nuisance, but to create a new offer to local residents.

Member summing-up

In response to the discussion, the Chair suggested that the application was acceptable, subject to the following conditions:

- i. A smokers' station to be installed on Bath Road, in close proximity to the premises, to cater for smokers and their litter.
- ii. Alcohol must not be taken onto the street, except for off-sales to be taken away.
- iii. Noise will be controlled, particularly the disposal of bottles, which won't be done after closing time or any other unreasonable hours.

The application for the playing of recorded music is not needed and could be refused, to keep matters simple.

Before moving to the vote, Members, officers and the manager of My Coffee looked at a satellite image of the premises, and agreed that there was no room on the front of the building for a stubber. Councillor Parsons felt that Exmouth Street would be an acceptable location for smokers and a stubber, and that other people will have to walk round them if necessary.

The applicant confirmed that she was happy for the application to be amended, to remove the recorded music element.

Vote

Vote on granting premises licence as set out in application, with exception of recorded music element, subject to the following conditions:

- i. Smokers' station to be installed on Exmouth Street, as near as possible to Bath Road
- ii. No alcohol to be taken onto the streets, other than off-sales
- iii. Noise to be controlled, with due regard to residents – no glass disposal after closing time or before opening time (7.30am on weekdays, 8.00am on Saturday, 9.00am on Sunday)

Precise wording to be delegated to officers

3 in support – unanimous

Vote on refusing application for recorded music as this is not required:

3 in support – unanimous

The legal officer advised the applicant that the licence will be issued by the end of the week, and any aggrieved parties have 21 days in which to object, through the Magistrate's Court. The licence will commence with immediate effect, from today's date.

Alcohol and Gambling Licensing Sub-committee – 4 February 2019

Licensing Act 2003: Determination of Application for the transfer of a premises licence

India Lounge, 12 Suffolk Parade, Cheltenham

Report of the Licensing Team Leader

1. Introduction

- 1.1 The Licensing Act 2003 (the Act) allows applicants to apply to transfer an issued premises licence.
- 1.2 In this case, an application to transfer a premises licence was received on 4 January 2019 from Mr Ansar Ali in respect of India Lounge, 12 Suffolk Parade in Cheltenham. A copy of the application is included at **Appendix A**.

1.3 Implications

- 1.3.1 Legal A sub committee is required to discharge its duty and determine an application with a view to promoting the licensing objectives. These objectives, which are set out in section 4(2) of the Licensing Act 2003, are: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

One Legal

E-mail: legalservices@teWKesbury.gov.uk

2. Application (Ref. 18/03318/PRMTFR)

- 2.1 Applicant: Mr Ansar Ali
- 2.2 Agent: N/A
- 2.3 Premises: India Lounge, 12 Suffolk Parade, Cheltenham, Gloucestershire, GL50 2AB

3. Consultation

- 3.1 A relevant objection was received from the Home Office acting as responsible authority in relation to this application. A copy of the representation is attached at **Appendix B**.

4. Local Policy Considerations

- 4.1 The Council's adopted licensing policy statement (Council 10/12/2015) includes the following:

India Lounge		
	Page 1 of 6	Last updated 25 January 2019

- i) **Each objective is of equal importance** and the licensing authority has developed policies relating to each objective. The objectives are the only matters to be taken account in determining applications and applying conditions.
- ii) The licensing authority will only apply terms and conditions to licences which promote one or more of the licensing objectives and are relevant to the individual circumstances of the application. Conditions may be drawn from those set out in Appendix B and / or tailored to particular circumstances and they will be focused on matters within the control of the individual licensees and others granted relevant permissions.
- iii) The licensing authority will expect all individual applicants to address the licensing objectives in their operating schedule having regard to the premises, the licensable activities to be provided, the operational procedures, the nature of the location and the interests of the local community. The licensing authority expects that any conditions that are necessary will, in the first instance, be identifiable from prospective licensees or certificate holders' risk assessments.
- iv) Applicants will have to translate their assessments into measures which promote one or more of the licensing objectives and record them in their operating schedule.
- v) The licensing authority will not impose any conditions unless, following the receipt of relevant representations, it has used its discretion at a hearing and been satisfied of the validity of those concerns.
- vi) The licensing authority will consider every application on its individual merits with regard to this policy statement and to the Licensing Committee's Probity Code. The licensing authority will seek to balance the needs of the wider community, local community and commercial premises and activities, against those who may be concerned about adverse impacts from licensed premises. The views of vocal individuals or groups will not necessarily prevail over the general interests of the community. In every case the licensing authority will focus on disproportionate or unreasonable impacts of the licensable activities on people living, working and sleeping in the vicinity.

5. National Guidance

- 5.1 Statutory guidance has been issued under Section 182 of The Licensing Act 2003. The sub-committee must have regard to the guidance when discharging its functions under the Act. Relevant extracts from the guidance are below.

Licensing objectives and aims

- 5.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 5.3 The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 5.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

Each application on its own merits

- 5.5 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Home Office Immigration Enforcement acting as a responsible authority

- 5.6 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Crime & disorder

- 5.7 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Transfers of premises licences

- 5.8 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment. Where it is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police and the Home Office (Immigration Enforcement) no later than the first working day after the application is given. However, the responsibility to notify the DPS remains with the applicant. Otherwise the general guidance on electronic applications set out in paragraphs 8.21 to 8.28 applies.
- 5.9 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police or the Home Office (Immigration Enforcement) raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.
- 5.10 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The

Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

- 5.11 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or the Home Office (Immigration Enforcement).

Hearings

- 5.12 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

- 5.13 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives;
- The representations (including supporting information) presented by all the parties;
- This Guidance;
- Its own statement of licensing policy.

Determining actions that are appropriate for the promotion of the licensing objectives

- 5.14 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 5.15 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 5.16 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is

imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

6. Licensing Comments

- 6.1 The sub-committee is under a statutory duty to determine this application with a view to promoting the licensing objectives. The guidance identifies immigration related offences as being relevant to the “prevention of crime and disorder” objective. As such, the primary consideration for the sub-committee is to ensure that the crime and disorder objective is not adversely affected by the grant of this application to transfer the premises licence.
- 6.2 In August 2016, the premises licence for Indian Voojan, of which Mr Ali is the licence holder, was subject to a review following an application submitted by Gloucestershire Constabulary. The review application was submitted in response to illegal workers found on the premises by Home Office Immigration enforcement staff.
- 6.3 In relation to the premises review application, the sub-committee resolved to suspend the premises licence for Indian Voojan for four weeks from 16/09/2016 to 13/10/2016.
- 6.4 This application must be determined on its individual merits, and in doing so, the sub-committee must have regard to the statutory guidance, the council’s licensing policy statement and the representations received.
- 6.5 The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives which can include:
- Granting the application as requested;
 - Modifying the conditions attached to the licence; or
 - Refuse the application
- 6.6 If the sub-committee is minded to attach or modify conditions attached to the grant of this licence, the sub-committee must be mindful of the statutory guidance relating to the imposition of conditions as outlined below:

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- Must be tailored to the individual type, location and characteristics of the premises and events concerned;
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Should not replicate offences set out in the 2003 Act or other legislation;
- Should be proportionate, justifiable and be capable of being met;

- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Should be written in a prescriptive format.

Background Papers

Service Records

Report Author

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 262626

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We ANSAR ALI -----
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>12 Suffolk Parade</u> <u>Cheltenham</u>	
Post town	Post code
<u>GL50-2AB</u>	<u>Cheltenham</u>
Telephone number at premises (if any)	<input type="text"/>

Please give a brief description of the premises (see note 1)
<u>Restaurant</u>

Name of current premises licence holder
<u>ABDUL MANAN</u>

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ☒ yes

please complete section (A)

a) an individual ~~or individuals*~~

b) ~~a person other than an individual *~~

i. as a limited company

ii. as a partnership

~~iii. as an unincorporated association or~~

iv. other (for example a statutory corporation)

please complete section (B)

- c) ~~a recognised club~~ please complete section (B)
- d) ~~a charity~~ please complete section (B)
- e) ~~the proprietor of an educational establishment~~ please complete section (B)
- f) ~~a health service body~~ please complete section (B)
- g) ~~an individual who is registered under Part 2 of the Care Standards Act 2000 (e14) in respect of an independent hospital in Wales~~ please complete section (B)
- ga) ~~a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England~~ please complete section (B)
- h) ~~the chief officer of police of a police force in England and Wales~~ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick ☒ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - ~~o statutory function or~~
 - ~~o a function discharged by virtue of Her Majesty's prerogative~~

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

Date of birth am 18 years old or over Please tick ☒ yes

Nationality British

Current residential
address if
different from
premises address

Rehnder terrace
5 Montpelier
Street, Cheltenham

Post town

Cheltenham

Post code

GL50-1SW

Daytime contact telephone number

E-mail address
(optional)

(optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

N/A

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

Please tick ☐ yes

Date of birth

I am 18 years old or over

Nationality

Current residential
address if
different from
premises address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

(optional)

(B) OTHER APPLICANTS

N/A

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick ☐ yes

Are you the holder of the premises licence under an interim authority notice? **NO**

Do you wish the transfer to have immediate effect? yes

If not when would you like the transfer to take effect?

Day	Month	Year
-----	-------	------

Please tick ☒ yes

I have enclosed the consent form signed by the existing premises licence holder *JP*

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☐ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick ☒ yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4).

If signing on behalf of the applicant, please state in what capacity.

2

Signature

Date

18/12/2018

2

Capacity

Director

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

N/A

Signature

This page is intentionally left blank



**Immigration
Enforcement**

Interventions & Sanctions
Lunar House
40 Wellesley Road
Croydon
Surrey, CR9 2BY

T 0208 196 4041
www.gov.uk/home-office

Ansar Ali
12 Suffolk Parade
Cheltenham
GL50 2AB

Our Ref.: AL21640

17 January 2019

Immigration representation in respect of a premises licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations for the following Transfer of a premises licence application, relating to the crime prevention objective, including the prevention of illegal working and immigration crime in licensed premises.

Home Office (Immigration Enforcement) wishes to make representations on the following:
(Select as appropriate)

- ☒ **X Application for the transfer of an existing premises licence**

Licensing Authority application reference number	
Immigration Enforcement reference number	TS38GCP1030
Applicant name	Ansar Ali
Address of premises	12 Suffolk Parade Cheltenham GL50 2AB
<i>Immigration Enforcement Contact 1</i>	
Name	Alcohol and LNR Team
Address	Interventions and Sanctions Directorate 40 Wellesley Road Croydon CR9 2BY
Telephone no.	
Email address	Alcohol@homeoffice.gov.uk

Immigration Enforcement Contact 2 (If applicable)	
Name	
Telephone no.	
Email address	

Representations are being made for the following reasons:

On 25/02/2016 and enforcement visit was conducted at Indian Voojan, Rotunda Terrace, 5 Montpellier Street, Cheltenham, GL50 1SW. Four illegal workers with no permission to work were encountered. A civil penalty was issued to Ansar Ali and £13,978.80 remains unpaid.

Representation:

Objection to the grant of a premises licence to the applicant

Reasons for which there is a risk to the licensing objectives, and why the objection or conditions proposed are appropriate to prevent crime including illegal working in licensed premises.

Home Office (Immigration Enforcement) as a responsible authority- Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications.

In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working

We feel that this individual breaches the licensing objecting - Prevention of crime and disorder. The above findings constitute a risk of non compliance.

Date:17/01/2019.....