LICENSING PANEL
25 JULY 2018
2.00 - 2.37 PM

Bracknell Forest Council

Present:
Councillors Allen (Chairman), Brossard and Ms Gaw

Also Present:
Andy Deane, Thames Valley Police
Charlie Fletcher, Licensing Officer
Donald Adams, Legal Advisor
Lizzie Rich, Clerk

42. **Declarations of Interest**

There were no declarations of interest.

43. **The Procedure for Hearings at Licensing Panels**

The procedure for hearings at Licensing Panels was noted and understood by all.

44. **Application for new premises licence in respect of Sandhurst Tandoori, Yorktown Road, Sandhurst**

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- a representative of Thames Valley Police who had raised an objection
- the Applicant (in absentia),

together with reference to the appropriate provisions and Licensing objectives under the Licensing Act 2003, the Home Office's guidance in respect of the same and the Council's own Statement of Licensing Policy. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all that they wished to say.

The Panel proceeded without a representative for the applicant in attendance, as the applicant had confirmed that they agreed for the matter to be heard in their absence. The Panel considered the content of the written application for the new Premises Licence.

The Panel considered representations made by Thames Valley Police, which gave details of a chronology of Police and Home Office Immigration Office involvement with the premises dating from 6 September 2017, which had ultimately resulted in the previous premises licence being revoked at a Licensing Panel of this Authority on 23 April 2018. The Police representations also detailed a recent meeting between Andy Dean, Licensing Officer at Thames Valley Police, and the applicant, Mr William Cowie, following which the Police continued to have concerns as to the suitability of the application.

The Panel bore in mind the promotion of the four licensing objectives, and agreed that the Prevention of Crime and Disorder objective was likely to be compromised if the licence were granted. The Panel decided that granting the licence would have an adverse impact on the promotion of the four licensing objectives, and agreed not to grant the Licence.

Reasons
The Panel agreed that there was a lack of substantial information regarding the new applicant, who had not previously been associated with the licence or named during Home Office investigations. The Panel was not satisfied that sufficient detail had been provided about the applicant's responsibility or role within Sandhurst Tandoori in order to give assurance of sufficient change in the management regime and of sufficient steps taken and further to be taken to promote the licensing objectives.
It was understood that the applicant was a current employee of the business under the management of the existing owner and former licence holder, Mr Miah, who had been the manager when employees of Sandhurst Tandoori had been found to be working illegally by the Home Office Immigration Compliance. Thames Valley Police commented that they would continue to object to the licence of the premises whilst connected to the present management.

The Panel was concerned that there was no evidence that the management structure of the business had changed since previous offences took place. If the applicant had been in attendance, the Panel would have probed this matter and would have asked what steps had been taken to prevent future offences. In absence of an applicant representative, the Panel considered there to be a lack of evidence before it in this regard.

The Panel did not feel that sufficient restitution had been demonstrated by Sandhurst Tandoori since the offences had been committed and subsequently investigated by the Home Office. The Panel had hoped to see the application form make reference to measures taken by Sandhurst Tandoori to support the Prevention of Crime and Disorder and to prevent the employment of people subject to Immigration Control, but this was not the case. There was no detail in the application form to give assurance that procedures had changed in the employment and vetting process, and the Panel was aware that the existing management had not sufficiently vetted employees in the past.

In summary the Panel did not grant this licence due to concerns that to do otherwise would not promote the licensing objectives, the Prevention of Crime and Disorder licensing objective in particular. The Panel considered its decision an appropriate, justified and proportionate determination of the application before it having due regard to provisions of the Licensing Act and applicable guidance and policy.

It was noted that while the premises licence had been revoked on review in April 2018, the premises continued to hold alcohol available to provide for free to its regular customers. Although consumption on premises was not a licensable act, the practice was discouraged by the Panel and officers present as it could constitute sale in conjunction with a purchased meal. The Panel noted, however, that customers were able to supply and consume their own alcohol at the premises.

CHAIRMAN