



**COTSWOLD**  
DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>LICENSING SUB-COMMITTEE – 24<sup>th</sup> July 2023</b>
Subject	<b>REVIEW OF A PREMISES LICENCE – Spice Room Indian Restaurant, 3 Oxford Street, Moreton in Marsh GL56 0LA</b>
Wards affected	Moreton In Marsh
Accountable Member	Planning and Licensing Committee
Accountable officer	Kevin Dunford, Licensing Officer Tel: 01285 623000 Email: kevin.dunford@publicagroup.uk
Summary	To decide, having regard to the application made for the review of this premises licence and any relevant representations made in response to it, what steps are to be taken (if any) as the Sub-Committee considers necessary for the promotion of the licensing objectives
Annexes	<b>Annex A</b> – Copy of application for a review of the Premises Licence submitted by the Home Office <b>Annex B</b> – Home Office Licence Review Pack <b>Annex C</b> – Location plan <b>Annex D</b> – Premises Licence <b>Annex E</b> – Decision Letter <b>Annex F</b> - Licence Holder Submission <b>Annex G</b> - Request for an adjournment <b>Annex H</b> – Statement of Licensing Policy <b>Annex I</b> – Section 182 guidance
Recommendation	a) <i>That the Sub-Committee considers the application and decides whether to:-</i> <ul style="list-style-type: none"><li>• <i>Leave the premises licence unchanged</i></li><li>• <i>Modify the conditions of the licence</i></li><li>• <i>Remove the Designated Premises Supervisor (DPS)</i></li><li>• <i>Suspend the licence for a period of not exceeding 3 months</i></li><li>• <i>Revoke the licence</i></li></ul>



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Corporate priorities	Ensure that services delivered by the Council are delivered to the highest standard
Key Decision	No
Exempt	No
Consultees/ Consultation	A 28 day consultation has been undertaken with all Responsible Authorities, Ward Member, Town Council and advertised in accordance with the Licensing Act 2003.

## **1. BACKGROUND**

- 1.1.** Under the Licensing Act 2003 (the Act) there is a provision for the review of premises licences and club premises certificates. This allows residents and businesses in the area of licensed premises, together with regulatory authorities, to voice their concerns regarding any person that has a premises licence.
- 1.2.** A review has been sought against the Premises Licence in relation to the Spice Room Indian Restaurant, 3 Oxford Street, Moreton in Marsh on the grounds of Crime and Disorder.
- 1.3.** The review has been applied for by the Home Office Immigration Enforcement, Alcohol Licensing Team, Lunar House, 40 Wesley Road, Croydon CR9 2BY **Annex A** (hereafter referred to as 'the Home Officer').
- 1.4.** A copy of the Home Office's evidence and representations can be found at **Annex B**.
- 1.5.** A plan of the location of the premises can be found at **Annex C**.
- 1.6.** The application was submitted on 31 May 2023 and has been advertised in accordance with the legislation

## **2. LICENCE HOLDER**

- 2.1.** Mrs Yarum Islam has been the premises licence holder since August 2018. A copy of the Premises Licence can be found at **Annex D**

## **3. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES AND OTHER PERSONS**

- 3.1.** During the representation period no representations were received.

## **4. PREVIOUS REVIEW HEARING**

- 4.1.** On the 18<sup>th</sup> October 2018 the Licence Holder appeared before the Licensing Sub-Committee for a review of the Premises Licence. This was as result of an application submitted by the Home Office. The outcome of that hearing was to impose additional conditions on the Premises Licence. This is set out in the decision letter in **Annex E**.

## **5. REPRESENTATIONS FROM THE REVIEW LICENCE HOLDER**

- 5.1.** The Licence Holder is represented by FJF Licensing Consultants. Representations have also been made in support of the Licence Holder. These representations have been set out in **Annex F**.
- 5.2.** Her representative has also requested an adjournment of this Review as set out in **Annex G**. The stated reason for the request is so that an expert can appear on behalf of the Licence Holder. Enquires have been made with the Licence Holder's representative as to why an



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expert is required at the hearing. An explanation has been provided and forwarded onto the Home Office for a response shortly before finalising this report.

## **6. RELEVANT STATUTORY PROVISIONS**

**6.1.** The Licensing Authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives. The licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm

In addition, in carrying out its licensing functions, the Licensing Authority must also have regard to its own Statement of Licensing Policy (**Annex H**) and any guidance issued by the Secretary of State under section 182 of the 2003 Act (**Annex I**).

Where an application for the review of a licence has been made, the Licensing Authority must, having regard to the application and any relevant representations, and take such steps, as it considers necessary for the promotion of the licensing objectives. The following steps are open to the Sub-Committee:

- to modify the conditions of the licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added (Section 52, Licensing Act 2003).

## **7. NATIONAL GUIDANCE**

**7.1.** As stated above, in carrying out its licensing functions, the Licensing Authority must have regard to any guidance issued by the Secretary of State under section 182 of the 2003 Act. In the case of the review of a licence the relevant guidance is contained in chapter 11 of the Amended Guidance issued under section 182 of the Licensing Act 2003 by the Home office in April 2018. The following paragraphs are of particular relevance:

Paragraphs 11.16 – 11.23 (inclusive): Powers of a Licensing Authority on the determination of a review.

## **8. PUBLICATIONS**



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- 8.1.** The Council's statement of Licensing Policy is attached at **Annex H**.
- 8.2.** Revised guidance issued under section 182 of the Licensing Act 2003 is attached at **Annex I**.
  
- 9. FINANCIAL IMPLICATIONS**
  - 9.1.** There are no financial implications arising directly from this report. There are, however, possible cost implications if an appeal against the decision is made to the Magistrates' Court and the decision of the Sub-Committee is not upheld.
  
- 10. LEGAL IMPLICATIONS**
  - 10.1.** The Licence Holder, applicants, interested parties and responsible authorities have the right to appeal against the Sub-Committee's decision to the Magistrates' Court.
  
- 11. RISK ASSESSMENT**
  - 11.1.** There are no risks arising from this report.
  
- 12. ALTERNATIVE OPTIONS**
  - 12.1.** The options for the Sub-Committee are set out in the recommendations section of this report.