

Agenda Item 3.

TITLE	Haweli Twyford 15 Church Street, Twyford RG10 9DN Objection To Transfer Of Premises Licence PR0194 By Home Office Immigration Enforcement
FOR CONSIDERATION BY	Sub Committee of the Licensing and Appeals Committee on 19 April 2018
WARD	Twyford
LEAD OFFICER	Karen Court - Licensing Officer Julia O'Brien – Team Manager Sean Murphy – Public Protection Manager

PURPOSE OF REPORT

In accordance with S44 of the Licensing Act 2003 and the Wokingham Borough Council Licensing Policy, the application is referred to the Licensing and Appeals Sub Committee for determination as an objection to the transfer of the premises licence has been received from Home Office Immigration Enforcement.

OUTCOMES

To provide relevant information for the Sub Committee to consider and determine the application from Home Office Immigration Enforcement who have objected to the transfer of premises licence PR0194 for Haweli Twyford from Mr Mainul Islam to Mr Harun Miah.

RECOMMENDATIONS

The Sub Committee to determine the application in light of the objection received, with conditions and/or amendments as appropriate.

SUPPORTING INFORMATION

Background

Section 42 of the Licensing Act 2003 provides for the chief officer of police or Home Office Immigration Enforcement to make objection to the transfer of a premises licence.

Before determining the application, the authority must hold a hearing to consider it and take steps as it considers necessary for the promotion of the licensing objectives.

In determining the application, the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

For the purposes of the Licensing Act 2003, a child is an individual aged under 18.

The Licensing Authority must have regard to the objection received, the Licensing Authority's statement of licensing policy and the statutory guidance issued under Section 182 of the Licensing Act 2003.

On 15 February 2018 Home Office Immigration Enforcement submitted their application for review of premises licence PR0194. This is not the subject of this hearing.

Emails were subsequently received from Mr Muhammad Sattar (manager of Haweli Twyford) asking about the process to transfer and change the designated premises supervisor (DPS) for the licence.

On 8 March 2018 Wokingham Borough Council received the application to transfer the premises licence from Mr Mainul Islam to Mr Harun Miah. Mr Miah has also applied to become the new designated premises supervisor (DPS).

On 20 March 2018 Home Office Immigration Enforcement submitted their objection to the transfer. This was also sent to Mr Harun Miah at his home address.

The grounds for objection given are:

Serious concerns regarding the overall management of the premises and the prevalence of illegal working being found at the business.

Thames Valley Police responded to confirm they have no objection to the transfer.

On 28 March 2018 Home Office Immigration Enforcement provided their further submission which gives more detail of their enforcement activity and states that they are seeking full revocation.

Mr Harun Miah has been invited to submit additional information in support of his application if he wishes to do so, to date this has not been received.

List of Attachments

Copy of current premises licence PR0194
Application to transfer premises licence
Home Office Immigration Enforcement Objection To Transfer submission and supplementary submission
Thames Valley Police confirmation of no objection

Reasons for Decision

N/A

Alternative Options considered, if any

None .

Reasons for considering the report in Part 2

List of Background Papers
Exhibit List as Detailed above

Contact Karen Court	Service Public Protection Partnership
Telephone No 01635 519791	Email karen.court@westberks.gov.uk
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