

West Devon Licensing Sub-Committee



West Devon
Borough
Council

Title:	Agenda
Date:	Tuesday, 9th April, 2024
Time:	10.00 am
Venue:	Chamber - Kilworthy Park
Full Members:	<p style="text-align: center;"><i>Chairman</i> <i>Vice Chairman</i></p> <p><i>Members:</i> Cllr Cheadle Cllr Southcott Cllr Mott</p>
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	Democratic.Services@swdevon.gov.uk

1. Appointment of Chairman

2. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

3. Declarations of Interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

4. Application for the review of premises licence for Rajpoot Restaurant, Bridge House, 25 Fore Street, Okehampton, EX20 1DL

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Agenda Item 4

Report to: **Licensing Sub-Committee**

Date: **9th April 2024**

Title: **Application for the review of premises licence for Rajpoot Restaurant, Bridge House, 25 Fore Street, Okehampton, EX20 1DL**

Portfolio Area: **Place and Enterprise**

Wards Affected: **Okehampton South**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

Author: **Naomi Stacey** Role: **Senior Licensing Officer**

Contact: **01803 861268 / naomi.stacey@swdevon.gov.uk**

Recommendations:

That the Sub-Committee consider the application for the review of the Premises Licence and make a determination under s.52 Licensing Act 2003, namely to:

- i modify the conditions of the licence;**
- ii exclude a licensable activity from the scope of the licence;**
- iii remove the designated premises supervisor;**
- iv suspend the licence for a period not exceeding three months;**
- v 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.

Where the authority takes steps in (i) or (ii) above, it may provide that the modification or exclusion is to have effect permanently or for only such period (not exceeding three months) as it may specify.

1. Executive summary

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for the review of the Premises Licence for **Rajpoot Restaurant, Bridge House, 25 Fore Street, Okehampton, EX20 1DL**, in accordance with Section 52 of the Licensing Act 2003.
- 1.2 An application to review the Premises Licence for the above was received from Home Office Immigration Enforcement on 20th February 2024. The grounds given for the review application is that the premises licence holder does not meet the licensing objective of 'prevention of crime and disorder' due to illegal working taking place at the premises. A copy of the review application form is attached at **Appendix A** and the Home Office 'Licence Review Pack' relating to this premises is at **Appendix B**.
- 1.3 The current premises licence (WDPLWA0192) and premises licence plan can be found at **Appendix C**. The premises is licensed for the following activities:
- Plays (Indoors), Live Music (Indoors), Dance (Indoors)
Monday to Sunday: 12:00 to 23:00
New Year's Eve: 12:00 to 03:00
- Recorded Music (Indoors)
Sunday to Thursday: 12:00 to 23:00
Friday and Saturday: 12:00 to 01:00
New Year's Eve: 12:00 to 03:00
- Late Night Refreshment (Indoors and Outdoors)
Monday to Sunday: 23:00 to 00:00
New Year's Eve: 23:00 to 03:00
- Supply of Alcohol (consumption on and off premises)
Monday to Thursday: 10:00 to 00:00
Friday and Saturday: 10:00 to 01:00
Sunday: 10:00 to 23:00
New Year's Eve: 10:00 to 03:00
The supply of alcohol for consumption off the premises may only be provided from 10:00 to 00:00 Monday to Sunday and as ancillary to a take-away meal only (aside from general extension of timings on New Year's Eve/New Year's Day).
- 1.4 The opening hours of the premises are:
Monday to Thursday: 09:00 to 01:00
Friday and Saturday: 09:00 to 02:00
Sunday: 09:00 to 00:00
New Year's Eve: 09:00 to 03:00

- 1.5 Alcohol sold for both consumption on and off the premises are restricted to being provided for consumption as ancillary to either a table meal or a take-away meal.

2. Background

- 2.1 A review application has been received from Home Office (Immigration Enforcement) in respect of the premises licence for Rajpoot Restaurant, Bridge House, 25 Fore Street, Okehampton, EX20 1DL (WDPLWA0192). The stated grounds for the review are:
"We have grounds to believe the licence holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises."
- 2.2 The premises is currently trading as an 'Indian restaurant and takeaway'. A copy of the premises licence and plan is at **Appendix C**. The premises is located in the town centre of Okehampton.
- 2.3 Under section 51(1) Licensing Act 2003, a responsible authority or any other person may apply to the relevant licensing authority for the review of a premises licence. The grounds for review must be relevant to at least one or more of the following licensing objectives:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 2.4 The Licensing Act 2003 was amended by the Immigration Act 2016 by introducing immigration safeguards into the licensing regime. One of these changes was the addition of the Home Office (Immigration Enforcement) as a responsible authority. In this role, they are able to make representations in relation to certain licence applications, as well as apply to review an existing premises licence where there are concerns in relation to any of the licensing objectives.
- 2.5 Statutory guidance issued until section 182 of the Licensing Act states at paragraph 2.6:
"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 evidence of a right to work check, either physical or digital (e.g. copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises."

- 2.6 Detailed information has been provided by Home Office Immigration Enforcement relating to their findings, which can be found at (**Appendix B**). Immigration Enforcement officers have visited the premises on five occasions since 2016, with the most recent visit being Thursday 8th June 2023, when two West Devon Borough Council Licensing Officers were also in attendance. On this occasion 4 persons were found present at the restaurant with no permission to work. The designated premises supervisor (DPS), Mr Ziaur Rahman, was served a civil penalty of £80,000 and an illegal working closure notice was served on the business immediately. The following day an illegal working compliance order was granted by Plymouth Magistrates Court for a period of 12 months.
- 2.7 The results of previous visits to the premises by Immigration Enforcement are as follows:
- 20 January 2022 – 4 illegal workers encountered
 - 8 July 2017 – no illegal workers encountered
 - 20 August 2016 – 2 illegal workers encountered
 - 17 June 2016 – 4 illegal workers encountered
- 2.8 From June 2016 to June 2023 there have been 11 arrests and a total of 14 illegal workers encountered.
- 2.9 Four further compliance visits were carried out in 2023 following the closure notice approved by the Magistrates Court and showed that the licence holder has not been fully compliant with the court order requiring him to have up-to-date records that are ready for inspection. It has been stated that none of the civil penalties that have been served on Mr Rahman have been paid.
- 2.10 Immigration Enforcement have requested that the premises licence is revoked. Due to the history of non-compliance at this premises, it is their view that the imposition of additional conditions or a suspension of the licence would be insufficient to act as a deterrent to the licence holder and other premises licence holders from engaging in the employment of illegal workers.
- 2.11 The premises licence for Rajpoot Restaurant (WDPLWA0192) was transferred to Mr Gias Uddin in October 2010, he also held the role of designated premises supervisor (DPS) at this time. Mr Ziaur Rahman became the DPS in January 2012, Mr Uddin remains the premises licence holder.
- 2.12 As an application to review the premises licence has been received and not withdrawn, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to West Devon Borough Council's Statement of Licensing Policy (the Policy) and Home Office guidance issued under Section 182 Licensing Act 2003 (update January 2024).

2.13 The following responsible authorities are statutory consultees under Licensing Act 2003:

- Devon and Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Devon Safeguarding Children's Board
- Devon County Council Trading Standards
- Devon Drug and Alcohol Action Team, NHS Devon
- West Devon Borough Council Development Management (Planning)
- Dartmoor National Park Authority Planning Department
- West Devon Borough Council Environment Health (Health and Safety)
- West Devon Borough Council Environmental Health (Pollution Control)
- Home Office Immigration Enforcement (Applicant for Review)

2.14 There were no representations received from any of the other responsible authorities.

2.15 Sections 3.1 and 3.2 of the Council's Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives. Each objective is of equal importance. The licensing objectives are listed at 2.1 of this report.

2.16 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.

3. Outcomes/outputs

3.1 When determining an application for a review of a premises licence, the following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:

3.2 The policy states at paragraphs 6.2.4-6.2.6:

6.2.4 When considering a review of a premises licence or club premises certificate, the Authority will expect applicants for the review to provide evidence of previous infringements of licensing regulations, failure to comply with the licence conditions and/or failure to promote the licensing objectives.

6.2.5 Following a review, the Authority will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available are:

- to modify the conditions of the premises licence

- to exclude a licensable activity from the scope of the licence);
- to remove the designated premises supervisor
- suspend the licence for a period not exceeding three months;
- revoke the licence.
- to take no action

6.2.6 In cases where the crime and disorder objective has been undermined or where it can be demonstrated that a premises has a history of persistent offending, suspension or revocation of a licence, even in the first instance, may be seriously considered as a form of deterrence.

3.3 Sections 11.17 and 11.18 of the guidance states:

"The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. *Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."*

3.4 Section 11.20 of the guidance states:

"In deciding which of these powers (see 3.2 above) to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

3.5 At section 11.27, the guidance lists certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. Included in this list is the use of licensed premises for 'employing a person who is disqualified from that work by reason of their immigration status in the UK.'

3.6 Section 11.28 of the guidance states:

“It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

- 3.7 The desired outcome is a determination of the application to review the premises licence, with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

4. Options available and consideration of risk

- 4.1 The Licensing Authority may decide to impose additional conditions on the premises licence to address the four licensing objectives; to remove the designated premises supervisor; to suspend the licence; or to revoke the premises licence. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.

- 4.2 A decision made by the Licensing Sub-Committee may be appealed by the premises licence holder, the applicant, or any person who has made relevant representations. The right of appeal is to the Magistrates’ Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates’ Court may:
- a) Dismiss the appeal,
 - (b) Substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
 - (c) Remit the case to the licensing authority to dispose of it in accordance with the direction of the court,
- and may make such order as to costs as it thinks fit.

5. Proposed Way Forward

- 5.1 That the Sub-Committee consider the application for the review of the Premises Licence and make a determination in respect of this application, namely to:
- i) modify the conditions of the licence;
 - ii) exclude a licensable activity from the scope of the licence;
 - iii) remove the designated premises supervisor;
 - iv) suspend the licence for a period not exceeding three months;
 - v) 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.

Where the authority takes steps in (i) or (ii) above, it may provide that the modification or exclusion is to have effect permanently or for only such period (not exceeding three months) as it may specify.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As a review application has been received that has not been withdrawn, this hearing must be held.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 52) that when determining an application to review a premises licence, the Sub-Committee takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none"> i) modify the conditions of the licence; ii) exclude a licensable activity from the scope of the licence; iii) remove the designated premises supervisor; iv) suspend the licence for a period not exceeding three months; v) revoke the licence; <p>The Sub-Committee must give its reasons for the decision to take any of these steps. Similarly, the</p>

		<p>Sub-Committee must give its reasons if it is decided that no action is to be taken.</p> <p>The premises licence holder, the applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> a) dismiss the appeal; b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. <p>and may make such order as to costs as it thinks fit.</p>
Financial	N	There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.1). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding	Y	All decisions must take into consideration the 'protection of children from harm' licensing objective.
Community Safety, Crime and Disorder	Y	Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.8 of this report.

Health, Safety and Wellbeing	Y	All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications	N/A	

Supporting Information

Appendices:

Appendix A – premises licence review application

Appendix B – Home Office 'Licence Review Pack' EXEMPT

Appendix C – copy of premises licence and plan

Background Papers:

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

West Devon Borough Council's Statement of Licensing Policy

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No

Licensing Authority: West Devon Borough Council
Address: Licensing@swdevon.gov.uk

Application for the review of a premises licence or club premises certificate 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 Home Office Immigration Enforcement

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Rajpoot Restaurant 25 Fore Street	
Post town Okehampton	Post code (if known) EX20 1DL

Name of premises licence holder or club holding club premises certificate (if known) Gias Uddin

Number of premises licence or club premises certificate (if known) WDPLWA0192

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Grounds for review:
We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

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.

Please provide as much information as possible to support the application (please read guidance note 3)

Please refer to accompanied review pack for detailed information

Please tick ✓ yes

Have you made an application for review relating to the premises before?

If yes, please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises, please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant, please state in what capacity.**

Signature R Hundal
.....

Date 20 February 2024
.....

Capacity Responsible Authority
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Alcohol Licensing Team

Lunar House

40 Wellesley Road

Post town

Croydon

Post Code

CR9 2BY

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Licensing Act 2003

Premises Licence

Licence Valid From: 25 September 2005

WDPLWA0192

LOCAL AUTHORITY



West Devon
Borough
Council

Licensing
West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
PL19 0BZ

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Raj Poot

Rajpoot Restaurant, Bridge House, 25 Fore Street, Okehampton, Devon, EX20 1DL

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Plays
Live Music
Recorded Music
Performance of Dance
Late Night Refreshment
Supply of Alcohol

THE OPENING HOURS OF THE PREMISES:

Mon 09:00-01:00
Tue 09:00-01:00
Wed 09:00-01:00
Thu 09:00-01:00
Fri 09:00-02:00
Sat 09:00-02:00
Sun 09:00-00:00

The terminal hour for the performance of live music, the playing of recorded music, the provision of facilities for dancing, the provision of late night refreshment and the sale or supply of alcohol and the hours the premises are open to the public may be extended from the end of authorised hours on New Years Eve to 03:00 on New Years Day.

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Plays	Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-23:00
Indoors	

Live Music	Mon 12:00-23:00 Tue 12:00-23:00
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Indoors	Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-23:00
Recorded Music Indoors	Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-01:00 Sat 12:00-01:00 Sun 12:00-00:00
Performance of Dance Indoors	Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-23:00
Late Night Refreshment Indoors and Outdoors	Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-00:00 Sat 23:00-00:00 Sun 23:00-00:00
Supply of Alcohol	Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-01:00 Sat 10:00-01:00 Sun 10:00-23:00 NON-STANDARD TIMING: The Supply of Alcohol off the premises may only be provided from 10:00 until 00:00 Monday to Sunday and as ancillary to a take-away meal only (aside from general extension of timings on New Year's Eve/New Year's Day).

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES

On and Off Premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mr Gias Uddin



REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANIES ACT NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Ziaur Rahman
[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

[REDACTED]

ANNEXES

Annex 1 - Mandatory Conditions under the Licensing Act 2003

ANNEX 1 - MANDATORY CONDITIONS FOR PREMISES LICENCES & CLUB PREMISES CERTIFICATES

MANDATORY CONDITIONS WHERE LICENCE/CERTIFICATE AUTHORISES SUPPLY OF ALCOHOL: [Conditions 1 & 2 do not apply to Club Premises Certificates or to Premises Licences in respect of which a successful application has been made to disapply the mandatory conditions in sections 19(2) and 19(3) of the Licensing Act 2003 and Conditions 3, 4, 5, 6 & 8 do not apply to premises providing 'off-sales' only].

Supply of Alcohol

1.No supply of alcohol may be made under the Premises Licence:
a)at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
b)at a time when the Designated Premises Supervisor does not hold a Personal Licence or his/her Personal Licence is suspended.

2.Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

Irresponsible Drinks Promotions, Provision of Free Drinking Water & Age Verification Policy

3.The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

4.In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

a)games or other activities which require or encourage, or are designed to require or encourage, individuals to -

i.drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the

premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

ii. drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase of alcohol over a period of 24 hours or less;

d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

i. the outcome of a race, competition or other event or process,

or

ii. the likelihood of anything occurring or not occurring;

e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (a) The Premises Licence Holder or Club Premises Certificate Holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Minimum Measures for Alcoholic Beverages

8. The responsible person shall ensure that - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (b) customers are made aware of the availability of these measures.

Minimum Permitted Price for the Sale or Supply of Alcohol

9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

10. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula

-

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect

of which there is in force a premises licence

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d)"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e)"value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

MANDATORY CONDITIONS WHERE LICENCE/CERTIFICATE AUTHORISES THE EXHIBITION OF FILMS:

The admission of children to the exhibition of any film to be restricted to:

1.Where the film classification body is specified in the licence/certificate, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

2.Where -

- (a)the film classification body is not specified in the licence/certificate, or
- (b)The relevant licensing authority has notified the holder of the licence/certificate that this subsection applies to the film in question admission of children must be restricted in accordance with any recommendation made by that licensing authority.

3.In this section -"children" means persons aged under 18; and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39).

MANDATORY CONDITION PERTAINING TO DOOR SUPERVISORS:

Any individual carrying out a 'security activity' must be licensed by the Security Industry Authority other than:

- 1.in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
- 2.in respect of premises in relation to any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- 3.any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

For the purposes of this section

- "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
- paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the operating schedule

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The Prevention of Crime and Disorder

-An incident book will be kept on site and details of all instances of public disorder will be recorded.

Public Safety

-The premises will hold an electrical safety report detailing that the electrical system at my premises meets the requirements of BS7671: 2001 IEE Wiring Regulations 16th Edition. The report for the electrical system in the premises will be valid for a five year period and on the expiry of that period a new Report will be issued.

-All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.

-A supply of first aid equipment and materials will be available for the use of patrons based on a risk assessment carried out by the Licensee.

The Prevention of Public Nuisance

-Patrons will be reminded, where necessary, on leaving be asked to leave the vicinity quickly and quietly.

-A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment.

-Management will control the sound levels of the music/ entertainment.

The Protection of Children from Harm

-None.

Supply of Alcohol

-Alcohol shall not be sold or supplied on the premises:

oUnless the premises is structurally adapted and bona fide used for the purpose of habitually providing the customary main meal at

mid-day or in the evening, or both, for the accommodation of persons frequenting the premises.

oUnless Alcohol is provided for consumption on the premises as ancillary to a table meal.

-Alcohol shall not be sold or supplied off the premises:

oUnless Alcohol is provided for consumption off the premises as ancillary to a take-away meal.

-The authorised hours for the sale of alcohol do not prohibit:

oconsumption of the alcohol on the premises or the sale or supply of alcohol to any person residing in the licensed premises;

othe taking of alcohol from the premises by a person residing there;
othe supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY
None.

Annex 4 – Plans (as existing)

ANNEX 4 - PLAN OF PREMISES

Please see attached plan/s.



Ian Luscombe
Head of Environmental Health Practice
On behalf of the Licensing Authority

LOCAL AUTHORITY



Licensing
West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
PL19 0BZ

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Raj Poot

Rajpoot Restaurant, Bridge House, 25 Fore Street, Okehampton, Devon, EX20 1DL

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Plays
Live Music
Recorded Music
Performance of Dance
Late Night Refreshment
Supply of Alcohol

THE OPENING HOURS OF THE PREMISES:

Mon 09:00-01:00
Tue 09:00-01:00
Wed 09:00-01:00
Thu 09:00-01:00
Fri 09:00-02:00
Sat 09:00-02:00
Sun 09:00-00:00

The terminal hour for the performance of live music, the playing of recorded music, the provision of facilities for dancing, the provision of late night refreshment and the sale or supply of alcohol and the hours the premises are open to the public may be extended from the end of authorised hours on New Years Eve to 03:00 on New Years Day.

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Plays	Mon 12:00-23:00
	Tue 12:00-23:00
Indoors	Wed 12:00-23:00
	Thu 12:00-23:00
	Fri 12:00-23:00

	Sat 12:00-23:00 Sun 12:00-23:00
Live Music Indoors	Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-23:00
Recorded Music Indoors	Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-01:00 Sat 12:00-01:00 Sun 12:00-00:00
Performance of Dance Indoors	Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-23:00
Late Night Refreshment Indoors and Outdoors	Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-00:00 Sat 23:00-00:00 Sun 23:00-00:00
Supply of Alcohol	Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-01:00 Sat 10:00-01:00 Sun 10:00-23:00 NON-STANDARD TIMING: The Supply of Alcohol off the premises may only be provided from 10:00 until 00:00 Monday to Sunday and as ancillary to a take-away meal only (aside from general extension of timings on New Year's Eve/New Year's Day).

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES

On and Off Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mr Gias Uddin



REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Licensing Act 2003

Premises Licence Summary

Licence Valid From: 25 September 2005

WDPLWA0192

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Ziaur Rahman

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No restrictions

NOTES:

All dimensions must be checked on site and not
taken from this drawing.
THIS IS NOT A CONTRACT DOCUMENT.

Revision	
No.	Date

JOHN PETTITT LTD.
2 SOUTHGATE
LYDEFORD
OKEHAMPTON
EX20 4BH
Tel 01822 820239

Client
Mr Z. Rahman

Job Title
New Staircase to
Wine Bar
Rajpoot Restaurant
Okehampton

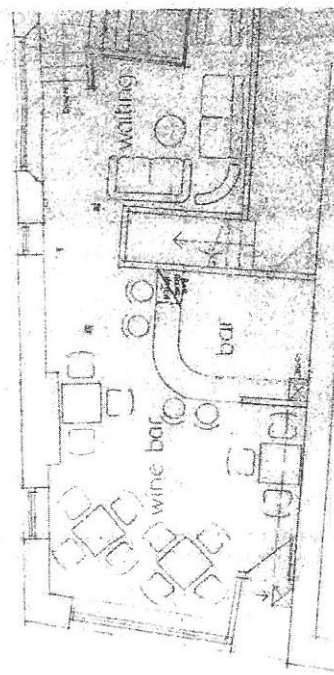
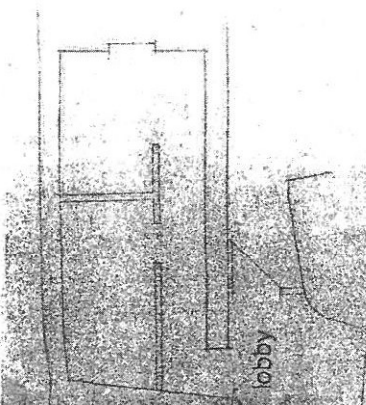
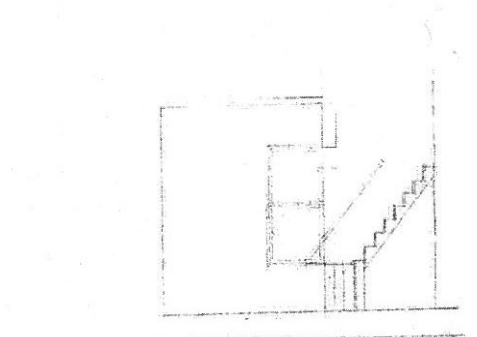
Drawing Title
Feasibility Study
Floor Plans

Scale 1:50

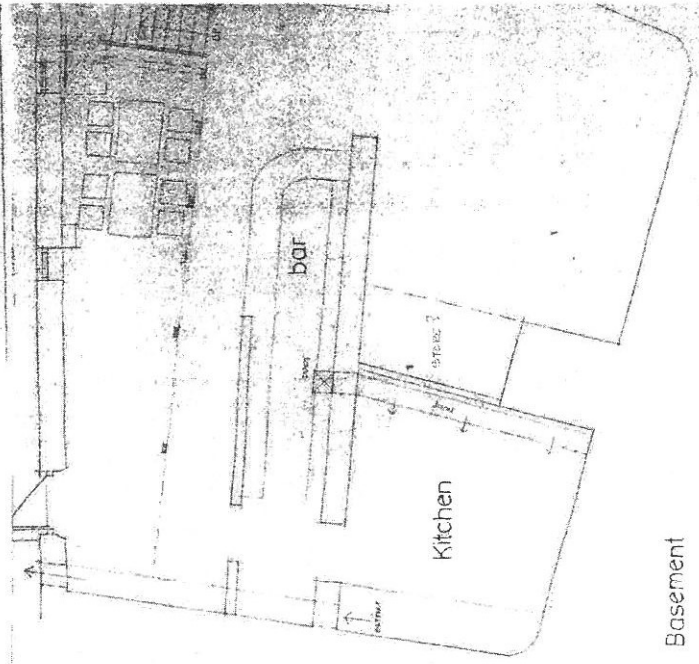
Date AUGUST 2012 Drawn by J. Pettitt

Proj. No. 1612-1

6/4/12



Ground Floor



Basement

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