

Licensing Sub-Committee Report

Review: Amore, 16 Charnham Street, Hungerford, Berkshire, RG17 0ES (014058- 22/00785/LQN - REVIEW)

Type of Application:	Application for the review of a premises licence under the Licensing Act 2003
Parish:	Hungerford
Ward:	Hungerford and Kintbury
Ward Members:	Dennis Benneyworth, James Cole, Claire Rowles
Case Officer:	Vikki Rigden (Licensing Officer)
Portfolio Holder:	Councillor Thomas Marino
Service Director:	Eric Owens

1. Purpose of the Report

- 1.1 To set out the background information pertaining to this application for the review of a premises licence under the Licensing Act 2003.

2. Recommendation

- 2.1 Members are asked to decide, on consideration of the application and any relevant representations, whether further steps are required and appropriate in relation to premises licence 014058, to promote the licensing objectives. If not, the existing licence and conditions would remain in place as granted.
- 2.2 If Members consider that action is appropriate, Members are asked to decide whether or not to:-
 - (a) Issue an informal written warning to the licence holder and/or to recommend improvement specific to the licensing objectives within a particular period of time (this is an informal step outside of specific statutory powers, but can be considered in accordance with Statutory Guidance);
 - (b) Modify the conditions of the licence;
 - (c) Exclude a licensable activity from the scope of the licence;
 - (d) Remove the "Designated Premises Supervisor" (DPS) from the licence where one exists;
 - (e) Suspend the licence for a period of up to three months;
 - (f) Revoke the licence

For this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added. Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak and the hearing has been brought to a close. Members must give full reasons for their decision.

3. Background

3.1 Every premises that provides one or more of the licensable activities has to firstly obtain either a premises licence or a club premises certificate from the local licensing authority. That licence or certificate sets out the extent of the premises operation including the permitted times for the licensable activities and the established licence conditions.

3.2 Amore has a premises licence, see Appendix 1, for the following licensable activities:

1. Late Night Refreshment
2. Supply of Alcohol

Late Night Refreshment	Monday to Saturday from 23:00 to 24:00 Sunday from 23:00 to 23:30 Activity will take place: Indoors
Supply of Alcohol	Monday to Saturday from 11:00 to 24:00 Sunday from 12:00 to 23:30 Activity will take place Indoors/Outdoors Alcohol On/Off Premises: Both

3.3 Once granted the licence exists for the life of the business or operation concerned. There is no regular review or renewal of these licences. However, should any particular premises operation give rise to cause for concern then a review of the premises licence or club premises certificate can be sought.

3.4 Members of the Licensing Sub-Committee are asked to determine this application as the Licensing Authority has received a valid application for the review of a premises licence under section 51 of the Licensing Act 2003 for this premises.

3.5 The applicant (Caroline Laird on behalf of Immigration Enforcement (South Central)) states that the review relates to the licensing objective: the prevention of crime and disorder on the basis that they have alleged that the licence holder (Mr Ekrem Uka) is using the premise (Amore, Hungerford) to employ illegal workers which is a contravention of the [Licensing Act 2003](#) and [Immigration Act 1971\(aa\)](#).

3.6 The licensing authority has also received two representations supporting the review one from Home Office Immigration Enforcement's Alcohol and LNR Licensing Team and the other from Thames Valley Police.

- 3.7 The Home Office Immigration Enforcement's Alcohol and LNR Licensing Team's representation states that that the Home Office Immigration Officers that visited the premise on the 14 December 2022 found evidence of illegal workers and the employment of a minor. This objection could therefore also relate to the licensing objective of protection of children from harm.
- 3.8 Thames Valley Police's representation states that a 'visit to another restaurant in the same chain resulted with 4 people being arrested and a Civil Penalty Notice being issued.' Gary Clarke (on behalf of TVP) also notes that 'both visits are on the back of intelligence received, which implies that this was common knowledge to someone, who intern reported these facts to the authorities.'
- 3.9 The Licensing Authority may only consider aspects relevant to the application that have been raised in these representations.
- 3.10 Where an application for a review has been received and accepted by the Licensing Authority, and the concerns have not been resolved through mediation between all parties, leading to the withdrawal of the application, the Licensing Act 2003 requires that these applications should be determined by the Licensing Authority's Licensing Committee. The Licensing Act 2003 allows for applications such as this one to be delegated to a Sub-Committee.

4. Application

- 4.1 The Licensing Authority has received an application to review the premise licence for Amore, Hungerford from Caroline Laird on behalf of Immigration Enforcement (South Central).
- 4.2 A copy of the application is attached as Appendix 2 which sets out the grounds for the review.
- 4.3 The licence (ref No 014058) was granted to the licensee Mr Ekrem Uka on 18 August 2022. As above, the original licence is attached at Appendix 1 and includes a plan of the premise.
- 4.4 Representations supporting the review are attached at Appendix 3 (Home Office Immigration Enforcement's Alcohol and LNR Licensing Team) and Appendix 4 (Thames Valley Police).
- 4.5 The Royal Berkshire Fire and Rescue Service responded to say that they do not propose to make a representation (see Appendix 5).

5. Notification to Premises Licence Holder

- 5.1 The applicant gave notice and a copy of the application was sent to the licensee and the licensee has seen the information submitted in relation to the application.
- 5.2 The licensee has made representations in response. The licensee's responses are set out in full in Appendix 6. The licence holder has provided information relating to two individuals. He states that Individual 1 is a Greek National and EU Citizen and Individual 2 is an Italian National and EU Citizen. He states that at the time of the visit (14 December 2022) both individuals were awaiting decisions under the EU Settlement Scheme. The Certificate of Application provided states that the applicant can work while the CoA is valid once your employer has verified your CoA with the

Home Office. He has also provided documentation which he says shows that the right to work details of both individuals had been checked with the Home Office and that a share code has been provided. A redacted copy of the material has been included as part of the documentation.

6. Consultation

- 6.1 The 28 day consultation period inviting representations about the application ran from 28 February 2023 to the 27 March.2023. Responsible Authorities, Ward Members and the Parish Council were advised by email on the 28 February 2023. The application has been advertised in accordance with the regulations, with the required notices displayed by the Licensing Authority at the premises subject to review, and at the Council Offices in Market Street, Newbury and on the Public Protection Partnership website on the 28 February 2023.

7. Responses Received from Responsible Authorities:

Royal Berkshire Fire and Rescue Service – See Appendix 5

The Chief Officer of Police Thames Valley – See Appendix 4

Environmental Health – None received to date

The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – None received to date

The Weights and Measures Authority/Trading Standards – None received to date

Children’s Safeguarding Board - None received to date

Public Health - None received to date

Planning –. None received to date

The Licensing Authority – None received to date

8. Options

- 8.1 The Home Office’s Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022) and the Council’s Statement of Licensing Policy Licensing Act 2003 must be taken into account when determining this Application.

- 8.2 Members are asked to consider, after taking all the relevant representations both oral and written into account, and having due regard to the licensing objectives, whether or not it is appropriate to take any action in relation to the premises licence (and conditions attached thereto), and, if so, whether or not to revoke or amend the existing licence in accordance with the options available to them as set out at paragraph 2.2 above.

- 8.3 Members will need to provide the reasons for their decision(s) in the decision notice.

Background Papers:

- (1) The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued in December 2022 under section 182 of the Licensing Act 2003
 - (2) The Council's Statement of Licensing Policy Licensing Act 2003
 - (3) The Council's Constitution
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9. Appendices

Appendix 1 – The current premise licence

Appendix 2 – Application to Review the Premise Licence

Appendix 3 – Representation in Support of the Review - Home Office Immigration Enforcement's Alcohol and LNR Licensing Team's

Appendix 4 – Representation in Support of the Review – Thames Valley Police.

Appendix 5 – Response from the Royal Berkshire Fire and Rescue Service

Appendix 6 – Comments from the Licence Holder and associated documentation.