

Licensing Sub-Committee Report

Premise Licence Review of The Gun, 142 Andover Road, Newbury, RG14 6NE

Type of Application:	Review of the Premises Licence
Town Council:	Newbury Town Council
Ward Members:	Cllr Patrick CLARK, Cllr Adrian ABBS and Cllr David MARSH
Case Officer:	Mark Groves, Lead Licensing Officer
Portfolio Holder:	Councillor Tom McCann
Service Director:	Clare Lawrence

1. Purpose of the Report

- 1.1. To set out the background information pertaining to this Review Application being brought by the Home Office's Immigration Compliance Team.

2. Recommendation to Licensing Sub-Committee

- 2.1. Options available to Members are to:-

- a) Allow the premise licence to remain in force but add relevant conditions to the licence.

- b) Suspend the premises licence which is usually taken together with conditions for a period of up to 3 months in order for the premise licence holder to address concerns that have been identified at the premises and put systems in place to prevent illegal working occurring in the future.

- c) The revocation of the premise licence as it is considered that the risk of immigration-related crime and illegal working cannot be otherwise mitigated.

Members of the Licensing Sub-Committee are asked to make a decision and provide this decision on the day at the end of the hearing due to its nature and after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.

3. Introduction and Background

- 2.2. On the 27 January 2026 the licensing team received an application from the Home Office's Immigration Compliance Team for the review of the premises licence for The Gun, 142 Andover Road, Newbury, RG14 6NE due to Immigration offences since 2018.

- 2.3. The Responsible Authorities were notified on the 27 January 2026.

- 2.4. Members of the Licensing Sub-Committee are asked to determine the application for the review as the premise licence as the licensing objective for the Prevention of Crime and Disorder has not been carried out with regards to the use of illegal immigrants as workers at the venue and whereby the designated premises supervisor was complicit in this offence.

- 2.5. The Licensing Authority may only consider aspects relevant to the application that have been raised in this review.
- 2.6. Members of the Licensing Sub-Committee are requested to determine the application having regard to the operating schedule, representations received, the Councils Statement of Licensing Policy, revised guidance issued under Section 182 of the Licensing Act 2003 and the four licensing objectives.
- 2.7. An authorisation is required in respect of any premises where it is intended to conduct one or more of the licensable activities, these being:
 - (a) Sale of alcohol
 - (b) Supply of alcohol (in respect of a club)
 - (c) Regulated Entertainment
 - (d) Provision of Late-Night Refreshment

An appropriate authorisation is either, a premises licence, a club premises certificate, or a Temporary Event Notice.

- 2.8. Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains detail of all the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate be converted into enforceable conditions on any licence issued.

The four licensing objectives are:

- (a) Prevention of crime and disorder
- (b) Prevention of public nuisance
- (c) Public Safety
- (d) Protection of children from harm.

No licensing objective carries any more weight than any other and these are the only factors in which licensing can have regard in determining an application.

- 2.9. Where representations have been received from a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, 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. In accordance with those rules, the Scheme of Delegation set out in the Council's Constitution states that the Licensing Sub-Committee has responsibility for dealing with this application.

3. Summary of Application sought.

- 3.1. The Licensing Authority received a valid application on 27 January 2026 from the Home Office Immigration Compliance Team. This application is recorded under reference 29188. A copy of the application is attached as **Appendix 1** and the Premise Licence Review Annex - redacted as **Appendix 2**

4. Background information

- 4.1. Trust Inns Ltd are the Premise Licence holders for the Gun Restaurant, 142 Andover Road, Newbury, RG14 6NE but the premises is leased to a third party who manage the day to day running of the premises.
- 4.2. The application seeks to obtain authorisation for the review of the premise licence with the strongest action being the revocation of the premise licence.

- 4.3. The applicant has provided additional conditions to assist members in addition to the mandatory conditions and those that are already on the premise licence in their application for the review of this premises licence.
- 4.4. Both Trust Inns and the Home Office have mediated through the licensing team with Trust Inns immediately closing down the premises and removing all the staff working there.
- 4.5. The Home Office have provided a set of conditions to Trust Inns that if these were accepted and along with the removal of the staff would be deemed as positive action and result in the withdrawal of the review application.
- 4.6. The conditions proposed by the Home Office Immigration Compliance Team are as follows:
1. The operator of the premises must carry out relevant right to work checks for all prospective employees prior to the commencement of employment. This is to include individuals undergoing trial shifts or those who are working on a casual basis.
 2. The operator of the premises must also carry out relevant right to work checks for all employees during their employment if required.
 3. The operator of the premises must retain copies of documents obtained during right to work checks. These documents must be stored securely at the premises or be digitally accessible from the premises to facilitate inspection by an authorised person (as defined by section 13 of the Licensing Act 2003), the Police or Home Office Immigration Enforcement officers.
 4. The operator of the premises, or any person representing the operator, must be able to produce documents relating to right to work checks without delay upon request by an authorised person (as defined by section 13 of the Licensing Act 2003), the Police or Home Office Immigration Enforcement officers.
- 4.7. It is also important to note that the outstanding immigration fines which are currently £240,000 are not linked to Trust Inns Ltd but to the Designated Premise Supervisor/manager who has been removed and who is being dealt with separately by the Home Office.

5. Consultation

- 5.1. The 28-day consultation period ran from 28 January 2026 to 24 February 2026. Responsible Authorities were advised by email on the 27 January 2025. The application has been advertised in accordance with the regulations, with the required blue notices being placed at the premises, which were checked by an officer from the Public Protection Partnership. The application for this review was also made available at the offices of West Berkshire Council, Market Street, Newbury RG14 5LD.
- 5.2. A total of 1 representation was received and found to be invalid as it did not represent any of the four licensing objectives and was only saying how nice the staff were when the person submitting the representation visited the premises. The members of staff no longer work at the premises following its closure by Trust Inns Ltd in view of the review.

6. Responses Received

Fire Authority – No Response.

The Chief Officer of Police for Thames Valley – No Response

Environmental Health – No Response.

The Local Enforcement Agency for the Health and Safety at work etc. Act 1974 – No Response

Trading Standards – No Response.

Children’s Safeguarding Board – No Response.

Public Health – No Response

Home Office Immigration – No Response.

Planning – No Response.

The Licensing Authority – No Response.

7. Summary of Relevant Representations

8. Options

- 8.1. The Home Office’s Revised Guidance issued under section 182 of the Licensing Act 2003 (03 February 2026) must be taken into account when determining this Application.
- 8.2. Members are asked to consider, after taking the valid representations both oral and written into account, and having due regard to the licensing objectives, whether the application for the Premises Licence should be granted or rejected. Members will need to give reasons for their decision.
- 8.3. If members are minded to approve the application, they need to consider any additional conditions, other than those contained in the operating schedule, and any relevant mandatory conditions in ss19-21 of the Licensing Act 2003. Modification of conditions includes adding, omitting or altering a condition.
- 8.4. If members are minded to include any additional conditions, they will need to provide their reasons for doing so in the decision notice.
- 8.5. Members of the Licensing Sub-Committee are asked to make a decision and provide this decision on the day at the end of the hearing due to its nature and after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.

Background Papers: Relevant Legislation

- (1) The Licensing Act 2003
- (2) Appropriate Regulations including but not limited to The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, The Licensing Act 2003 (Hearings) Regulations 2005 and The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005
- (3) Statutory Revised Guidance issued under section 182 of the Licensing Act 2003
- (4) The Council’s Statement of Licensing Policy Licensing Act 2003
- (5) The Council’s Constitution

9. Appendices

Appendix 1 – Review Application

Appendix 2 - Premise Licence Review Annex -redacted

Person to Contact:

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