

AGENDA

Meeting: Eastern Area Licensing Sub Committee

Place: West Wiltshire Room - County Hall, Bythesea Road, Trowbridge,
BA14 8JN

Date: Wednesday 15 January 2020

Time: 2.00 pm

Please direct any enquiries on this Agenda to Kevin Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01249 706612 or email committee@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell
Cllr Trevor Carbin

Cllr Peter Hutton

Substitutes:

Cllr Ian Thorn

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub Committee.

2 **Apologies for Absence/Substitutions**

To receive any apologies for absence and to note any substitutions.

3 **Procedure for the Meeting** (*Pages 5 - 12*)

The Chairman will explain the attached procedure for the members of the public present.

4 **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Exclusion of Press and Public**

The procedure to be following in the Hearing is governed by the Licensing Act 2003 (Hearings) Regulations 2005. Regulation 14 provides that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public. Under this principle, the Licensing Authority can exclude the public from all or part of the hearing, as considered appropriate. In view of the representations and evidence that has been submitted, the Sub Committee is asked to consider whether the public should be excluded from any part of the hearing in this instance.

7 **Licensing Application** (*Pages 13 - 16*)

To consider and determine an application for a review of a Premises Licence in respect of Tale of Spice, 9 North Street, Pewsey, Wiltshire made by Home Office Immigration Enforcement. The report of the Public Protection Officer – Licensing is attached.

7a **Appendix 1 - Current Premises Licence** (*Pages 17 - 22*)

7b **Appendix 2 - Location Plan** (*Pages 23 - 24*)

7c **Appendix 3a - Application for a Review of Premises Licence**
(*Pages 25 - 30*)

7d **Appendix 3b - Evidence submitted by Home Office (Immigration Enforcement) - To follow**

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously

made available to the Applicant or their Representative, a Responsible Authority or their Representative or any person/s or their representative who have made a Relevant Representation.

“Hearing” means a meeting of the Committee at which an Application is considered.

“Licence” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Responsible Authority” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

“Person making a Relevant Representation” means a person who is present at a Hearing to make a representation in respect of an Application and includes any person who is present to assist or make representations on behalf of that person including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;

- 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation;
- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - a refuse to permit them to return;
 - b permit them to return only on such conditions as the Committee may specify;
 - c in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there is a number of people who have made a Relevant Representation who have attended the Hearing to make the same

representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those who have made a Relevant Representation.

5 Presentation of Submissions

5.1 The Chairperson will introduce the Application.

5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.

5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:

5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:

- a the options available to it;
- b the considerations that are relevant in reaching its decision.

5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:

- a presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
- b confirming key information and answer pertinent questions; and
- c calling witnesses in support of the Application (see paragraph 4.3).

A Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation will orally present their representations in turn which shall include:

- a the grounds of the representation to the Application; and
- b any condition(s) that the Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

The Premises Licence Holder and/or their representative will orally present their representations which shall include;

- a The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation; and
- b Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or any person/s who have made a Relevant Representation.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or any person/s who have made a Relevant Representation to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any person/s who has made a Relevant Representation's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.

- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
- 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
 - 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and any person/s who have made a Relevant Representation to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Review Hearing Procedure Summary

1. The Democratic Services Officer will request nominations for a Chairman for the Hearing.
2. The Chairperson welcomes all those present and introduces the Application.
3. The Chairperson invites the Sub Committee Members, Council Officers, the Review Applicant and/or their representative, any Responsible Authorities and/or any person who has made a Relevant Representation and the Premises Licence Holder and/or their representative to introduce themselves.
4. The Chairperson outlines the Hearing Procedure.
5. The Licensing Officer presents the Committee Report and outlines the application.
6. The Review Applicant and/or their representative address the Sub Committee to present their case.
7. Questions to the Review Applicant by Members of the Sub Committee, any Responsible Authorities and/or any person's who have made a Relevant Representation and the Premises Licence Holder.
8. Responsible Authorities and/or any person/s who have made a Relevant Representation address the Sub Committee.
9. Questions to any of the Responsible Authorities and/or any person's who have made a Relevant Representation by Members of the Sub Committee, the Review Applicant and the Premises Licence Holder.
10. The Premises Licence Holder and/or their representative address the Sub Committee to present their case.
11. Questions to the Premises Licence Holder by Members of the Sub Committee, any Responsible Authorities and/or any person/s who have made a Relevant Representation and the Review Applicant.
12. Summing up by the Responsible Authorities and/or any person's who have made Relevant Representations.
13. Summing up by the Premises Licence Holder.
14. Summing up by the Review Applicant.
15. The Sub Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
16. The Sub Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub Committee.
17. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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WILTSHIRE COUNCIL

EASTERN AREA LICENSING SUB COMMITTEE

15 January 2020

**Application for Review of a Premises Licence: Tale of Spice, 9 North Street,
Pewsey, Wiltshire, SP9 5ES**

1. Purpose of Report

- 1.1 To determine an application for a review of a Premises Licence in respect of Tale of Spice, 9 North Street, Pewsey, Wiltshire made by Home Office Immigration Enforcement.

2. Background Information

- 2.1 An application for the review of the Tale of Spice Premises Licence has been made by the Home Office (Immigration Enforcement). Following advertisement of the application 3 further relevant representations have been received.

- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers appropriate for the promotion of the licensing objectives.

- 2.3 The licensing objectives are:

- i) The Prevention of Crime and Disorder;
- ii) Public Safety;
- iii) The Prevention of Public Nuisance; and
- iv) The Protection of Children from Harm.

- 2.4 Such steps are:

- i) To modify the conditions of the licence;
- ii) To exclude a licensable activity from the scope of the licence;
- iii) To remove the designated premises supervisor;
- iv) To suspend the licence for a period not exceeding three months;
- v) To revoke the licence;
- vi) To determine that no steps are necessary.

- 2.5 Government Guidance issued under s.182 of the Licensing Act states that:

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business

holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 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.

- 2.6 The premises benefits from a Premises Licence issued under the Licensing Act 2003, since 24 November 2005 and the current copy is attached as **Appendix 1**. The premises was previously known as The Khyber Restaurant.
- 2.7 The Premises Licence has been held by Abul Jashim since transferring the licence on 22 April 2011.
- 2.8 The current Premises Licence permits the following activities: -

Licensable activity	Hours
Sale of Alcohol (ON Sales Only)	Monday to Sunday: 11:00 – 00:00 New Year’s Eve: 11:00 – 03:30 the next day
Late Night Refreshment (Indoors and Outdoors)	Monday to Sunday: 23:00 – 00:00 New Year’s Eve: 23:00 – 03:30 the next day

2.9 A location plan of the premises is attached at **Appendix 2**.

3. Details of the Grounds for Review

3.1 The review of the premises licence has been requested by the Home Office (Immigration Enforcement), on the grounds that the Premises Licence Holder has failed to meet the licensing objective of the prevention of crime and disorder, due to illegal working identified at the premises. The grounds for review include:

- A visit to the premises on 20 September 2019, identified seven persons found to be working illegally.
- Previous visit on 18 August 2018, identified five persons found to be working illegally.
- Previous visit on 4 April 2014, identified six persons found to be working illegally.

3.2 The application for review is attached as **Appendix 3(a)**. The evidence relied upon in support of the application is contained within **Appendix 3(b) – (publication of Appendix 3 (b) to follow)**.

4. Consultation and Representations

4.1 Consultation for the review started on 20 November 2019, following receipt of the application. During this consultation, 3 relevant representations were received, along with a number of letters of support.

Relevant representations were received from:

- Chris Stephens
- Simon Hobden
- Mark Sheen

The relevant representations are attached as **Appendix 4**.

4.2 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, Monkton Park Offices, Chippenham, SN15 1ER.

4.3 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

5. Legal Implications

- 5.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

6. Officer Recommendations

- 6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. Right of Appeal

- 7.1 It should be noted that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 7.2 The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.
- 7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

Report Author: Emma Batchelor

Public Protection Officer – Licensing
Tel: 01249 706555

Date of report: 6 January 2020

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Current Premises Licence**
- 2 Location Plan**
- 3(a) Application for Review**
- 3(b) Evidence submitted by Home Office (Immigration Enforcement)**
- 4 Representations received**

Licensing Act 2003

Premises Licence

KK/PL0274

LOCAL AUTHORITY



**Wiltshire Council
Licensing East
Browfort
Bath Road
DEVIZES
WILTSHIRE
SN10 2AT**

Part 1 - Premises Details

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

Tale of Spice

9 North Street, Pewsey, Wiltshire, SN9 5ES.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors & Outdoors)	Monday - Sunday Non Standard Timings: New Year's Eve : 23:00 - 03:30 hours (next day)	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON the premises only	Monday - Sunday Non Standard Timings: New Year's Eve : 11:00 - 03.30 hours (next day)	11:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday Non Standard Timings: New Year's Eve : 11:00 - 04.00 hours (next day)	11:00am	12:30am Next Day

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

- M. The sale by retail of alcohol for consumption ON the premises only

Part 2

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

Abul Jashim

Flat 13, 5 Eagling Close, London, E3 4EE.

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

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

Abul JASHIM

Flat 13, 5 Eagling Close, London, E3 4EE.

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

Licence No. 12675

Issued by Tower Hamlets

Public Protection Officer

Premises Licence

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

The Licence is granted on the condition that the restrictions contained within the enactments specified under Licensing Act 2003 schedule 8 (6) are adhered to:-

Licensing Act 1964
 Children & Young Persons Act 1933
 Cinematograph (Safety) Regulations 1955
 Sporting Events (Control of Alcohol Etc) Act 1985

Licence granted subject to the following Mandatory Conditions:-

Where a Premises Licence authorises the supply of alcohol

1. That no supply of alcohol may be made under the Premises Licence:-
 - (a) At a time when there is no Designated 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. That every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

1. Where a Premises Licence authorises the exhibition of films, the admission of children to the exhibition of any film to be restricted in accordance with these paragraphs.
2. Where the film classification body is specified in the Licence, unless paragraph 3(b) below applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where,
 - (a) The film classification body is not specified in the Licence or Certificate, or
 - (b) The Licensing Authority has notified the holder of the Licence which holds the Licence that this paragraph applied to the film in question, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.
4. In these paragraphs, 'children' means person 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 (authority to determine suitability of video works for classification).

Door Supervision

1. Where a Premises Licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the Licence requires that each such individual must be licensed by the Security Industry Authority.

You are required to notify the Licensing Authority of any change in:

- 1) Name of the premises;

Premises Licence

ANNEXES continued ...

- 2) Alterations to premises;
- 3) A change of Designated Premises Supervisor;
- 4) A Designated Premises Supervisor not holding a valid Personal Licence;
- 5) Loss or theft of your licence (a fee will be required to cover the cost of issuing a replacement);
- 6) Any change to the hours or activities granted under this licence may require a Variation application. You are advised to discuss with the Licensing Authority;
- 7) The holder of the premises licence must ensure that the licence or a certified copy is kept at the premises in the custody or under the control of either the holder of the licence or a person who works at the premises and has been nominated in writing by the licence holder for this purpose;
- 8) The holder of the Premises Licence must ensure that the Summary of the licence or a certified copy of that Summary, and a Notice specifying the position held at the premises by any person nominated for the purposes of (7) above are displayed prominently at the premises.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Not applicable

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Not applicable

ANNEX 4 - PLANS

Attached separately.

Public Protection Officer

LOCAL AUTHORITY



Wiltshire Council
Licensing East
Browfort
Bath Road
DEVIZES
WILTSHIRE
SN10 2AT

Premises Details

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NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Abul Jashim

Flat 13, 5 Eagling Close, London, E3 4EE.

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

Premises Licence Summary

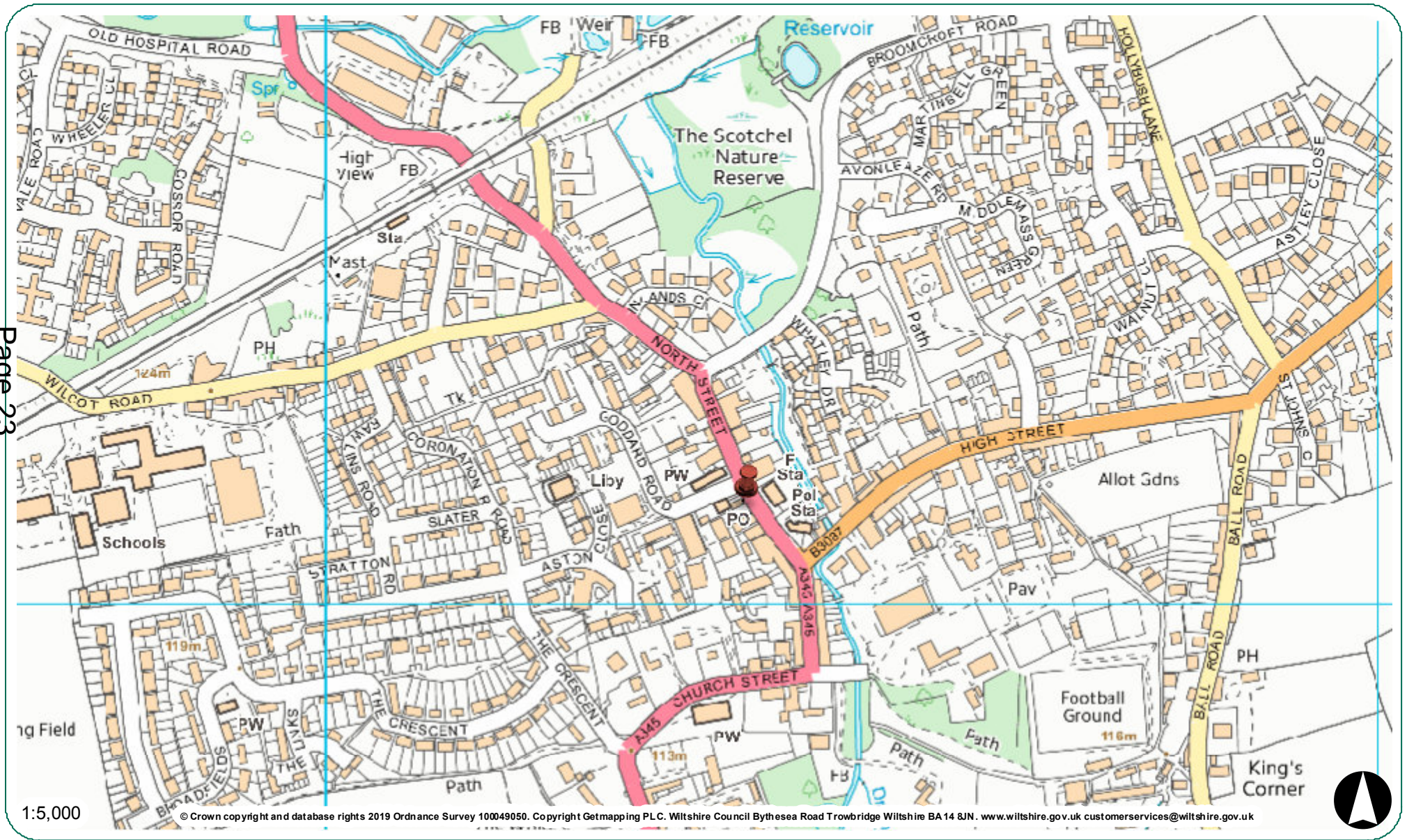
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Abul JASHIM

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

Public Protection Officer

Tale Of Spice, 9 North Street, Pewsey, Wiltshire, SN9 5ES



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[Insert name and address of relevant licensing authority and its reference number (optional)]
Licensing Authority: Wiltshire Local Authority
Address: Monkton Park, Chippenham, Wiltshire, SN15 1ER
Reference: AR33

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 Tale of Spice 9 North Street	
Post town Pewsey	Post code (if known) SN9 5ES

Name of premises licence holder or club holding club premises certificate (if known) Mr Abdul Jashim
--

Number of premises licence or club premises certificate (if known) 12675 – Issued by Tower Hamlets
--

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 that 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)

During a visit to the premises on 20th September 2019, seven persons were found to be working illegally.

Previous visits on 18th August 2018 and 4th April 2014 found five and six persons respectively working illegally.

With relation to the continuous and flagrant disregard of the licensing objective - The prevention of crime and disorder, by employing persons with no right to work in the UK, Home Office Immigration Enforcement seek the revocation of the premises licence.

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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 Hayley French

Date 19/11/19

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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From: [REDACTED]
To: Batchelor, Emma A
Subject: Tale of Spice Pewsey
Date: 18 December 2019 13:08:50
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Dear Emma

Thanks for your reply below, in response I can confirm the following which I hope helps:

I know that Tale of Spice has always been very firm when it comes to public nuisance and the prevention of crime and disorder. On the very rare occasion that I have seen any patrons of the restaurant causing any issues, the staff have always acted extremely professionally by firstly asking the customer to stop or risk having to leave. If the diner ignore the request from the staff, Josh and his team will then phone the police and hand over the matter to the relevant authority to ensure the matter is dealt with correctly and in a manner to ensure there is no distress to any other patrons.

I can assure you that there are so few, in fact absolutely minimal instances of trouble at The Tale of Spice. The restaurant is greatly respected by the entire community of Pewsey and therefore any issues of the above type are extremely few and far between.

With reference to public safety, the restaurant has all the required emergency exit signs, lighting and fire extinguishers and also has the ideal location of being directly opposite Pewsey Fire Station. Regarding food safety, if this is a concern, their food hygiene rating is clearly on display for all customers to see.

I hope this helps but please let me know if I can assist any further

Regards
Chris Stephens

From: "Batchelor, Emma A" <EmmaA.Batchelor@wiltshire.gov.uk>
Date: Tuesday, 17 December 2019 at 18:19:10
To: [REDACTED]
Subject: RE: The Tale of Spice Restaurant Pewsey

Thank you for your email, I can confirm this has been received.

If you would like the below email to be considered as a valid representation in support of Tale of Spice Pewsey and therefore heard at the Hearing we will require further information as to how Tale of Spice promote at least one of the licensing objectives. Which are:

- 1, Public Safety
- 2, Prevention of Public Nuisance
- 3, Prevention of Crime and Disorder
- 4, Prevention of Children from Harm

Consultation Ends Wednesday 18th December 2019.

From: [REDACTED]
To: [Batchelor, Emma A](#)
Subject: RE: Tale of Spice. 9 North St Pewsey and your ref AR32
Date: 18 December 2019 11:58:29
Attachments: [HEV_1557130079575.png](#)

Hello Emma

Thank you for your acknowledgment.

The Tale of Spice is an extremely well run establishment, in a generally quiet and peaceful area. There is little antisocial behaviour in this village.

Tale of Spice have always been very firm when it comes to public nuisance and prevention of crime and disorder. I have never seen any form of unruly behaviour outside of the restaurant nor any associated with it.

On the very rare occasion I have seen any diners causing an issue, (possibly only ever one occasion) the staff will ask them politely to stop or risk having to leave. Should the diners ignore this warning the restaurant would then phone the police and hand the matter over to the authorities, so that it is dealt with correctly.

That being said there are so few instances of trouble at Tale of Spice, I do not believe this happens very often, if at all.

The staff are mature and impeccable, and as such are able to control customers consumption of alcoholic beverages and their general behaviour well and with experience.

With reference to public safety, Tale of Spice has all the required emergency exit signs, lighting, fire extinguishers and also has the ideal location of being opposite Pewsey Fire station!

The local police station is next door to the fire station too.

Reference food safety, they have been inspected and have their food hygiene rating on display for patrons to see. The restaurant is quite small and spotlessly clean from a customer facing viewpoint. I never have a moments concern as to quality or cleanliness.

Josh (Jashim) and the team look out for the village and its inhabitants. When my children were younger teenagers, i used to say to them that if they were ever worried when walking about the village they should just pop in to see Josh. As i know that he and his team are trustworthy adults. He of course has my numbers. Josh is a family man with wife and daughters of his own, so naturally he cares.

In short, as i said the Tale of Spice is an asset to this community.

Regards.

simon

This email has been sent from my phone - for speed, so please excuse weird keystrokes due to clumsy fingers

From: [REDACTED]
To: [Batchelor, Emma A](#)
Subject: RE: Tale of Spice Pewsey
Date: 17 December 2019 21:04:18
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
Importance: High

Dear Emma,

Further to my previous email I would like to add the following comments in relation to your listed licensing objectives and from my own observations as a contractor and customer how Tale of Spice achieve these objectives You have asked me to comment on one of these but I have chosen to comment on three.

Protection of Children:

The Tale of Spice primary function is not related to the sale of alcohol and primarily serves as a restaurant providing food for consumption both on and off the premises. As such children do attend the premises.

- **Children must be accompanied by a responsible adult and are not allowed to dine alone.**
- **Alcohol is not served to any minor below legal age and those requesting alcohol who appear to be below the legal age are checked and must provide evidence of their age .**
- **Tale of Spice operate a family orientated restaurant and strongly discourage the use of bawdy behaviour or strong language.**
- **There is no entertainment on the premises.**
- **It is preferred that diners with children attend the restaurant early when possible.**

Prevention of Public Nuisance.

-
From my own observations I have can verify that the Tale of Spice actively seeks not to cause a public nuisance.

- The premises are well maintained from the outside and kept clean, to include the immediate pavement area and the side of the property .
- Waste materials are stored at the rear of the property away from public view and collected on a regular basis.
- No loud music is played on the premises.
- Windows are generally closed except when conditions don't allow to prevent noise from diners emanating into the street.
- Overcrowding does not occur and diners are limited to the number of tables available.
- The restaurant always closes at it designated time of 11.30 pm.
- Customers are always accompanied to the door and encouraged to leave quietly.
- Customers have some availability for parking near the restaurant but when parking is limited customers are directed to the nearest public car park (25 metres away).
- I have never seen a problem with litter in relation to this business.

Public Safety.

- The Tale of Spice does have a current food hygiene certificate rated 5
- The company does hold Public liability insurance.
- The Tale of spice does conform to current fire regulations .
- The premises are adequately lit.
- Exits are clearly shown.
- Floors are kept clear of obstacles and cleaned on a regular basis to prevent slipping.
- Hazardous area are sectioned of from the public (kitchen)
- There is a low level dining area for disabled clients who are unable to access the upper level.
- Toileting and hand washing facilities are available on both levels.
- Overcrowding is not permitted .
- The premises are well ventilated and heating is adequate.
- Staff are well presented with clean formal uniforms.

Prevention of Crime and Disorder.

I am not aware of any incident in the last 10 years regarding any disorder or crime in relation to Tale Of Spice I cannot comment on how this achieved By the Tale of Spice.

Yours sincerely,
For Wootton Woodland.

M.P.SHEEN

From: Batchelor, Emma A [mailto:EmmaA.Batchelor@wiltshire.gov.uk]

Sent: 17 December 2019 18:04

To: [REDACTED]

Subject: RE: Tale of Spice Pewsey

Thank you for your email, I can confirm this has been received.

If you would like the below email to be considered as a valid representation in support of Tale of Spice Pewsey and therefore heard at the Hearing we will require further information as to how Tale of Spice promote at least one of the licensing objectives. Which are:

- 1, Public Safety
- 2, Prevention of Public Nuisance
- 3, Prevention of Crime and Disorder
- 4, Prevention of Children from Harm

Consultation Ends Wednesday 18th December 2019.