

# Minutes

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## Licensing Sub-Committee Friday, 5 April 2019

### Attendance

Cllr Keeble  
Cllr Reed

Cllr Trump

### Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
Dave Leonard	-	Licensing Officer
Jean Sharp	-	Governance and Member Support Officer

### 402. Appointment of Chair

Members **RESOLVED** that Cllr Reed should chair the meeting.

### 403. Administrative Function

Members were respectfully reminded that, in determining the matters listed below; they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

### 404. Application to Transfer a Premises Licence – Jehan Curry Hut, 19 South Street, Brentwood. CM14 4BJ

An application had been made to Brentwood Borough Council for the transfer of the premises licence for **Jehan Curry Hut, 19 South Street, Brentwood CM144BJ** and was brought before the licensing sub-committee for determination following representations from a Responsible Authority (the Police) on the grounds of prevention of crime and disorder.

The sub-committee first heard from the licensing officer Dave Leonard who outlined his report.

This premise was currently a restaurant specialising in Indian cuisine operating in South Street, Brentwood and it was currently licensed for the Sale by Retail of Alcohol & Late Night Refreshment.

The applicant Mr. Abdul Latif was seeking to have the premises license transferred to him from Mare Blu Restaurant. Under the Licensing Act 2003 the Police could object to a transfer if satisfied that in the exceptional circumstances of the case that the granting of the application would undermine the crime prevention objective. Essex Police had submitted such an objection on 6th March 2019.

The sub-committee then heard from Gordon Rashford, Essex Police, as a Responsible Authority. He referred to the written detailed submissions of the Police contained in the bundle of documents produced to the Sub-Committee. He referred to the Applicant being a director of Indian Dining Chutney House until his resignation in November 2018 following a raid by Immigration Compliance & Enforcement (ICE) on premises run by the Company called Chutney Joe's in High Street, Brentwood. The Applicant as sole director of the company was the directing mind and sole director. The raid disclosed an illegal worker employed at the premises. This person admitted he had no right to work in the UK. The Applicant was present and identified himself as director and Head Chef. Mr. Latif resigned from the company 4 weeks after the raid. One Rofik Khan took over as director of the company. Mr. Rashford explained that the prevention of crime objective in the 2003 Act included the prevention of immigration crime in licensed premises.

Mr. Rashford referred to the utility bills produced in the name of Khan and stated if the Applicant was only a chef at the establishment why did he have access to the bills It was then explained that Mr. Rashford attended the premises recently and found alcohol for sale at the Bar with drinks menus freely available without the relevant licensing authority.

Members of the Sub-Committee then put their questions to the Police.

The Committee then heard from the Applicant's legal representative Ms. Orfanidou who stated that the Police evidence was speculative whereas the Applicant was hard-working but unfortunate. The Applicant was a weekend chef when approached by the Khans to become company director. His English was poor so did not know the implications when made director. The utility bills exhibited were in the name of Khan's. The Applicant did not deal with suppliers or recruitment. When ICE raided the premises the translator was Rafiqu Khan so translation of what the Applicant said was inaccurate. He was a scapegoat. On Mr. Rashford's attendance the bar tender was there to serve soft drinks; not alcohol and there was sign up saying no alcohol to be served.

The Sub-Committee then put its questions to the Applicant followed by the Police. Accompanied by the Legal Adviser and the Clerk the Sub-Committee retired to consider the matter.

In its deliberations the Sub-Committee was satisfied that the evidence on the

balance of probabilities showed that the prevention of crime and disorder objective would be undermined if the application was granted and decided the application would be **REFUSED** under section 44 (5) (b) (i) of the Licensing Act 2003.

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