

## LICENSING SUB-COMMITTEE

WEDNESDAY 1 MAY 2019

10.50am to 11.30am

Councillor Hilary Gander  
Councillor Alison Holt  
Councillor Margaret Thompson (Chair)

### In attendance:

#### **Premises Representatives**

Mr Jamiral Hoque – Premises Licence Holder  
Ms Maureen Ogbu – Legal Representative for Mr Jamiral Hoque

#### **Home Office**

Ms Vharuniya Poorawaswaminathan – Immigration Officer  
Mr Paul Smith – Immigration Enforcement

#### **Metropolitan Police**

PC Lee Hopkins  
Ms Genevieve Woods – Counsel for Metropolitan Police

#### **Licensing Officers**

Marcella Basso – Environmental Protection Officer (Licensing)  
David Kingstone - Team Leader – Licensing & Environmental Compliance

#### **Legal Advisor – South London Legal Partnership**

Guy Bishop

### **1. APPOINTMENT OF CHAIR**

Councillor Margaret Thompson was appointed Chair for the duration of the meeting.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3. MINUTES**

The minutes of the meeting held on 16 April 2019 were approved as a correct record.

### **4. LAL AKASH – 25-27 HIGH STREET, NEW MALDEN, KT3 4BY      Appendix A**

The Licensing Sub-Committee considered an application made on 6 March 2019 by the Metropolitan Police for a review of the premises licence in respect of Lal Akash, 25-27 High Street, New Malden to permit the sale of alcohol and late night refreshment. The application was made on the grounds of the prevention of crime and disorder Licensing Objective, following a visit carried out by Officers from Kingston Police and the Home Office. During the visit, the premises was found to be operating in breach of conditions 12 and 13 of premises licence PL0178. The premises was also

found to be employing persons without the correct permission to work in the United Kingdom.

At the beginning of the hearing the Team Leader – Licensing & Environmental Compliance explained that there were some discrepancies with the historic Licensing files that questioned the validity of the Review.

It was explained that Mr Jamiral Hoque, the current named Licence Holder had bought the premises from Mr Badrudin Ebrahim Manji some time in 2001 but there were no records within the Licensing files to show that an application had been made for transfer of the Premises Licence from Mr Manji to Mr Jamiral Hoque, despite his name being on the currently issued Premises Licence. The officer explained that a change in computer system in 2011/12 had meant that records between 2006 and 2011 were no longer held in full, however there was no indication on any records of such an application being made. Therefore, it appeared that Mr Hoque had been incorrectly named as the Licence Holder of the Premises for a number of years and the correct Licence Holder was actually, in law, Mr Badrudin Ebrahim Manji. It had transpired immediately before the hearing that Mr Manji had died a number of years ago which would mean that the Premises Licence may have lapsed and Mr Jamiral Hoque may not hold a valid Premises Licence.

The operator of the premises and named Premises Licence holder, Mr Hoque and his legal representative Ms Maureen Ogbu both confirmed that that Mr Hoque had no recollection of applying to transfer the Premises Licence from Mr Badrudin Ebrahim Manji to himself.

The Licensing Sub-Committee determined that if Mr Hoque was not the correct Premises Licence holder and Mr Manji had died in circa 2006, the Review may not be able to proceed, as it would have either, been served on the DPS and not the Premises Licence holder, or the Premises Licence may have lapsed. The Licensing Sub-Committee acknowledge that the Police had acted on the information available and any error was not due to them. However, the Licensing Sub-Committee accepted that records held by the Police may show that a transfer had been submitted. In fairness to the Police and Mr Hoque, the Licensing Sub-Committee was prepared to adjourn for that check to be carried out, albeit for a short period of two weeks.

Having considered the information before it, the Licensing Sub-Committee decided to **ADJOURN** the meeting to seek further clarification from Licensing Officers and the Police to provide evidence that the transfer of the Licence to Mr Hoque took place. It was considered that in the eventuality that there was no Licence in effect, that there would be no requirement to reconvene the meeting as the review would not be required.

## 5. URGENT ITEMS AUTHORISED BY THE CHAIR

There were no urgent items.

Signed.....Date.....

Chair