

**FAR PAVILION RESTAURANT, 25 BYE PASS ROAD, BOLTON-LE-SANDS**

**DETERMINATION OF APPLICATION FOLLOWING RELEVANT REPRESENTATION**

**DECISION OF LICENSING SUB-COMMITTEE**

**TUESDAY 16<sup>TH</sup> JULY 2019**

The Sub-Committee comprised of Councillor Mel Guilding (Chairman), Councillor Kevin Frea and Councillor Joan Jackson.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Sarah Moorghen, Democratic Services.

Home Office Immigration Enforcement, as a Responsible Authority, had submitted an application for review of a premises licence under Section 51 of the Licensing Act 2003. The application related to the Far Pavilion Restaurant, 25 Bye Pass Road, Bolton-le-Sands.

During the prescribed consultation period, no further representations were received.

Samantha Richards represented the Home Office and was accompanied by Linda Lawless

The Premises Licence Holder, Mr Hamied-UI-Nawshed Begh, was present and was accompanied by his wife and father.

The Licensing Officer, David Eglin, then introduced the report.

Samantha Richards then presented the applicant's case stating that the premises was subject to two separate enforcement visits where illegal workers were found. In addition to this, on both occasions, the living accommodation was found to be inadequate and posed a fire risk to the occupants.

Mr Begh then presented the premises licence holder's case and Mrs Begh helped answer questions.

The Sub-Committee then withdrew to make its decision, and sought advice from its legal adviser as to the appropriate phraseology of the decision.

**DECISION**

The Sub-Committee has carefully considered all the written information before it, and the representations today.

The application relates to a review of the premises licence for the Far Pavilion Restaurant, 25 Bye Pass Road, Bolton-le-Sands.

The Sub-Committee has heard evidence of five illegal workers being found on the premises on two separate occasions. Once in July 2014 and once in February 2019.

The premises licence holder has told the Sub-Committee that he was not the premises licence holder in 2014 so was not responsible for anything then. In relation to the second enforcement visit, he admits that there was a fine issued but that it was against one worker who had just started at the premises on the day of the enforcement visit.

Mr Begh had been in touch via Facebook with this person and been given assurances about his status but had not had the chance to check documentation as he had arrived on the day of the Home Office visit.

It is understood Mr Begh has paid the civil fine. No criminal conviction was pursued.

Whilst government guidance, issued under Section 182 of the Licensing Act 2003, states that certain criminal activity which arises in connection with licensed premises is to be treated particularly seriously, and knowingly employing illegal workers is given as an example of such activity, there is no evidence that Mr Begh knowingly employed illegal workers or was convicted of a criminal offence.

The Sub-Committee feels however that this mismanagement needs to be addressed, and as such, are of the opinion that it is appropriate and proportionate, in the circumstances, to issue Mr Begh with a warning as to future conduct in relation to the employment of staff at the premises. It is incumbent on an employer to carry out all necessary immigration checks before employing staff.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision within 21 days from receiving this written decision.

**Any queries regarding these Minutes, please contact  
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