

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR REVIEW OF A PREMISES LICENCE: THE JARNA
RESTAURANT, 1 OLD MILTON GREEN PARADE, NEW MILTON**

**Decision of the reconvened Licensing Sub-Committee hearing held at
Appletree Court, Lyndhurst on Tuesday, 9 December 2014 at 2.00pm**

1. Members of the Licensing Sub-Committee

Councillor J Heron - Chairman
Councillor W H Dow
Councillor Mrs P A Wyeth

2. Parties and their Representatives attending the Hearing

PC Conway & PC Harris, Hampshire Constabulary – Applicant for Review
Immigration Officers Newcombe, Pleydell & Stone – In support of the
Applicant for Review

Mr Miah – Premises Licence Holder
Mr Griffiths – Premises Licence Holder's Legal Representative
Mr Hussain – In support of the Premises Licence Holder

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Lisa Clark – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

That no action be taken in respect of the review application.

7. Reasons for the Decision

The parties agreed that the documentary and oral evidence presented in connection with the application to transfer the premises licence to Shahed Miah (heard 9 December 2014 at 10:00am) be taken into account by the Sub-Committee. Neither party presented any additional evidence in connection with the application by Hampshire Constabulary for a review of the premises licence. In light of the fact that the premises licence had been transferred to Mr Shahed Miah, following the Sub-Committee's decision at the hearing of the transfer application that this would not undermine the crime prevention objective, the police advised that they were no longer seeking revocation of the premises licence.

The police suggested that conditions be attached to the premises licence: 1) that Mr Anwar Hussain should not be permitted to have any financial involvement with the premises; and 2) that the premises licence holder must retain records of the identifications checks carried out on staff.

The Sub-Committee declined to impose a condition limiting Mr Anwar Hussain's financial involvement with the premises on the ground that this was not appropriate to promote the licencing objectives. With regard to the proposed condition requiring that the premises licence holder retain records of identification checks carried out on staff, the police confirmed that this was a legal requirement for all employers. The Sub-Committee therefore declined to impose it as a condition on the premises licence, because the premises licence holder would be obliged to keep such records in any event.

The Sub-Committee therefore concluded that no action should be taken in respect of the application for review of the premises licence.

Date: 10 December 2014

Licensing Sub-Committee Chairman: Cllr J Heron

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Decision notified to interested parties on 15 December 2014