

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**POLICE OBJECTION TO APPLICATION TO TRANSFER A PREMISES LICENCE
– THE JARNA RESTAURANT, NEW MILTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Tuesday, 9 December 2014 at 10.00am**

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

Mr Miah - Applicant
Mr Griffiths – Applicant's Legal Representative
Mr Hussain - Premises Licence Holder

PC Conway & PC Harris, Hampshire Constabulary - Objector
Immigration Officers Newcombe, Pleydell & Stone – In support of the
Objector

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

Mr Ali – Premises Licence Holder

5. Officers attending to assist the Sub-Committee

Lisa Clark – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

The application for the Transfer of the Premises Licence to Mr Shahed Miah is granted.

7. Reasons for the Decision

The Sub-Committee carefully considered all the evidence before it and all the representations made at the hearing.

Having considered the evidence presented by the police and immigration officers, the Sub-Committee concluded that at the time of the raid on the Jarna Restaurant by immigration officers (16 August 2014), there were persons employed in the premises who did not have the right to work in the UK.

The Sub-Committee did not find the evidence given by Mr Hussain at the hearing convincing. They concluded that he had not carried out adequate checks to ensure that all persons employed in the premises had the right to work in the UK.

However, the Sub-Committee was satisfied that the lease of the premises has now been transferred to Mr Shahed Miah. It was accepted by all parties that Shahed Miah is the son of Nur Ali, one of the existing premises licence holders. The Sub-Committee heard that Mr Miah was now responsible for business rates, staff wages and all bills in respect of the business, and that he had recruited five new employees since taking over the running of the business. The Sub-Committee accepted Mr Miah's evidence that he was intending to run the business in his own right, with no involvement by Mr Hussain or Mr Ali. The evidence produced by the Police did not satisfy the Sub-Committee that, if the premises licence was transferred to Shahed Miah, the crime prevention licensing objective would be undermined. In the circumstances, the Sub-Committee concluded that it was appropriate to grant the transfer of the premises licence to Mr Shahed Miah.

Date: 10 December 2014

Licensing Sub-Committee Chairman: Cllr J Heron

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Decision notified to interested parties on 15 December 2014