

## LICENSING SUB-COMMITTEE

24 AUGUST 2017

### PRESENT

Councillor M. Cornes (in the Chair),  
Councillors M. Freeman and J. Holden.

#### In attendance

J. Boyle                      Licensing Manager,  
R. Smithson                 Solicitor,  
R. Worsley                  Democratic and Scrutiny Officer.

### 28. APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE - SWADESH RESTAURANT, 3 RICHMOND ROAD, BOWDON, WA14 2TT

The Head of Public Protection submitted a report advising Members of an application received from the Chief Immigration Officer for a review of the existing Premises Licence for Swadesh Restaurant, 3 Richmond Road, Bowdon, WA14 2TT.

The parties present at the hearing were invited to address the Sub-Committee.

Representations were made on behalf of Home Office Immigration by K. Roberts, A/Chief Immigration Officer and S. Townley, Immigration Officer.

Representations were made on behalf of Swadesh Restaurant by Mr. F Humphrey, Barrister on behalf of TM Fortis Solicitors and Mr. M. Salim, the licence holder.

#### RESOLVED –

- (1) That the Premises Licence not be revoked.
- (2) That the additional conditions outlined in the decision notice be imposed on the Premises Licence.

### LICENSING SUB-COMMITTEE DECISION NOTICE

**Sub Committee Members:** Councillor M. Cornes (Chairman)  
Councillor J. Holden  
Councillor M. Freeman

**Type of Licence:** Review of an existing Premises Licence: Swadesh Restaurant, 3 Richmond Road, Bowdon WA14 2TT

**Parties Present:** Home Office Immigration, Compliance & Enforcement  
Ms K. Roberts – A/Chief Immigration Officer  
Mr S. Townley – Immigration Officer

On behalf of Swadesh Restaurant

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Mr F Humphreys – Barrister, on behalf of TM Fortis Solicitors  
Mr M Salim – Licence Holder

Officers

Joanne Boyle – Licensing Manager  
Rob Smithson - Solicitor  
Ruth Worsley – Democratic and Scrutiny Officer

**Date of Hearing:** Thursday 24 August 2017

**Time Commence:** 3.13 p.m.

**Time Terminated:** 4.17 p.m.

**LICENSING SUB-COMMITTEE DECISION**

The Sub-Committee decided that the application by Home Office Immigration Enforcement is a relevant application in that it refers to the prevention of illegal working and relates to the prevention of crime and disorder.

Decision regarding the application

Having considered all the available evidence, the Sub-Committee has decided given the information presented that they will not revoke the premises licence.

However the Sub-Committee wishes to emphasise the seriousness of any future incidents concerning illegal working or immigration offences at premises within the Borough of Trafford Council.

The Sub-Committee has also decided to impose the following additional conditions:

1. Mr M Salim must carry out checks relating to the right to work in accordance with the Illegal Working Compliance Orders Regulations 2016 in respect of all Mr Salim's employees who work at the premises at Swadesh Restaurant, 3 Richmond Road, Bowdon WA14 2TT.
2. Mr M Salim must carry out checks relating to the right to work in accordance with the Illegal Working Compliance Order Regulations 2016 in respect of any prospective employees before entering into a contract of employment with the prospective employee.
3. Any copies of documents retained by Mr M Salim as a result of conducting checks relating to the right to work in accordance with the Illegal Working Compliance Orders Regulations 2016 are to be stored securely by Mr M Salim on the premises at Swadesh Restaurant, 3 Richmond Road, Bowdon WA14 2TT.

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4. Any employee required to provide documentation by Mr M Salim as a result of obligations imposed on Mr M Salim by the Licence must use all reasonable endeavours to promptly comply with such a requirement.
5. Any Immigration Officer, Police Officer, and/or Council Enforcement Officer may enter the premises at Swadesh Restaurant, 3 Richmond Road, Bowdon WA14 2TT in order to inspect whether the terms of the Licence have been complied with.

**LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION**

The Sub-Committee has carefully considered the evidence of the Home Office Immigration Enforcement Team and the full range of powers available to it.

The Sub-Committee considered the written representation received from TM Fortis Solicitors acting on behalf of the licence holder.

The Sub-Committee noted the application and granting of a Compliance Order covering all four restaurants within the chain, including Swadesh Restaurant, Bowdon.

However the Sub-Committee has also noted that the Closure Notice obtained prior to the Compliance Order was specifically issued in relation to the Sangam Restaurant, Didsbury.

The Sub-Committee noted that the incident which the Immigration Enforcement Team deemed to have breached the Compliance Order was at Sangam, Heald Green. Both the Sangam Restaurants in Didsbury and Heald Green are not premises within the Borough of Trafford.

The Sub-Committee has balanced the interests of the licence holder with the promotion of the licensing objection: prevention of crime and disorder.

The meeting commenced at 3.13 pm and finished at 4.17 pm.