

Slough Borough Council

Report To:	Licensing Sub-Committee
Date:	Wednesday 23 rd April 2025
Subject:	Premises Licence Review Application – Akaya Lounge, 307-309 High Street, Slough
Chief Officer:	Tessa Lindfield, Executive Director of Public Health and Protection
Contact Officer:	Russell Denney-Clarke, Trading Standards and Licensing Manager
Ward(s):	Slough Central
Exempt:	NO - Part 1
Appendices:	Appendix A – Review application form Appendix B – Review application supporting documents Appendix C – Representation from Thames Valley Police Appendix D – GEN40 TVP Report Appendix E – GEN40 TVP Premise Visit Appendix F – Follow up meeting minutes Appendix G – TVP Warning Letter Appendix H – Premises licence

1. Summary and Recommendations

- 1.1 This report sets out Home Office Immigration Enforcements grounds to review the premise licence (PL007419) for Akaya Lounge, 307-309 High Street, Slough, SL1 1BD. The review application has been made in accordance with section 51 of the Licensing Act 2003.

Recommendations:

- 1.2 The Sub-Committee is recommended to:
- 1.3 Having had regard to the representations made by all parties, the Sub-Committee must consider what action, if any, is appropriate to take for the promotion of the licensing objectives.
- 1.4 Where the Sub-Committee considers action is appropriate the statutory options available are:
- (a) Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).
 - (b) Exclude a licensable activity from the scope of the licence.

- (c) Remove the designated premises supervisor (if applicable), for example, because they consider that the problems are the result of poor management.
- (d) Suspend the licence for a period not exceeding three months.
- (e) Revoke the licence.

Reason: The Licensing Team cannot disregard or overturn a decision made by the Licensing Sub Committee, and the consideration of an application to review a premises licence is a function delegated to the Licensing Sub-Committee.

2. Report

Introductory paragraph

- 2.1 As quasi-judicial body the Sub-Committee is required to consider this matter on its merits and must act reasonably and rationally. The Sub-Committee can only consider relevant factors and must ignore irrelevant factors. The decision must be based on evidence, which logically shows the existence or non-existence of the relevant facts, or the likelihood or the unlikelihood of some future event, the occurrence of which would be relevant. The Sub-Committee must give fair consideration to the contentions of all persons entitled to make representation to them.
- 2.2 The Sub-Committee can only consider matters within the report and valid representations.
- 2.3 Members should note that the Sub-Committee is meeting on this occasion solely to perform the role of Licensing Authority. As such Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the Council's related policies and guidance.
- 2.4 Members will be aware of the Council's Code of Conduct which requires them to declare interests. The Code applies to members when considering licensing issues. In addition, as a quasi-judicial body, Members are required to avoid both actual bias and the appearance of bias.

Options considered

- 2.5 Consideration has been given to how the decision sought will help the Council meets its vision and corporate priorities, however the nature of the review application is outside the scope of these priorities.

Background

- 2.6 On 24 February 2025, Home Office Immigration Enforcement submitted a review application for Akaya Lounge, 307-309 High Street, Slough, SL1 1BD (the "**Premises**"). The Premises currently hold the premises licence PL007419 for the following activities:

The provision of late-night refreshment (on sales)

Monday – Thursday: 23:00 – 01:00*

Friday – Saturday: 23:00 – 02:00*

Sunday: 23:00 – 00:00

(* The following morning)

- 2.7 The Home Office is a Responsible Authority for the purposes of the Licensing Act 2003. A copy of the review application is shown at **Appendix A**, with its supporting documentation shown at **Appendix B**. The review application is on the grounds that the following licensing objective is not being met:
- The prevention of crime and disorder
 - Public safety
- 2.7.1 The review application is made on the grounds that the Home Office believe illegal working has been identified at the Premises and they consider the premises licence should be revoked. Their application can be summarised as follows:
- 2.7.2 11th January 2025 – Immigration Officers together with Thames Valley Police conducted an illegal working visit at the Premises after intelligence was received that the Premises was illegally employing workers. During the visit 4 individuals were identified as immigration offenders and arrested.
- 2.7.3 The Home Office consider that the premises licence holder along with management has failed to conduct mandatory employment checks in line with legal obligations to prevent illegal working at the Premises. It is an offence to work when a person is disqualified to do so, and the Home Office submit that such an offence can only be committed with the co-operation of a premises licence holder or its agents. The Home Office consider that the management of the Premises could and should have carried out checks on any people before they are employed to ensure they have a right-to-work.
- 2.7.4 The supporting documents in **Appendix B** also state that one of the illegal workers stated he was paid between £30-£40 for working 4/5 hours a day, which equates to between £6 - £8 per hour when the national minimum wage at the time was £11.44 per hour.
- 2.8 11th March 2025 – Debie Pearmain, Police Licensing Officer, Thames Valley Police submitted a representation supporting the review application made by Home Office Immigration Enforcement See **Appendix C**
- 2.9 Ms Pearmain attached a copy of the GEN40 report from PC7576 relating to the joint visit with Immigration Officers on 11th January 2025 which details staff being deliberately unhelpful and obstructive, and when speaking to the owner on the telephone he confirmed he was not able to access the CCTV or attend the scene as he was in Birmingham at the time See **Appendix D**
- 2.10 Debie Pearmain attended the Premises on 24th January 2025 with Neighbourhood Enforcement Officers and found breaches of the Premises Licence including conditions relating to CCTV, checking customers ID, refusal register and the register of door staff See **Appendix E**
- 2.11 A follow-up meeting was arranged by Debie Pearmain following both visits (11th January 2025 and 24th January 2025). This meeting was attended by the Premises Licence Holder on 11th February 2025 at Windsor Police Station. Debie Pearmain and PC Frodsham were present and the breaches were discussed. A warning letter was issued to the Premise Licence Holder. See **Appendix F** for the GEN40 detailing the minutes of the meeting and **Appendix G** for a copy of the Police's warning letter dated 11th February 2025.

- 2.12 The Section 183 Statutory Guidance (the “**Statutory Guidance**”) states at paragraph 11.27 that there is certain criminal activity that may arise in connection with licenced premises which should be treated particularly seriously. One of the examples given is for “*employing a person who is disqualified from that work by reason of their immigration status in the UK*”.
- 2.13 Paragraph 11.28 of the Statutory Guidance states that, “*It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*”

3. Implications of the Recommendation

3.1 Financial implications

- 3.1.1 There are no financial implications to the Council.

3.2 Legal implications

- 3.2.1 Under Part 3.4 of the Council’s Constitution (23rd January 2025), the determination of all functions under the Licensing Act 2003 that are not reserved to Full Council are the responsibility of the Licensing Committee, with the determination of licensing applications further delegated to a Sub-Committee.
- 3.2.2 The Sub-Committee must have regard to the amended Secretary of States guidance issued in February 2025 under Section 182 of the Licensing Act 2003, specifically, Chapter 11 (Reviews). Regard should be had to paragraphs 8.7 (listing the Home Office as a Responsible Authority) 8.38-8.40 (Entitlement to work in the UK), 11.01-11.29 (Reviews).
- 3.2.3 The Sub-Committee must also have regard to the Council’s Statement of Licensing Policy 2024-2029.

3.3 Risk management implications

- 3.3.1 Consideration has given to risk management implications however the nature of the decision is outside the scope of these priorities.

3.4 Environmental implications

- 3.4.1 Consideration has given to environmental implications however the nature of the decision is outside the scope of these priorities.

3.5 Equality implications

- 3.5.1 The Sub-Committee should be aware of and consider any implications that may arise from the Human Rights Act 1998 and section 149 Equality Act 2010. The legislation makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.

3.5.2 When determining the case and considering imposition of conditions the Sub-Committee must be satisfied that any decision which interferes with the rights of the applicant or of others, only does so insofar as it is necessary to protect the rights of others and that no alternative decision would be appropriate.

3.5.3 The Sub-Committee is specifically referred to the following Convention rights:

- (i) Article 6 (the right to a fair trial),
- (ii) Article 8 (the right to respect for private and family life)
- (iii) Article 1 of the First Protocol (the protection of property)

4. Background Papers

- [The Licensing Act 2003](#)
- [Guidance issued under Section 182 of the Licensing Act 2003 \(February 2025\)](#)
- [Regulations \(cited as the Licensing Act 2003 \(\[Various\]\) Orders 2005\)](#)
- <https://www.slough.gov.uk/downloads/download/1290/statement-of-licensing-policy-2024-2029>