

REPORT TO LICENSING SUB-COMMITTEE

Date of Hearing:	22nd April 2026
Report of:	Head of Service – Environment and Waste
Decision Required:	To Determine a Review of a Premises Licence
Legislation:	Licensing Act 2003
Licensed Premises	Curry King – 49 Fore Street, Heavitree, Exeter, EX1 2QN Reference 26/00366/LPRREV

1. What is the report about?

- 1.1 An application has been received from Home Office Immigration Enforcement ('the Applicant'), seeking a review under section 51 of the Act of the Premises Licence held by [REDACTED] and [REDACTED] at the Curry King. A copy of this application is attached as Appendix A to this report.
- 1.2 The Premises Licence is attached as Appendix B to this report.
- 1.3 The application for review has been advertised and circulated as required by the legislation. A copy of the notice of the review is attached as Appendix C to this report.

2. Are there any representations?

- 2.1 The legislation requires that any representations in relation to a review must be submitted to the Licensing Authority no later than the 28th day after receipt of the review application. The 28-day period beginning the day after receipt of the application. The last date for representation being the 6th April 2026.
- 2.2 No representations were received within the statutory representation period.

3. Report details:

- 3.1 The Applicant states that the license holders have failed to meet the licensing objective of prevention of crime and disorder, as illegal working has been identified at the Licensed Premises.
- 3.2 The Applicant provided further explanation to this ground for review, as follows:
 - a.) Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.
 - b.) The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises

licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

- 3.3 The Applicant has produced a written submission that provides evidence for the review application. A copy of this written submission is attached as Appendix D.
- 3.4 On the 11th March 2026 the Principal Licensing Officer met with the current owner of the Licensed Premises ('the Owner'), who is also listed as the DPS for the restaurant on the last issued premises licence, and the new Food Business Operator ('FBO'). At this meeting, it was confirmed that those named as the premises licence holders, [REDACTED] and [REDACTED], had not been involved with the business for many years. The FBO explained that he would not require a licence to continue to operate the business, as he does not intend to provide any licensable activities; he does not sell alcohol, nor provide late night refreshment. The Principal Licensing Officer confirmed that the proposed operation of the business would not require a licence. The Principal Licensing Officer asked the Owner and FBO to request the premises licence holders to contact him in relation to the premises licence.
- 3.5 On the 16th March 2026 an email was received from Mr [REDACTED] advising that he had sold the business in 2010 and has not been involved in the operation of the business since then. Mr [REDACTED] confirmed that he wished for the licence to be surrendered. A copy of this correspondence is attached as Appendix E.
- 3.6 On the 17th March 2026 an email was received from Mr [REDACTED] outlining that he has not been involved in the business since 2012. Mr [REDACTED] confirmed that he wished for the licence to be surrendered also. A copy of this correspondence is attached as Appendix F.

4. Legal and Policy Considerations:

- 4.1 A premises licence can be surrendered in accordance with Section 28 of the Act which states;
- (1) Where the holder of a premises licence wishes to surrender his licence he may give the relevant licensing authority a notice to that effect.
 - (2) The notice must be accompanied by the premises licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence.
 - (3) Where a notice of surrender is given in accordance with this section, the premises licence lapses on receipt of the notice by the authority.
 - (4) This section is subject to section 50 (which makes provision for the

reinstatement in certain circumstances of a licence surrendered under this section).

4.2 Under section 52 of the Act before determining the application the Licensing Authority must hold a hearing to consider it and any relevant representations.

4.3 The Licensing Sub-Committee are required to have regard to;

4.3.1 the steps that are appropriate to promote the Licensing Objectives;

- Protection of children from harm
- Prevention of public nuisance
- Public safety
- Prevention of crime and disorder

4.3.2 the representations (including supporting information) presented by all the parties; and

4.3.3 the Official Guidance issued under section 182 of the Act which can be viewed at: [Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2026\) \(accessible version\) - GOV.UK](#); and

4.3.4 the Licensing Authorities Statement of Licensing Policy which can be viewed at [Statement of Licensing Policy 2020-2025](#)

4.4 Section 52 of the Act states that the Licensing Sub-Committee must, having regard to the Application and any relevant representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objective.

The steps are;

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

4.5 The hearing must be conducted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

5. Recommendations:

5.1 The Licensing Sub-Committee are required to identify what steps, if any, need to be taken to determine the application.

5.2 The Licensing Sub-Committee may decide that there are no further steps that are appropriate to promote the licensing objectives.

Service Lead – Environment and Waste

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-
None

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