

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
HELD ON THURSDAY 27 JULY 2017 AT 10:00AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT:

Councillors:

Hoare, M.W.A.
Johnson, T.B.
Pearson, A.R.

Applicant for Review: PC D. Evans, Licensing Unit, Staffordshire Police

Representing the Licensing Authority: Mr S. O'Meara (Senior Licensing Officer) and
Mr J. Salter (Licensing Enforcement Officer)

Legal Advisor to the Sub-Committee: Mr S. Turner (Principal Solicitor)

Secretary to the Sub-Committee: Mr M. Berry (Senior Committee Officer)

1. Appointment of Chairman

Councillors Hoare and Pearson nominated Councillor T. Johnson as Chairman.

RESOLVED:

That Councillor T. Johnson be appointed as Chairman for the meeting.

2. Apologies and Reconstitution of Membership

No apologies were received.

**3. Declarations of Interests of Members in Contracts and Other Matters
and Restriction on Voting by Members**

No declarations of interests were received.

**4. Licensing Act 2003 – Application for a Review of a Premises Licence –
The Bilash, 2 Bow Street, Rugeley, WS15 2BT**

It was noted at this point that the Licence Holder had not yet arrived, nor given any indication to the Licensing Officers or the Secretary to the Sub-Committee as to whether he was planning to attend. A short adjournment was held so that the Licensing Enforcement Officer could telephone the Licence Holder to establish his whereabouts. The Licensing Enforcement Officer returned and reported that he had spoken with the Licence Holder who advised he would not be attending due to currently being located elsewhere and had thought the Hearing was taking place on 28 July. The Licensing Officers advised that the Licence Holder had been made aware on several occasions of the Hearing date via telephone conversations, formal correspondence delivered by hand directly to him at the premises concerned and sent via post to his home address.

The Legal Advisor informed Members that under the Licensing Act 2003 (Hearings) Regulations 2005, Members could determine whether to continue with the Hearing in the absence of the Licence Holder. Members resolved to continue with the Hearing as they were satisfied that the Licence Holder had been given sufficient notice of the date of the Hearing.

The Chairman then asked all parties present to introduce themselves and to confirm their understanding of the procedure for the Hearing.

The Officer of the Licensing Authority presented the report in respect of the application for review and outlined the relevant matters for consideration (Enclosure 4.1 – 4.3 of the Official Minutes of the Council). The Applicant for Review and Members of the Sub-Committee were then afforded the opportunity to ask questions of the Officer of the Licensing Authority on the report presented. Questions were asked by Members only.

The Applicant for Review then presented their case to the Sub-Committee. Members then asked questions of the Applicant for Review on the case presented.

The Officer of the Licensing Authority and Applicant for Review were given the opportunity to sum up their respective cases. Summation was only given by the Applicant for Review.

Members of the Sub-Committee then deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee.

All parties then returned to the meeting and the Chairman announced the decision of the Sub-Committee and reasons for the decision, as follows:

RESOLVED:

That having considered the evidence and the matters set out in the report, and having also considered the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's Licensing Policy, the Premises Licence be revoked.

Reasons for Decision

The sub-committee noted that the Designated Premises Supervisor (DPS)/Licence Holder had been fined £30,000 as a result of admitting offences under section 15 of the Immigration, Asylum and Nationality Act 2006, though had not paid any of the fine to date. The sub-committee noted that the offences came to light when Immigration Enforcement Officers went to the Premises in November 2016.

The sub-committee was satisfied that the DPS/Licence Holder did not check employee documentation and did not carry out appropriate employment checks of staff members to ensure that they were entitled to work in the UK. The DPS/Licence Holder had put forward no explanation of his actions, made no representations, and failed to attend this hearing.

The sub-committee was satisfied that the DPS/Licence Holder had employed two illegal workers at the Premises, had paid them cash in hand, and had failed to keep accurate PAYE records.

The sub-committee was satisfied that the DPS/Licence Holder had admitted to Immigration Enforcement Officers and to the Police that he had employed illegal workers.

The sub-committee noted that the DPS/Licence Holder ran another licenced premise in the Stafford area, and noted that in October 2016, Immigration Enforcement Officers found three illegal workers were working at those premises in the same circumstances as those at the Rugeley premises.

The sub-committee noted that paragraph 11.27 of the guidance provided that the employment of illegal workers was “criminal activity that may arise in connection with licenced premises which should be treated particularly seriously.”

The sub-committee further noted that paragraph 11.28 of the guidance urged licensing authorities to “use the review procedures effectively to deter such activities and crime.”

In considering paragraph 11.24 of the guidance, the sub-committee determined that the offences relating to the employment of illegal workers had taken place at the premises and had a negative impact on the promotion of the crime prevention objective.

Noting paragraph 11.26 of the guidance, the sub-committee considered that the premises licence should be revoked and that revocation was an appropriate step with a view to promoting the crime prevention licensing objective. The sub-committee decided that revocation of the premises licence was justified as being appropriate in order to deter the practice of employing illegal workers and in the interests of the wider community, which outweighed the personal interests of the DPS/Licence Holder.

Finally, the sub-committee found that there was no evidence to suggest that the licence holder would improve how he runs his business, and he had given no assurances as to his future conduct. The sub-committee found that the Licence Holder had shown total disregard for the licensing objectives.

The meeting closed at 11:07 a.m.

CHAIRMAN