

Please ask for: Matt Berry

Your Ref:

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My Ref:

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19 July, 2017

Dear Councillor,

**LICENSING SUB-COMMITTEE
10:00 A.M., THURSDAY 27 JULY, 2017
ESPERANCE ROOM, CIVIC CENTRE, CANNOCK**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,



**T. McGovern
Managing Director**

To: Councillors

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

(Reserve):
Freeman, Miss M.A.

A G E N D A

PART 1

1. **Appointment of Chairman**

2. **Apologies and Reconstitution of Membership**

The Council will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the full Licensing and Public Protection Committee. In the event of this substitution taking place, all parties will be informed of the change of membership at the beginning of the hearing.

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

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

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

Report of the Managing Director (Enclosure 4.1 – 4.3).

5. **Exclusion of the Public**

The Chairman to move:

That the public may be excluded from the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1 and 2, Part 1, Schedule 12A of the Local Government Act, 1972 (as amended) when the Not for Publication papers are being discussed.

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

Not for Publication Annex to Report of Managing Director (Enclosure 6.1 – 6.26).

This Annex is confidential due to the inclusion of information relating to any individual and information which is likely to reveal the identity of an individual.

CANNOCK CHASE COUNCIL

LICENSING SUB-COMMITTEE

**PROCEDURE FOR DEALING WITH LICENSING APPLICATIONS AND OTHER MATTERS
SUBMITTED UNDER THE LICENSING ACT 2003**

PROCEDURE TO BE USED FOR AN APPLICATION TO REVIEW THE PREMISES LICENCE

Procedure for the Hearing

1. The Chairman shall introduce the Members of the Sub-Committee and supporting staff.
2. All other parties present shall introduce themselves.
3. The Chairman shall outline the procedure to be followed at the hearing.
4. The Officer representing the Licensing Authority shall present a report on the matter.
5. The Applicant for Review (or their representative) shall have the opportunity to ask questions of the Officer from the Licensing Authority.
6. The Licence Holder (or their representative) shall have the opportunity to ask questions of the Officer from the Licensing Authority.
7. Members of the Sub-Committee may ask questions of the Officer from the Licensing Authority.
8. *Where the Officer of the Licensing Authority is legally represented, the legal representative may ask questions of clarification of the Officer of the Licensing Authority.*
9. The Applicant for Review (or their representative) shall put their case in respect of the matter and may call witnesses.
10. The Licence Holder (or their representative) shall have the opportunity to ask questions of the Applicant for Review (or their representative) and any witnesses called.
11. Anyone making representations in respect of the application shall have the opportunity to ask questions of the Applicant for Review (or their representative) and any witnesses called.
12. Members of the Sub-Committee may ask questions of clarification of the Applicant for Review (or their representative) and any witnesses called.
13. **Anyone making representations** in respect of the application shall put their case in respect of the matter in the presence of the Officer representing the Licensing Authority, the Applicant for Review (or their representative) and the Licence Holder (or their representative) and may call witnesses.

14. The Applicant for Review (or their representative) may ask questions of clarification of anyone making representations.
15. The Licence Holder (or their representative) may ask questions of clarification of anyone making representations.
16. Members of the Sub-Committee may ask questions of clarification of anyone making representations.
17. The Licence Holder (or their representative) shall put their case in respect of the matter and may call witnesses.
18. The Applicant for Review (or their representative) may ask questions of clarification of the Licence Holder (or their representative) and any witnesses called.
19. Anyone making representations may ask questions of clarification of the Licence Holder (or their representative).
20. Members of the Sub-Committee may ask questions of clarification of the Licence Holder (or their representative) and any witnesses called.
21. The Officer of the Licensing Authority shall have the opportunity to sum up their case if they so wish.
22. The Applicant for Review (or their representative) shall have the opportunity to sum up their case if they so wish.
23. Anyone making representations in respect of the application shall have the opportunity to sum up their case if they so wish.
24. The Licence Holder (or their representative) shall have the opportunity to sum up their case if they so wish.
25. Members of the Sub-Committee shall deliberate in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee, only recalling the other parties or their representatives to clarify points of uncertainty on evidence or submissions already given. If it is necessary to recall any party, all parties are to return, notwithstanding that only one party may be concerned with the points giving rise to doubt.
26. At the conclusion of their deliberations, the Chairman of the Sub-Committee may inform the Applicant for Review (or their representative) and the Licence Holder (or their representative) of the decision of the Sub-Committee, briefly explaining the reasons for the decision.
27. The Council's Legal Advisor shall write **within seven working days** (or as soon as practicable if this cannot be completed) to the Applicant for Review and Licence Holder confirming the Sub-Committee's decision and giving reasons for that decision.

CANNOCK CHASE COUNCILLICENSING SUB-COMMITTEE27 JULY 2017REPORT OF THE MANAGING DIRECTORLICENSING ACT 2003APPLICATION FOR A REVIEW OF A PREMISES LICENCEBILASH, 2 BOW STREET, RUGELEY, STAFFS, WS15 2BT1. Reason for Hearing

Staffordshire Police have made application to the licensing authority for a review of the Bilash Restaurant Premises Licence on the basis that the owner has committed offences under Section 15 of The Immigration, Asylum and Nationality Act 2006. With respect to this, the Police state that the review relates to the licensing objectives of Prevention of Crime and Disorder and Public Safety. A copy of the Application for Review of the Premises Licence is given as a confidential Annex 1 to this report.

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| Name and Address of Premises. | Bilash Restaurant 2 Bow Street Rugeley Staffs WS15 2BT |
| Applicant for Review of Premises Licence | PC David Evans Staffordshire Police Southern Licensing Unit Burton Police Station Horninglow Street Burton-on-Trent Staffs, DE14 1PA |
| Date of Application for Review | 16 June 2017 |
| Name and Address of the Premises Licence Holders | Mr Abdul Muktadir 2 Bow Street Rugeley Staffs WS15 2BT |

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| Designated Premises Supervisor (DPS) | Abdul Muktadir |
| Other Responsible Authority representation. | No representations have been received from any other Responsible Authority |
| Valid Representations from Other Persons | No other representations have been received |
| Matters of note | <p>On 24 November 2016, Home Office Immigration officers entered the Bilash Restaurant in order to execute a search warrant. Two male workers were arrested at the premises at that time and further enquiries into their identity revealed that they were in the United Kingdom illegally.</p> <p>Since that time, Mr Muktadir has been served with a Civil Penalty of £30,000 imposed upon him under the Immigration, Asylum and Nationality Act 2006.</p> <p>Staffordshire Police ask that the premises licence be revoked due to the nature of the criminal offences committed at the premises and the total lack of regards for the licensing objectives.</p> |
| Other matters of note | There are no other matters of note. |

3. Human Rights Act 1998 Implications

- 3.1 Article 6 of the Act provides that where a person's civil rights and obligations are being determined, s/he is entitled to a "fair trial". The Council complies with Article 6 in that it gives the person the opportunity to state their case, will make a decision within a reasonable period of time and will give reasons for its decision.
- 3.2 The Article also provides for the issue to be determined by an independent tribunal. The right of appeal to the Court against the Council's decision fulfils this.

4. Legal Implications

- 4.1 The Licensing Sub Committee is permitted under section 52(4) of the Licensing Act 2003 ('the Act') having had regard to the representations, to take such steps as it considers appropriate for the promotion of the licensing objectives namely;
- a) to modify the conditions of the licence
 - b) to exclude a licensable activity from the scope of the premises
 - c) to remove the Designated Premises Supervisor
 - d) to suspend the licence for a period not exceeding 3 months
 - e) to revoke the licence.

- 4.2 The Licensing Sub-Committee can also resolve to take no action, issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.
- 4.3 Any remedial action taken should be directed at the cause of the concerns which the representations identify. The remedial action should always be directed at these causes and should be no more than an appropriate and proportionate response.
- 4.4 The applicant, the licence holder and other persons who made relevant representations in relation to the application have a right of appeal to the Magistrates' Court should they disagree with the Licensing Sub Committee's decision. The appeal must be made within 21 days of the Committee's decision being notified (in writing) to the appellant.

5. Financial Implications

- 5.1 No fees are payable upon application for a review of a premises licence. However, both the applicant and licence holder have the right of appeal to the Magistrates' Court against the decision.
- 5.2 The Court is however, less likely to award costs against the Council if it is satisfied that the Council had acted honestly, reasonably and properly and on grounds which appeared to be sound.
- 5.3 Should the Premises Licence be revoked, then the annual fee of £180 due in August each year would not be payable to the Council.

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| <p>Annexes Attached</p> <p>Confidential Annex 1</p> | <p>The application for review of the Premises Licence.</p> |
| <p>7. Determination Required</p> | <p>Members are asked to determine what action may be required in order to ensure that the licensing objectives are met at the Bilash Restaurant, having regard to the legislation, the 4 Licensing Objectives, the Council's Licensing Policy & Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.</p> <p>The 4 licensing objectives are:</p> <ul style="list-style-type: none"> • The Prevention of Crime & Disorder • Ensuring Public Safety • The Prevention of Public Nuisance • The Protection of Children from Harm |