

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Tuesday, 20th March, 2018

Place: Committee Room 1 - Civic Suite

Present: Councillor R Hadley (Chairman)
Councillors N Folkard and D Jarvis

In Attendance: A Brown, M Newton, T Byrne and T Row

Start/End Time: 10.00 am - 12.20 pm

841 Apologies for Absence

There were no apologies for absence.

842 Declarations of Interest

No interests were declared at the meeting.

843 B.U.S. Premier Ltd, 71-73 Southchurch Road, Southend-on-Sea, SS1 2NL - Application for Review of Premises Licence

The sub-committee received a report of the Deputy Chief Executive (Place) concerning an application by Essex Police for the review of the premises licence at B.U.S. Premier Ltd, 71-73 Southchurch Road, Essex, SS1 2NL.

The application was presented by Mr S Sparrow of the Essex Police Licensing Unit. Ms J Mason and Mr G Ashford of the Police Licensing Unit were also in attendance. Mr Sivasaravnan, owner of the property, together with Ms R Shaiju (Designated Premises Supervisor) and Mr P West (licensing consultant), the respondent's representative, were in attendance at the hearing.

The application had been made on the grounds of crime and disorder, in particular, the employment of a person who is disqualified from work by reason of their immigration status.

At the outset of the hearing, the respondent's licensing consultant expressed concern that two other persons would be attending the hearing on behalf of the applicants without having given prior notice. The sub-committee concluded that, on the basis that no new evidence was being introduced, it would not be prejudicial to the respondent's case to have these other people take part. Mr West, the respondent's representative, accepted this position.

The sub-committee heard that, on 7th November 2017, representatives of the police licensing unit attended the premises as a result of an alleged breach of licensing conditions, in particular, the display of alcohol for sale and the sale of alcohol outside of the permitted hours. As a result of this visit, Mr Sinnathurai, a person who is disqualified to work in the UK by reason of his immigration status, was witnessed working behind the counter. Mr. Sivasaravnan explained

that Mr Sinnathurai was his friend and had asked him to open the premises on this one occasion as both he and his wife, in addition to the designated premises supervisor, were unable do so.

The sub-committee listened to all the evidence and submissions, and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. The sub-committee further considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

On the basis of the evidence presented to it, the sub-committee regarded this situation as serious and took the view that the licence holder has failed in his duty to comply with the conditions on the premises licence and the licensing legislation.

The sub-committee therefore:

Resolved:-

That the premises licence in respect of B.U.S. Premier Ltd, 71-73 Southchurch Road, Essex, SS1 2NL. Be suspended for a period of 28 days.

Chairman: _____