

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee B

Date: Friday, 5th January, 2018

Place: Committee Room 1 - Civic Suite

Present: Councillor R Hadley (Chairman)
Councillors D McGlone (Vice-Chair) and D Kenyon

In Attendance: T Row and M Newton

Start/End Time: 11.00 am - 2.10 pm.

875 Apologies for Absence

There were no apologies for absence.

876 Declarations of Interest

No interests were declared at the meeting.

877 Damak, 80 Leigh Road, Leigh on Sea, SS9 1BZ - Application to Review 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 Damak, 80 Leigh Road, Leigh on Sea, Essex SS9 1BZ.

The application was presented by Mr G Ashford of the Police Licensing Unit. Ms J Mason of the Police Licensing Unit, was also in attendance and gave evidence. The respondent, Mr Mermut (owner of the business and designated premises supervisor), together with his wife and Ms B Tzivelek (licensing consultant), the respondent's representative, were in attendance at the hearing and also gave evidence.

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 and that employees were not in receipt of the minimum wage.

Immediately prior to the hearing, both the respondent and applicant submitted additional documentation to support their cases. The sub-committee agreed to accept the submission of this late documentation and delayed the commencement of the hearing until 11.00 a.m. to enable all parties to consider this evidence.

The sub-committee noted the respondent's claims that he had been provided with some false documentation by the illegal workers found at the premises at the time of the operation undertaken by the Home Office Immigration Compliance and Enforcement Team and the Police. The respondent also stated that he had also repeatedly requested the relevant documentation

required to enable him to complete the necessary checks on appropriate identity and employment status.

The sub-committee also noted from the respondent that he was regretful that he had failed in his responsibilities as an employer in respect of this matter and he had not attempted to deceive any of the authorities as alleged by the Police.

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 took the view that the licence holder had failed in his duty to comply with the conditions on the premises licence and the licensing legislation. Due to the gravity of the situation and taking into account the promotion of the crime prevention objective, including acting as a deterrent, in accordance with the Licensing Act 2003, the sub-committee believed the imposition of further or amended conditions or a suspension of the licence would be ineffective in the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community. It therefore:

Resolved:

That the premises licence be revoked.

Chairman: _____