

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Friday, 12th June, 2020

Place: Virtual Meeting via MS Teams

Present: Councillor H McDonald (Chair)
Councillors N Folkard and D McGlone*
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: A Brown, T Row and A Penn

Start/End Time: 9.30 am - 10.45 am

46 Apologies for Absence

Apologies for absence were received from Councillor D Garston (Substitute: Councillor McGlone).

47 Declarations of Interest

No interests were declared at the meeting.

48 1030 London Road, Leigh-on-Sea, Southend-on-Sea, Essex, SS9 3ND - Application for Review of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and the Environment) concerning an application by Essex Police for the review of the premises licence in respect of at Yak & Yeti, 1030 London Road, Leigh-on-Sea, Essex, SS9 3ND.

The application was presented by Mr G Burke of the Police Licensing Unit on behalf of the applicant. Mr J Davis from the Home Office Immigration Enforcement Department was also in attendance. Mr Dadds, the Licensee's legal representative, attended the hearing and gave evidence on behalf of the Licensee.

The application had been made on the grounds of prevention of crime and disorder, in particular the employment of persons who were disqualified from work by reason of their immigration status and that employees were not in receipt of the minimum wage.

The sub-committee was informed that an application in respect of this premises had been made late in the day prior to this meeting by the Masala Kitchen UK Ltd to transfer the licence from Mr P Singh, the current Licence holder. Mr T Singh, the cousin of the current Licence Holder, had assumed management of the premises over the last few months and would be appointed as designated premises supervisor.

The sub-committee heard that Mr T Singh had been in India at the time of the visit by Immigration Enforcement Officers for the funeral of his brother and previous owner of the premises, Mr J Tande. Mr T Singh confirmed that his statement to the Police during their interview, that he was unaware of the employment of the illegal workers, was false and that he had been aware that his brother had employed the individuals for a number of months. Mr T Singh had made this statement in error as he had been extremely nervous at the time of the interview by the Police, was still grieving following the loss of his brother and under stress to support his brother's family whilst running the business.

The Licensee's legal representative explained the business was also suffering as a result of the Covid-19 pandemic. Mr T Singh was not responsible for the employment at these premises at the time of the visit by Immigration Officers and was now in an extremely difficult situation. Any decision of the sub-committee should therefore be appropriate to address the cause of the breach of the Licensing objectives. To this end, some new conditions had been submitted to the sub-committee by the Licensee's legal representative that could be appended to the licence to promote the licensing objectives and remedy the situation. Mr T Singh was seeking to be the new Designated Premises Supervisor and Premises Licence Holder to ensure the management of the business in accordance with the licensing objective and legislation.

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 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 promotion of the prevention of crime and disorder 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. The sub-committee therefore:

Resolved:-

That the premises licence in respect of Yak & Yeti, 1030 London Road, Leigh-on-Sea, Essex, SS9 3ND be revoked.

Chair: _____