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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Friday, 8th December, 2017
Place: Committee Room 1 - Civic Suite

Present: Councillor D McGlone (Chair)
Councillors D McGlone (Co-Chair), S Buckley and C Mulroney

In Attendance: T Row, A Brown, A Penn, L Coombes

Start/End Time: 10.00 am - 2.40 pm

546 Apologies for Absence

There were no apologies for absence.

547 Declarations of Interest

No declarations of interest were made at the meeting.

548 SFC, 26 Southchurch Road, Southend-on-Sea, SS1 2ND - Application to Transfer Premises Licence

The sub-committee received a report of the Deputy Chief Executive (Place) concerning an application by Mr Kazi Hasan to transfer the existing premises licence at SFC, 26 Southchurch Road, Essex, SS1 2ND.

The application was presented by Mr Hopkins (licensing consultant), the applicant's representative. Mr Hasan was in attendance at the hearing.

Objections to the application had been received from Essex Police under the licensing objective of the prevention of crime and disorder, in particular, the employment a person who is disqualified from work by reason of their immigration status and that employees were not in receipt of the minimum wage. Ms J Mason, Ms V Powell and Mr G Ashford of the Essex Police Licensing Unit, together with their witness, Ms R Newell from the Home Office Immigration Department were in attendance.

The sub-committee noted that an application had also been received from Essex Police to review the existing premises licence. On the basis that the evidence submitted and given by all parties related to both applications, the Chairman explained at the outset of the hearing that both applications would be considered together, following consideration of all of the evidence.

The sub-committee heard that Mr Hasan was not aware that he was required to apply to transfer the premises licence when he had taken on the property in March 2017, despite having some involvement with the premises since November 2016. He had been concentrating on the refurbishment of the premises and as soon as it was brought to his attention he had applied for a transfer of the licence.

Mr Hasan had employed another person to look after the running of the premises in July 2017, prior to the commencement of trading in August 2017. The sub-committee heard that Mr Hasan had left this employee in charge of the premises whilst he visited his family in Bangladesh between 25th September until 9th October 2017. The illegal worker was not employed by Mr Hasan and he had never met him. Copies of documents to support this were referred to at the hearing by the applicant's representative. However, under the Licensing Act 2003 (Hearings) Regulations 2005, the sub-committee disregarded these documents as evidence on the basis that they were not supplied to all parties before the hearing and at the hearing the consent of Essex Police was not given to it being produced.

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 felt Mr Hasan would not be a fit and proper person to hold the premises licence on the grounds that:

- (i) the application to transfer the licence was not made in good time. The onus to apply for the transfer of the licence lies with Mr Hasan; and
- (ii) the promotion of the licensing objective for the prevention of crime and disorder would be undermined due to the problems associated with the alleged crimes taking place on the premises.

The sub-committee therefore:

Resolved:

That the application to transfer the licence be refused.

549 SFC, 26 Southchurch Road, Southend-on-Sea, SS1 2ND - 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 SFC, 26 Southchurch Road, Essex, SS1 2ND.

The application was presented by Ms V Powell of the Police Licensing Unit. Ms J Mason and Mr G Ashford of the Police Licensing Unit, together with their witness, Ms R Newell from the Home Office Immigration Department were in attendance. Mr Hasan, owner of the property, together with Mr Hopkins (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 and that employees were not in receipt of the minimum wage.

The sub-committee noted that an application had also been received from Mr Hasan to transfer the existing premises licence to him, to which the Police had objected. On the basis that the evidence submitted and given by all parties related to both applications, the Chairman explained at the outset of the hearing that both applications would be considered together, following consideration of all of the evidence.

The sub-committee heard that Mr Hasan had employed another person to look after the running of the premises in July 2017, prior to the commencement of trading in August 2017. Mr Hasan had left this employee in charge of the premises whilst he visited his family in Bangladesh between 25th September until 9th October 2017. The illegal worker was not employed by Mr Hasan and he had never met him. Copies of documents to support this were referred to at the hearing by the respondent's representative. However, under the Licensing Act 2003 (Hearings) Regulations 2005, the sub-committee disregarded these documents as evidence on the basis that they were not supplied to all parties before the hearing and at the hearing the consent of Essex Police was not given to it being produced.

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 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: _____

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