

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee B

Date: Friday, 29th March, 2019

Place: Committee Room 1 - Civic Suite

Present: Councillor D McGlone (Chair)
Councillors H McDonald and C Mulroney

In Attendance: T Row, E Anakwue, M Newton and T Byrne

Start/End Time: 9.45 am - 1.10 pm

806 Apologies for Absence

There were no apologies for absence.

807 Declarations of Interest

No interests were declared at the meeting.

808 Padrino Restaurant, 7-9 Shorefield Road, Westcliff-on-Sea, SS0 7RN - Application for Review of Premises Licence

The sub-committee considered a report of the Deputy Chief Executive (Place) concerning an application by Essex Police for the review of the premises licence at Padrino Restaurant, 7-9 Shorefield Road, Westcliff-on-Sea, SS0 7RN.

The application was presented by Ms Drain of the Police Licensing Unit. Ms Powell of the Police Licensing Unit, together with Ms Clouting and Mr Henry of the Immigration Enforcement Office, were also in attendance. Mr Poli (part-owner of the business and designated premises supervisor), together with Ms Spratt-Dawson (Counsel), Mr Daby (Solicitor), were in attendance at the hearing and also gave evidence on behalf of the respondents.

The application had been made on the grounds of crime and disorder, in particular, the employment of 3 persons who were disqualified from work by reason of their immigration status.

At the outset of the hearing, the applicant submitted that two of the written statements contained within the respondent's bundle should be disregarded on the basis that they were not relevant to this matter. These statements were by Mr Fields (Accountant) and Mr Dowell (neighbouring resident). The sub-committee considered this submission but agreed that the statements should be considered and would determine the weight that should be attached to these statements when considering the breach of the licensing objective of crime and disorder.

The sub-committee noted from the respondent that they did not contest the evidence submitted by the Police. They were regretful that they had failed in their duties as a responsible employer in respect of this matter and their failure to

comply with the promotion of the licensing objective relating to crime and disorder. They had not attempted to deceive any of the authorities and there had been no previous issues of concern raised in respect of these premises.

The sub-committee also noted from the respondents that steps would be introduced to regularise the recruitment and staffing issues and that the designated premises supervisor would be replaced.

The sub-committee felt however, robust measures should have already been in place to ensure the legal status of all employees. The current designated premises supervisor was unaware of the status of the illegal workers at the time of their employment and remained unaware of their status for some time. The major shareholder of the company (which is also named as the licence holder) appointed these workers without following the correct procedures, did not inform his fellow shareholders, nor the accountant who deals with the staff payroll.

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 their 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 believes 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: _____