

LICENSING SUB-COMMITTEE

19 August 2024 at 10.00 am

Present: Councillors Blanchard-Cooper (Chair), Haywood and Patel
Bob Brown, Licensing Officer presenting reports
Neil Williamson – Environmental Health Manager
Harry Taylor - Chief Immigration Officer (presenting review application)
Daniel Shing (Legal)
Jane Fulton – Committee Services Manager
Katherine Davis – Committee Services Officer
Mr Muhammed Yousef Islam – Licence Holder

Councillor Wallsgrove was also in attendance for all or part of the meeting as a local ward member observing and did not speak on the matter..

Apologies: Goodheart (Patel in attendance in his place)

22. ELECTION OF CHAIR

Prior to the commencement of the meeting it had been agreed that Councillor Blanchard-Cooper would chair the meeting.

23. DECLARATIONS OF INTEREST

There were no declarations of interest.

24. ITEMS NOT ON THE AGENDA WHICH THE CHAIR OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed there were no urgent items.

25. ADJOURNMENT

The Chair advised of a change to the membership of today's Sub-Committee, as Councillor Goodheart had sent his apologies and that Councillor Patel was in attendance in his place. He moved to adjourn the meeting for a period of 30 minutes until 10.00am to ensure that Councillor Patel so that he can fully read the agenda papers. The adjournment of the meeting until 10.00am was proposed by Councillor McDougall and seconded by Councillor Hayward.

Mr Islam provided the Sub-Committee with copies of the Home Office Immigration Enforcement team's decision relating to the Financial Penalty Imposed and a mitigation statement, Mr Taylor did not object to the late admission of these documents.

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The Committee

RESOLVED

To adjourn the start time of the Licensing Sub-Committee for a period of 30 minutes until 10.00am.

26. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE

The Chair invited all parties present to introduce themselves. He advised that this was a formal hearing that would follow the hearing procedures approved by the Licensing Committee held on 23 June 2023. He asked if any representations had been received to enable the hearing to be dispensed with and was advised by the Licensing Officer that none had been received. The Licensing Officer also advised that further representations had been received from the premises licence holder and had been circulated to all parties before the start of the hearing. The hearing then formally commenced.

The Licensing Officer presented the report which outlined the detail of a case concerning an application from the Home Office Immigration Enforcement Alcohol Licensing Team for Passage to India, 15 The Square, Barnham, Bognor Regis, West Sussex, PO22 0HB. A supporting representation had been received from Sussex Police, which he would read out if the Sub-Committee requested. No questions were asked of the Licensing Officer following his outline.

Following the Council's procedure for Licensing Sub-Committees, detailed representations were heard from the applicant, the Home Office, acting as the Responsible Authority. On the basis that that the licensing objectives for the prevention of crime and disorder. The representations made were followed by questions from the Sub-Committee which were responded to at the meeting.

The premises licence holder, Mr Islam also made representations and answered the Sub-Committee's questions. He referred to the documents he had submitted to the Sub-Committee that provided details of his appeal in respect of the Civil Penalty he had received from the Home Office, which had resulted in a reduction in the Civil Penalty given. He expressed his remorse and explained how a business crisis had led to the employment of 5 illegal workers.

Following the summing up by the Home Office and the premises licence holder, the Sub-Committee retired to make their decision.

On reconvening the meeting, the Chair advised that the Sub-Committee had taken into account all the representations made before them, both written and oral in respect of this matter, and also had due regard to Statutory Guidance, the Licensing Act 2003's statutory licensing objectives; the Council's own Statement of Licensing Policy and licensing objectives; and guidance under Section 182 by the Home Secretary and Licensing Act 2003. The decision of the Sub-Committee was then delivered to all present.

Consideration had been given to the S182 guidance, particularly at paragraphs 11.27 and 11.28 where revocation is a consideration in some instances. The serious criminal activity of the employment of a person who is disqualified from that work by reason of their immigration status in the UK is listed at paragraph 11.27.

The Sub-Committee considered that the Prevention of Crime and Disorder licensing objective has been undermined through the employment of 5 illegal workers and the range of options available as set out in the report, it was concluded that revocation of the premises licence in this case was appropriate and proportionate.

It was noted that the licence holder was present but not legally represented and should seek legal advice on his rights to appeal the decision.

The Sub-Committee therefore

RESOLVED

That the license be revoked.

(The meeting concluded at 12.16 pm)