

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 22 April 2015

Present:

Councillors M Hornby
L Reecejones
D Roberts

61 **APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 -POULTON POP IN, 411-413 POULTON ROAD, WALLASEY**

This meeting was reconvened from 16 April 2015 (minute 60 refers).

Sergeant S Barrigan attended the meeting.

Mr K Krishnabalan, Premises Licence Holder attended the meeting together with his representative, Mr P Douglas and the Designated Premises Supervisor, Mr Gajendran.

The Licensing Manager reminded all parties that the review had been sought by Merseyside Police and that the grounds for review related to the premises knowingly employing an individual who could not lawfully be employed in the UK.

Mr Douglas, Mr Krishnabalan and Mr Gajendran responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee.

Mr Gajendran advised Members that he had a number of years of experience working in licensed premises and had held a Personal Licence for 10 years. He advised that he would relocate from London to run the premises. He informed Members that he would refer the future employment of any individual to work in the premises to the Premises Licence Holder. Members further heard that any staff employed at the premises would receive payment directly through their bank account.

Members gave careful consideration to the application made by Merseyside Police to review the Premises Licence at Poulton Pop In, 411-413 Poulton Road, Wallasey and the representations made in writing and orally at the hearing by Sergeant Barrigan from Merseyside Police as well as Mr Douglas on behalf of his client Mr Krishnabalan, the current Premises Licence Holder and Mr Gajendran, Designated Premises Supervisor.

In determining the review application Members had regard to the licensing objectives in particular the prevention of crime and disorder, the Council's Statement of Licensing Policy and relevant guidance issued under Section 182 of the Licensing Act 2003, in particular, paragraphs 11.16 to 11.28.

Members accepted the evidence provided by Merseyside Police that there had been an individual employed at the premises who had no right to work in the UK.

In this regard Members gave particular consideration to paragraph 11.27 and 11.28 of the Guidance which identifies that the use of a licensed premises for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter is to be treated particularly seriously and that the revocation of the licence should be seriously considered.

In determining this review Members had regard to whether Mr Krishnabalan knowingly employed an individual who was not allowed to work in the UK and in this regard Members considered that Mr Krishnabalan, at that time, had not taken reasonable steps to identify the legal status of his employees to work in the UK.

In considering the review, Members heard from Mr Krishnabalan and his representative, Mr Douglas, that there had been significant changes in the ownership and operation of the premises in that Mr Krishnabalan's legal partner, Mr Paheerathan, was no longer the Designated Premises Supervisor and that the business partnership had been dissolved. This had been presented to Members as a material difference in the way in which the business would operate in the future. Members also heard from the new Designated Premises Supervisor Mr Gajendran.

Members were satisfied that the Premises Licence Holder would now take greater responsibility for the employment of staff at the premises and that the Designated Premises Supervisor would be held to account by him in respect of the management of these premises.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the conditions of the Premises Licence be modified as follows:

- **A written recruitment procedure must be in place which includes the steps that will be taken by the Premises Licence Holder to check the immigration status and the eligibility of an individual to work in the UK in accordance with the Home Office Guidance ' Full Guide for employers on preventing illegal working in the UK'.**
- **A written staff rota must be in place and be available for inspection by an Authorised Officer on request.**