

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 25 March 2015

Present: Councillors S Niblock
J Salter
H Smith

54 APPOINTMENT OF CHAIR

Resolved – That Councillor S Niblock be appointed Chair for this meeting.

55 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Sub-Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

56 APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - NEWS AND BOOZE, BROUGH ROAD, BIRKENHEAD

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Merseyside Police to review the Premises Licence in respect of News and Booze, Brough Road, Birkenhead.

The premises currently hold a Premises Licence allowing the licensable activities as set out within the report. A copy of the Premises Licence setting out the hours and conditions attached to the licence was available.

The Strategic Director advised that the Sub-Committee may, having regard to the application for review and any other relevant representations, take such of the following steps as it considered necessary for the promotion of the licensing objectives:

- Modify the Conditions of the Licence.
- Exclude a licensable activity from the scope of the Licence.
- Remove the Designated Premises Supervisor.
- Suspend the Licence for a period not exceeding three months.
- Revoke the Licence.

The Licensing Authority may decide that no action would be necessary if it found that the review did not require it to take any steps necessary to promote the licensing objectives.

The application had been submitted by Merseyside Police and the Licensing Sergeant had stated that the grounds for review were in relation to the premises having knowingly employed persons who were not lawfully entitled to work in the UK which undermined the crime and disorder licensing objective.

Sergeant S Barrigan, Merseyside Police attended the meeting.

Mr Singh, Designated Premises Supervisor and Premises Licence Holder attended the meeting with his friend, Mr Brepotra and Mr C Johnson, Solicitor.

The Licensing Manager confirmed that all documentation had been sent and received and that further documentation had been submitted by Mr Johnson which had been circulated to all parties in advance of the meeting. Members were also informed that Sergeant Barrigan would make reference to a document published by the Home Office.

Sergeant Barrigan outlined the grounds for the review. He reported that on 13 January 2014 a male was found to be working at the shop who had overstayed his visa and was subsequently arrested. He advised that at the time of his arrest he was unlawfully in the UK and could not lawfully be employed because he had not been granted Leave to Remain. Members were informed that Mr Singh had been fined £5,000 by the Home Office for not complying with illegal working legislation.

Sergeant Barrigan advised that this had not been the first time an illegal immigrant had been found at the premises and that three further arrests had been made and although these individuals were not found to be working at the premises, it was the view of the Police that the premises had been used to further crimes thus undermining the crime prevention objective.

Sergeant Barrigan referred to paragraphs 11.27 and 11.28 of the Home Office Guidance issued under Section 182 of the Licensing Act 2003 and advised that there had been clear evidence that the crime prevention licensing objective had been undermined through the premises being used to further crimes and Merseyside Police considered it appropriate, for the promotion of the Licensing Objectives, to request that Members give serious consideration to the revocation of the Premises Licence.

Sergeant Barrigan responded to questions from Members of the Sub-Committee, Mr A Bayatti, Legal Advisor to the Sub-Committee and Mr Johnson, Solicitor.

Mr Johnson and Mr Singh addressed the Sub-Committee and outlined the circumstances regarding the individuals that had been arrested at the premises. Mr Singh referred to the £5,000 fine that he had been given and provided details of how this was being paid.

Mr Johnson and Mr Singh responded to questions by Members, Mr A Bayatti and Sergeant Barrigan.

In response to questions from Members regarding the Authority that had granted Mr Singh's Personal Licence, a short adjournment took place for this to be clarified.

The meeting reconvened and it was clarified that Mr Singh had obtained his Personal Licence from Wirral Council. Questions were then raised regarding where Mr Singh had undertaken his training for his Personal Licence and the Licensing Manager advised that she had some further documentation that she wished to submit to the Sub-Committee.

A short adjournment took place in order that the documentation could be shared with all parties.

The meeting reconvened and further to discussions that had taken place outside the meeting, Mr Johnson requested that this matter be adjourned prior to the documentation being submitted to Members, in order that he may take proper instructions in respect of his client.

Sergeant Barrigan advised that he would not contest the request for an adjournment in the interest of a fair hearing.

A short adjournment took place for the consideration of the request for an adjournment.

The meeting reconvened and Members agreed to the request for an adjournment to enable a fair hearing to take place.

Resolved – That this matter be adjourned to Thursday 23 April 2015 at 10.00 am.