

Runnymede Borough Council

Licensing Sub Committee

Tuesday, 11 October 2022 at 2.00 pm

Members of the Committee present: Councillors E Gill (Chairman), T Burton and A King.

Also Present: The Premises Licence Holder and his son, Ms C Laird and Mr D Goldhill (Immigration Office), Mr R Smith, Senior Licensing Officer, Mr P Ionta, Legal Advisor and Miss C Pinnock, taking notes of the meeting.

In attendance: Councillors D Clarke and D Cotty (Observers)

1 Election of Chairman

Councillor E Gill was elected as Chairman for the meeting.

2 Notification of Changes to Committee Membership

There were no changes to the Sub-Committee membership.

3 Apologies for Absence

There were no apologies for absence. All Members present.

4 Declarations of Interest

There were no declarations of interest.

5 Procedure

The Procedure for the meeting was noted, all parties present would be given an equal opportunity to state their case, ask questions and seek clarification of any points. It was confirmed that the Premises Licence Holder would be assisted by his son.

6 Exclusion of Press and Public

By resolution of the Committee, the press and public were excluded from the remainder of the meeting during the consideration of the remaining matters under Section 100A (4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraphs 1, 3 and 7 of Schedule 12A to Part 1 of the Act

7 Licensing Act 2003 - Review of a Premises Licence

Mr Smith set out the details of the application made by the Home Office Immigration Enforcement Service to review the Premises Licence of a restaurant in Egham, licensed to supply late night refreshment and alcohol with a meal.

The application to review the premises licence was made in respect of the Licensing objective of the Prevention of Crime and Disorder.

A warrant to search the premises had been issued on 17 June 2022, and executed on 2 July 2022. As a result, it was found that an offence under section 24 (1)(b)(i) of the Immigration Act 1971 had occurred, to which the Immigration Officers present confirmed

that the Premises Licence Holder (PLH) had 'openly and honestly admitted'.

It was confirmed that the notices advertising the review of the premises licence had been placed at the premises and on the Council's website. The PLH had been served the required notices and copies of the review application.

Mr Smith advised that no representations had been received from any other responsible authorities or any other person.

The Sub-Committee's attention was drawn to the relevant guidance under section 182; in particular Part 11.24 to 11.28 which referred to reviews arising in connection with crime.

The Sub-Committee noted the legal implications in the report, including the steps it could take when determining the review application. These ranged from modifying the conditions of the licence to revoking it altogether.

The Officers from the Immigration Office were invited to provide any additional information to that presented in their review application and statement which was duly noted.

The PLH and his son were invited to address the Sub-Committee. Their submission included the difficulties of recruitment, the after effects of the pandemic and how it had adversely affected the business and them personally as a family.

The PLH informed the Sub-Committee that he planned to retire from the business and his son stated that he wanted to take it over on a part time basis and make improvements to ensure all relevant rules and regulations were adhered to in future. The PLH also expressed the intention to surrender his Personal Licence to the local authority which had issued it.

Both the PLH and his son appreciated the importance of running the business legally, particularly as the son had recently completed a course in preparation for applying for a Personal Licence and transferring the Premises Licence to himself. He was already in possession of an enhanced DBS certificate because of his current occupation. This also highlighted his awareness of safeguarding issues and another Licensing Objective, that being the protection of children from harm.

The Sub-Committee expressed sympathy for the PLH who had explained that as English was not his first language, he often missed things and had not hitherto fully realised his legal and moral obligations. He also implied that he sometimes felt overwhelmed by these and the business and had also experienced difficulties with his staff; they were currently very short staffed. A frank discussion had taken place instigated by his son about the future which had led to his decision to step back and look after his health and family without the burden of the business to run, and to allow his son to assume an overview of the business and take responsibility for paperwork.

The Sub-Committee asked some questions of the PLH who confirmed that some staff had been living on the premises in accommodation upstairs which the Council had instructed him to refurbish as it was not of a reasonable standard.

Mr Smith asked whether the PLH was aware of his obligations in respect of making right to work checks and he also asked where he recruited his staff from. The PLH considered he was not really aware, he tended to rely on trust that they were legal especially if they had been in the UK for some years. The PLH's son stated that potential staff responded to appeals on a chat forum for their community.

The Immigration Officers confirmed some more detail around their visit to the premises and what had occurred, including the provision of some payslips.

Mr Smith confirmed that if the personal licence held by the PLH was surrendered there would be no need for a hearing, should he be convicted of a relevant offence, and that if subsequently the PLH's son applied for a personal licence this would be a separate matter to that being discussed at the meeting.

When invited by the Chairman, the applicants and PLH confirmed they did not have anything to add by way of a closing statement.

Mr Ionta stated that it was the panel's intention to reach a decision today, all parties were welcome to remain while the Sub-Committee retired to determine the application. A full decision letter would be issued, hopefully within 5 working days of the decision being conveyed verbally to those present.

The meeting adjourned at 14:47 and reconvened at 15:15.

The Chairman confirmed that they had considered all that was before them and that had been said at the meeting and had concluded that the Premises Licence held by the restaurant should be revoked with immediate effect.

This mean that the offer of late night refreshment and alcohol was no longer allowed until such time as a fresh application was made. Mr Ionta explained that the premises was not being closed and they could still operate up to 23:00 hours. When asked, Mr Smith confirmed that whilst alcohol could not be supplied, diners were allowed to 'bring their own', it was only licensable activity that had been revoked.

When asked to clarify, Mr Smith also confirmed that should the PLH's son apply for a premises licence it would be considered on its merits, but that the previous history of the premises could be taken into account. If objections were received in respect of the premises licence application it was likely that a Hearing would take place. If the PLH was subsequently convicted of a relevant offence, his personal licence, if not surrendered at that time, would also be the subject of a Hearing by the issuing authority.

The Chairman thanked all those attending the meeting.

RESOLVED that –

The premises licence held by the restaurant which was the subject of the Hearing under the Licensing Act 2003, be revoked with immediate effect.

(The meeting ended at 3.30 pm.)

Chairman