

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in Trent Meeting Room at The Guildhall, Gainsborough on Friday 17 October 2014 at 10am

Present: Councillor Jessie Milne
Councillor Roger Patterson
Councillor Lewis Strange

In Attendance :
Phil Hinch Licensing Team Manager
Jo Furner Lincs Legal Services
Dinah Lilley Governance and Civic Officer

Also in Attendance :

Ibrahim Guma Premises Manager
RM Premises Licence Holder
Sergeant Enderby Lincolnshire Police

1 ELECTION OF CHAIRMAN

RESOLVED that Councillor Milne be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

2 MEMBERS' DECLARATIONS OF INTEREST

There were no Members' declarations of interest.

**3 LICENCE HEARING RE:
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT THE
CAPRI, 16 KING STREET, MARKET RASEN
PREMISES LICENCE HOLDER Four Seasons (Lincs) Ltd**

The legal representative set out the procedures that would be followed.

The Licensing Team Manager presented the report and outlined the reason for the hearing.

Lincolnshire Police then presented the reason for requesting the review. Having visited the premises with the Home Office, acting on information received, a person was found to be working there whose visa had expired in 2012, and who therefore was not entitled to live or work in the UK. The employee, on being interviewed revealed that they had been paid in cash at less than the minimum wage.

In presenting their case the Licence Holder and Premises Manager stated that the employee had been asked if he had the necessary documentation, and were told that he had, but despite him being asked, he failed to produce them. It was asserted that there was no malicious intent, a mistake had simply been made and would not be repeated. Whilst the employee in question did not receive a high wage, he was being accommodated on the premises.

The meeting adjourned at 10.40 am whilst the Sub-Committee retired to deliberate on the evidence heard, along with the legal representative and the Governance and Civic Officer.

Sub-Committee Members returned to the meeting at 11.40am and presented their decision.

The Sub-Committee considered all representations made; both verbal and written, and in making its decision had due consideration of the Licensing Act and the statutory guidance.

Statutory guidance 11.27 – 11.28 requires that where premises knowingly employ a person not entitled to work in the UK, or be in the UK, the Sub-Committee must consider revoking the licence, even if it is the first occasion.

In this case, the Sub-Committee is satisfied that the business employed someone who was not entitled to work in the UK. Whilst it is noted that documents were asked for these documents were not provided. What the Sub-Committee finds concerning is that despite the employee failing to provide the documents, the manager retained his services for two years. The Sub-Committee is satisfied that after repeated requests for, and failure to provide documents, suspicions should have been aroused as to the employee's immigration status. There are also checks that could and should have been easily made with the Home Office, in light of the failure to provide documents. The Manager and Premises Licence Holder both admit and regret this.

Furthermore, given that the Licence Holder retained the licence upon the leasing of the business, he retained the responsibility to ensure that the licencing objectives were met, and in this case ensuring that the Crime and Disorder objective was met.

For these reasons, the Sub-Committee considers that it must revoke the licence, even though this is the first occasion.

RESOLVED that the licence be revoked.

The Chairman advised that all parties would be notified of the decision in writing within five working days of today's hearing and reminded those present of the right to appeal to the magistrates' court within 21 days of receiving such notice.

The meeting closed at 11.05 am.

Chairman