

MINUTES OF LICENSING PANEL MEETING - MONDAY, 16 APRIL 2018

Present:

Councillors

Critchley Humphreys Hutton

In Attendance:

Mr Lennox Beattie, Executive and Regulatory Support Manager
Mrs Sharon Davies, Head of Licensing Service

1 APPOINTMENT OF CHAIRMAN

The Licensing Panel considered the appointment of a Chairman for the meeting.

Resolved:

That Councillor Hutton be appointed Chairman for the meeting.

2 DECLARATION OF INTEREST - LICENSING

There were no declarations of interest on this occasion.

3 PROCEDURE FOR THE MEETING

The Chairman explained the procedure for the meeting including that an equal time limit of twenty minutes had been allocated for all parties.

4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- SPICE GRILL

The Licensing Panel considered an application to review the Premises Licence issued in respect of Spice Grill, 49-51 Red Bank Road.

The review application had been submitted by the Licensing Authority on the grounds of the prevention of crime and disorder and public safety.

Mr Mark Marshall was in attendance and outlined the case on behalf of the Licensing Authority. He explained that the review had been triggered by a multi-agency visit to the premises on the 30 September 2017 where it had been discovered that the Licence Holder had been employing an illegal immigrant. Mr Marshall reminded members of the Panel that the Section 182 guidance made explicit reference to how the employment of illegal workers impacted on the Licensing Objective of Preventing Crime and Disorder and highlighted that it should be an issue that Licensing Authorities consider as very serious. Mr Marshall explained that the premises had not previously come to the attention of the enforcement authorities but that the issue should still be treated seriously.

The Panel noted that supporting representations had been submitted on behalf of the Child Protection Licensing Officer but that there was no-one in attendance from that organisation. It agreed to consider the evidence submitted in writing.

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Mr Nasir Uddin, the Premises Licence Holder and the Designated Premises Supervisor, was in attendance accompanied by a friend and made representations to the Licensing Panel. Mr Uddin explained that the incident had been a mistake on his part and highlighted the following mitigating circumstances: that the employee had been previously working in another premises nearby and that previous employer had not notified Mr Uddin of any immigration issues and that the employee had submitted a number of pieces of evidence as to his right to work in the UK including a passport. Mr Uddin emphasised that he had had no reason to doubt the employee's eligibility to work and also emphasised that the worker was paid through payroll using his national insurance number. Mr Uddin then further explained that there were a number of discrepancies and that subsequently the penalty charge notice issued had been cancelled.

The Licensing Panel considered carefully the evidence and information submitted to it. It took the issue extremely seriously but had to balance it with the mitigation offered by the Licence Holder. It considered that it was necessary and proportionate to impose an additional condition and to use the review to warn the Licence Holder as to future conduct.

Resolved:

That the Premises Licence in respect of Spice Grill, 49-51 Red Bank Road be dealt with by the addition of the following condition:

- i) Records must be kept on the premises for each member of staff documented evidence of their right to work in the UK as currently detailed in the Home Office document "an employer's guide to right to work checks", or as required by subsequent legislation.
- ii) Copies must be kept of every document checked. Copies must be kept securely for the duration of the person's employment and for a further two years after they have stopped working for you.

These records will be made available to the Police, relevant authority or authorised person on request.

Chairman

(The meeting ended at 2.10 pm)

Any queries regarding these minutes, please contact:
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