

LICENSING PANEL MINUTES

22 JANUARY 2020

Chair: * Councillor Michael Borio

Councillors: * Chetna Halai * Maxine Henson

* Denotes Member present

77. Appointment of Chair

RESOLVED: That Councillor Michael Borio be appointed Chair of the Licensing Panel Hearing.

78. Declarations of Interest

RESOLVED: To note that there were no declarations of interest made by Members.

79. Minutes

(See Note at conclusion of these minutes).

80. Licensing Procedures

The Chair asked the Panel Members, officers, Responsible Authority and other attendees at the meeting to introduce themselves and then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

RESOLVED ITEMS

81. Application for review of the premises licence for Mr Sushi, 152 Station Road, Harrow, Middlesex, HA1 2RH

In attendance:

Legal Adviser: Kaniz Ali
Licensing Officers: David Gilmour
Charlene Ellis
Relevant Representations: Dan Nuttall (Home Office –
Immigration Enforcement)
Paul Smith (Home Office -
Immigration Enforcement)

The Licensing Panel carefully considered all the relevant information including:

- Written and oral representations by all the parties (including the confidential information)
- The Licensing Act 2003 and the steps that are appropriate to promote the licensing objectives
- The Guidance issued under section 182 of the Licensing Act 2003
- Harrow Council's Licensing Policy
- Human Rights Act 1998

The Panel also heard oral submissions from the Applicant amplifying the application and the reasons as to why the premises licence should be revoked.

The Licensing Panel unanimously decided to revoke the premises licence. The Licensing Panel was of the view that there was sufficient evidence before it to reach this view on the basis of the application for a review alone. They were concerned that the premises had been undermining two of the licensing objectives; those in respect of public safety and the prevention of crime and disorder.

The Licensing Panel was satisfied that employment of illegal workers, found at the premises by Home Office Immigration Enforcement Officers, was serious enough to warrant revocation of the licence. The fact that the premises licence holder had continued to employ illegal workers, despite repeated action taken by Home Officer Immigration Enforcement only added weight to this. The Licensing Panel was particularly concerned by the pattern of repeat offending by the Premises.

The Licensing Panel noted the number of times the premises licence holder had been prosecuted in the Magistrates Court and the outstanding large sums of fines she had been ordered to pay in respect of these offences. The Licensing Panel formed the view that the premises licence holder had no intention of complying with the legal requirements to check the immigration status and/or the right to work in the UK of those that she employed and this had been demonstrated by her repeated offending. It was noted by the Licensing Panel that the incident that had prompted the review of the licence was the third time illegal working had been identified at the premises in the last two years. In total, 5 persons with no permission to work legally in the UK had been found on the premises.

The Licensing Panel considered the conditions of the accommodation provided to some of the workers, namely that they were occupying a windowless room without proper heating and unsafe electrical wiring posing to be a potential fire and safety hazard. This raised concerns over public safety not just for those occupying such premises but for those visiting the premises and for the neighbouring properties as well.

In addition to the above, the Licensing Panel put weight on the fact that the premises licence holder had repeatedly breached both the conditions of the licence and statutory licensing requirements including:

- 1) No Premises Licence or Summary were on display and could not be located at time of inspection by the licensing authority;
- 2) The licence holder, Ms Li Hua Tian was unable to produce her personal licence;
- 3) No CCTV;
- 4) No training logs;
- 5) No refusal logs;
- 6) No display of challenge 21 policy or printed material; and
- 7) Failure to comply with a compliance notice issued by the licensing authority.

The Licensing Panel also put weight on the fact that despite several attempts to work collectively with the premises licence holder, there had been no engagement by the premises licence holder and no actual steps to comply with the licence conditions had been undertaken.

The Licensing Panel noted that the premises licence holder did not submit any representations raising objections to the review application, the closing date of which was 26 December 2019. Furthermore, the premises licence holder was not in attendance at the licensing hearing, a notice of which was sent. The premises licence holder had not been in contact to say whether they would be attending or not; they had not given any explanation for failing to attend.

In light of all these factors, the Licensing Panel concluded that it had no alternative but to revoke the licence.

RESOLVED: That the premises licence for Mr Sushi, 152 Station Road, Harrow, Middlesex, HA1 2RH be revoked.

REASONS: As detailed in the Decision Notice sent to all interested parties and set out in brief in the preamble above.

Right to appeal

Any party aggrieved with the decision of the licensing panel on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the Magistrates' Court within 21 days of notification of this decision.

The determination, in accordance with section 52(11) of the Licensing Act 2003, did not take effect:

- a) until the end of the period given for appealing against the decision; or
- b) if the decision was appealed against, the disposal of the appeal.

(Signed) COUNCILLOR MICHAEL BORIO
Chair

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chair for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].