

MINUTES of the meeting of Regulatory Sub Committee held at Committee Room - Brockington on Tuesday 20 May 2014 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillor (Vice Chairman)

Councillors: BA Durkin and Brig P Jones CBE

1. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

5. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF 'INDIAN SUMMER, 9 HIGH STREET, ROSS ON WYE, HR9 5HL' - LICENSING ACT 2003

The Sub-Committee considered an application for a review of the premises license for Indian Summer, 9 High Street, Ross on Wye.

Mr F Spriggs, Licensing Officer, presented the report on behalf of the Licensing Authority and identified the issues.

Mr A Ali the premises licence holder and designated premises supervisor was not present. The Sub-Committee was advised that he had had notification of the hearing.

West Mercia Police, the applicant for the Review, was not represented.

Having carefully considered those matters brought before them, the Sub-Committee was of the opinion that the application for a review should be determined as described below. In reaching their decision, the Members had full regard to the provisions of the Licensing Act 2003, the guidance issued under Section 182 and the Council's Licensing Policy. The Sub-Committee took its decision in order to promote the licensing objectives, namely the prevention of crime and disorder.

RESOLVED:

- 1 That the variation to the licence as previously granted be endorsed:**

A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003), the Police or an officer of the UK Border Agency. The log book must record the following:

- Details of all persons employed at the premises in any capacity.***
- Date of birth of the person.***
- The full name of the person.***
- Their current address.***
- Their national insurance number.***
- Their passport details.***
- In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.***
- In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.***

All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.

- 2 The Designated Premises Supervisor, Mr A Ali, be removed.**

- 3 The premises licence be suspended for one month.**

(This decision is to take effect 21 days from the date of notification of the decision, subject to any appeal.)

REASONS

- 1 The Sub-Committee was mindful of paragraphs 11.18 and 11.27 of the Home Office guidance issued under Section 182 of the Licensing Act 2003 in the particularly relevant circumstances that:**
 - warning action had been taken by the UK Border Agency assisted by the police on the premises on 16 February 2012 when records were required to be kept; and**
 - under paragraph 11.27 the Sub-Committee noted it was required to treat incidents of persons being employed when unlawfully in the UK particularly seriously.**
- 2 The Sub-Committee was concerned at the minimal apparent engagement with professional officers by the current Designated Premises Supervisor.**
- 4 The Sub-Committee was mindful of the case of The Queen on the Application of Bristol Council V Bristol Magistrates Court and subsequent amendment of the Licensing Act 2003 and considered that a suspension of the premises licence for one month was appropriate.**
- 5 The Sub-Committee considers it has given full reasons for its decision as required by the case of Daniel Thwaites Plc V Wirral Borough Magistrates Court (the Thwaites case).**

- 6 The Sub-Committee notes the information provided by the police and considers that this represents real evidence as referred to in the Thwaites case.**
- 7 The above decision promotes the licensing objectives, namely the prevention of crime and disorder.**

The meeting ended at 10.55 am

CHAIRMAN