

LICENSING PANEL
22/01/2019 at 9.30 am



Present: Councillor C. Gloster (Chair)
Councillors Briggs and Harrison

Also in Attendance:

Alan Evans	Group Solicitor
Shamim Iqbal	Licensing Hearing & Projects Officer
Kaidy McCann	Constitutional Services
David Smith	Principal Licensing Officer
Sam Richards	Home Office Immigration Enforcement
Andrew Cafferky	Home Office Immigration Enforcement
Mustafa Serbest	Chadderton Bar and Grill
Rami Mourad-Foster	Chadderton Bar and Grill
David Darlington	Associate Solicitor

1 **ELECTION OF CHAIR**

RESOLVED that Councillor C Gloster be elected Chair for the duration of the meeting.

2 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5 **PUBLIC QUESTION TIME**

There were no public questions received.

6 **ORDER OF PROCEEDINGS**

RESOLVED that the order of proceedings be noted.

7 **LICENSING ACT 2003 - PREMISES LICENCE REVIEW -
CHADDERTON BAR AND GRILL, 422-424 MIDDLETON
ROAD, CHADDERTON, OLDHAM, OL9 6PY**

Consideration was given to a report of the Principal Licensing Officer seeking a review of the Premises Licence in respect of the Chadderton Bar and Grill, 422-424 Middleton Road, Chadderton, Oldham, OL9 6PY, made by Home Office Immigration Enforcement on the 22nd November 2018. This matter had been referred to the Panel for determination.

Members gave consideration to the application, submitted by Phillip Thomas of Home Office Immigration Enforcement which outlined the reasons given for the review. It was the view of Home Office Immigration Enforcement that the operation of the Premises Licence was failing to meet the licensing objective of the Prevention of Crime and Disorder.

Home Office Immigration Enforcement's representatives attended the meeting and addressed the Panel. Members were informed that following intelligence that the premises had employed illegal workers, a visit was undertaken in April 2016 where two persons were found working illegally. One of the persons found to be working illegally was the co-owner of the premises, who had no permission to be in the UK as his visa had expired. Members asked for and received clarification on the civil penalty of £10,000 that had been served on the business. Members were informed that the civil penalty had been served to the Premises Licence Holder for employing illegal workers and the full amount was still outstanding.

Members were informed that another visit was conducted in August 2018 where again, two persons were encountered working illegally, one of whom was the co-owner found on the previous visit who still had no permission to work in the UK. Members noted that a closure notice had been served on the premises during the visit, closing the business until the following day when Home Officer Immigration Enforcement attended court and obtained an Illegal Working Compliance Order putting in place conditions for carrying out staff checks.

It was stated to Members that a third visit was undertaken on 19th January 2019 where three persons were found to be working without documentation relating to their right to work, contrary to part 4 of the Compliance Order. It was noted that a further civil penalty was being considered by the Home Office for employing illegal workers.

The representative of the premises addressed the Panel and informed them that the co-owner had his leave to remain issued after the visit in August 2018. It was stated that he had been in the country since 2001 having married and obtained leave to remain which expired around 2015/16. Members were informed that around the time the leave to remain was due to be renewed, the co-owner had separated from his wife which resulted in him losing his documents, that then caused a two-year gap in his residential status.

The Panel was informed that the Licence Holder was unaware of the situation at the time, having not been given the reason as to why the two members of staff were removed from the premises. It was stated that the outcome of the second visit came as a surprise to the Licence Holder, due to the fact that the worker had provided identification that was later to be found to be invalid.

It was stated to the Panel that the premises employed staff from a range of different backgrounds and provided sponsorship to several local football teams and charity events. It was noted that the Environmental Health Inspection carried out on the 11th January 2019 gave the premises a food hygiene rating of 5. It was stated that there was support for the venue from members of the public, which was shown by the premises 4.5 rating on trip advisor.

Both parties summarised their evidence and submissions.

At this point in the proceedings the Panel, in accordance with Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulation 2005, moved into private session. In reaching a decision the Panel took into account the relevant provisions of National Guidance and the Council Licensing Policy Statement with reference to the prevention of crime and disorder.

RESOLVED that, having considered the representations from all parties and having had regard to the Licensing Objectives, in particular the prevention of crime and disorder, the licence would be revoked.

The Panel gave their reasons that revocation of the licence was necessary as the crime and disorder licensing objective was being seriously undermined by the employment on the premises of persons who were disqualified from working in the UK and the failure of the Premises Licence Holder to demonstrate compliance with the Illegal Working Compliance Order.

The decision was given to all parties.

The meeting started at 9.30 am and ended at 12.06 pm