

LICENSING SUB COMMITTEE

20 SEPTEMBER 2018

Present: Councillors O'Callaghan, Roberts, Lee and Patmore

28. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Roberts moved that Councillor Patmore should take the Chair. This was seconded by Councillor Lee.

29. APOLOGIES FOR ABSENCE

None.

30. DECLARATIONS OF INTEREST

None.

31. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

32. POSSIBLE SUSPENSION/REVOCAION OF PERSONAL LICENCE. MR UDDIN.

Councillor Patmore set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

The Licensing Manager, Mr Brown, presented the report of the Assistant Director of Environment and Place to decide if the Personal Licence issued to Mr Uddin by Hastings Borough Council should be either suspended or revoked as a result of him being served with an immigration penalty.

The Chief Legal Officer explained that Mr Uddin had been invited to attend, but had declined the notice of intention to attend the hearing. In his written response, using the clarification form, Mr Uddin requested the Licensing Sub-Committee meeting be adjourned due to a court hearing on 27th and 28th November at Brighton Magistrates Court. This is related to the revocation of the Premise Licence of the Chillli Tree Asian Cuisine Restaurant, 1 King Offa Way, Bexhill, East Sussex.

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With the approval of the Chair, members were given the opportunity to read the clarification form submitted by Mr Uddin.

The Chief Legal Officer explained that the meeting could proceed.

Councillor Patmore proposed a motion that the meeting should go ahead. This was seconded by Councillor Roberts.

Mr Saleh Uddin has held a personal licence with Hastings Borough Council since 24th November 2005. He is also the premises licence holder and designated premises supervisor of the Chilli Tree Asian Cuisine Restaurant, 1 King Offa Way, Bexhill on Sea, East Sussex.

The Licensing Manager explained that in October 2017 the premises was visited by Sussex Police whilst they were targeting the employment of illegal workers, they found 3 illegal immigrants. In January 2018 the premises was revisited by the Home Office Immigration Service when 2 illegal immigrants were found to be working in the premises. An Immigration Service Penalty Notice was served on Mr Uddin for £10,000. On 29th May 2018, the premises Licence for the Chilli Tree Restaurant was revoked by the General Licensing Panel at Rother District Council. An appeal against the decision was lodged.

The Licensing Manager said that he had contacted the Area Manager of the Border Force Agency, prior to the meeting, who confirmed that the inspection undertaken by the Home Office Immigration Service was correct; they had followed the correct procedures and the Penalty Notice had been served properly. He also confirmed that an appeal had not been lodged within the 28 day period against the Immigration Penalty Notice for £10,000. The matter had now been referred to the civil courts for debt recovery. Mr Uddin had written a letter to the Home Office and had failed to inform the Local Authority of the requirement to pay an Immigration Penalty. Mr Uddin was given 28 days to make a representation to Hastings Borough Council about the possible suspension/revocation of his personal licence. His letters were appended to the report - Appendix C.

The Licensing Manager explained that the Licensing Authority may either suspend or revoke the personal licence where the holder of the licence is required to pay an immigration penalty. The police must be notified within 14 days of the decision and they have 14 days in which to make a separate representation.

Councillor Lee proposed a motion to revoke the Personal Licence as set out in the resolution below. This was seconded by Councillor Roberts.

RESOLVED (unanimously) to REVOKE the licence.

The reason for this decision was:

The level of responsibility of holding a personal licence is high because of its impact on the wider community.

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In this case the Personal Licence Holder (PSL) had been served with an Immigration service Penalty Notice in the sum of £10,000. The Home Office has confirmed that there is no outstanding appeal, that the time period for appeal had expired and that they have instructed recovery of debt through the civil courts.

The members have taken into account the representations made by the PSL and any other relevant information. The PSL did not attend the hearing to speak for himself.

The members are satisfied that the PSL's representations are not substantiated. The PSL has seemingly ignored advice from the Police and the Immigration Officers. He did not inform this Licensing Authority that he had been issued with a Penalty Notice. The members are satisfied this decision was the only appropriate sanction given the circumstances. The members have had regard to Part 4 of the Section 182 guidance issued by the Secretary of State in April 2018.

33. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 10.19 am)