

LICENSING ACT 2003 SUB COMMITTEE

Tuesday, 8 October 2024

PRESENT – Councillors Curry, Kane and K Nicholson.

OFFICERS IN ATTENDANCE – Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), Jim Langley (Principal Lawyer - Litigation), Sgt C Dickenson (Durham Constabulary), Mandy McAllister (PCSO), Olivia Hugill (Democratic Officer) and Paul Dalton (Democratic and Elections Manager).

LS1 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED – That Councillor Kane be elected Chair for the purpose of this meeting.

LS2 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

LS3 APPLICATION TO REVIEW A PREMISES LICENCE - BAMBUDDA

The Group Director of Services submitted a report (previously circulated) to give consideration to an application from the Home Office (Immigration, Compliance and Enforcement) to review a premises licence on the grounds that the prevention of crime and disorder licensing objective had been undermined.

Present at the meeting were Colin Dobson, Licensing Manager; Brian Murray, Assistant Licensing Manager; Jim Langley, Lawyer; Sergeant C. Dickenson, Durham Constabulary, PCSO Mandy McAllister, Durham Constabulary, Joanna Henderson, Home Office (Immigration, Compliance and Enforcement), Mark Bryden, Home Office (Immigration, Compliance and Enforcement), and the applicant, Benjamin Wu, and his business partner Bich Thuy Nguyen (Lucy).

The Licensing Manager introduced the report, and Members then listened carefully to the representations made by the representatives from the Home Office (Immigration, Compliance and Enforcement) and Durham Constabulary.

Members were informed that on 3 July 2024, the North-East Immigration Compliance and Enforcement (ICE) team visited Bambudda following intelligence that illegal workers were being employed at the premises, and that the visit was supported by other responsible authorities. It was outlined that Officers encountered five people working in the kitchen of the premises, of which three were identified as having no lawful right to reside in the UK, and were therefore working illegally. It was also noted that a further premises in Darlington, also under the control of Benjamin Wu, was visited simultaneously. Members were informed that when interviewed by an ICE Officer, Mr. Wu was described as being obstructive and uncooperative.

Members listened to the representation made by the Premises Licence Holder, Benjamin Wu, in relation to the events of the evening of 3 July 2024, and heard that Mr. Wu had come to rely on his Head Chef in terms of employing kitchen staff and claimed to have no

knowledge of the three individuals working illegally at his premises.

The Sub-Committee considered the views in accordance with revised guidance issued under Section 182 of the Licensing Act 2003 and in accordance with the relevant sections of the Council's Licensing Policy, which were reproduced at Appendix 7 of the submitted report.

After careful consideration the sub-committee agreed that the licence be revoked, in accordance with its powers under Section 52 of the Licensing Act 2003.

RESOLVED – That the Premises Licence be revoked.

LS4 APPLICATION TO REVIEW A PREMISES LICENCE - TAO ASIAN STREET FOOD

The Group Director of Services submitted a report (previously circulated) to give consideration to an application from the Home Office (Immigration, Compliance and Enforcement) to review a premises licence on the grounds that the prevention of crime and disorder licensing objective had been undermined.

Present at the meeting were Colin Dobson, Licensing Manager; Brian Murray, Assistant Licensing Manager; Jim Langley, Lawyer; Sergeant C. Dickenson, Durham Constabulary, PCSO Mandy McAllister, Durham Constabulary, Joanna Henderson, Home Office (Immigration, Compliance and Enforcement), Mark Bryden, Home Office (Immigration, Compliance and Enforcement), and the applicant, Benjamin Wu, and his business partner Bich Thuy Nguyen (Lucy).

The Licensing Manager introduced the report, and Members then listened carefully to the representations made by the representatives from the Home Office (Immigration, Compliance and Enforcement) and Durham Constabulary.

Members were informed that on 3 July 2024, the North-East Immigration Compliance and Enforcement (ICE) team visited TAO Asian Street Food following intelligence that illegal workers were being employed at the premises, and that the visit was supported by other responsible authorities. It was outlined that Officers encountered eight people working in the kitchen of the premises, of which three were identified as having no lawful right to reside in the UK, and were therefore working illegally.

It was stated that at the time of the visit Bich Thuy Nguyen (Lucy) was a Director of the company and business partner of the Premises Licence Holder, Benjamin Wu, and when interviewed by an ICE Officer she claimed to hold copies of employee documents on her phone, however she was unable to provide these upon request, which was in breach of Condition 28 of the Premises Licence. Members were also advised that there were a number of flats/rooms above the restaurant, which housed employees and Officers discovered a female and a child who locked in one of the flats/rooms.

It was also noted that a further premises in Darlington, also under the control of the Premises Licence Holder, Benjamin Wu, was visited simultaneously.

Members listened to the representation made by Bich Thuy Nguyen (Lucy) and the Premises Licence Holder, Benjamin Wu, in relation to the events of the evening of 3 July 2024. Bich

Thuy Nguyen (Lucy) acknowledged that there had been a level of mis-management, stated that there was no intention to cause harm and stated that she had co-operated with Officers.

The Sub-Committee considered the views in accordance with revised guidance issued under Section 182 of the Licensing Act 2003 and in accordance with the relevant sections of the Council's Licensing Policy, which were reproduced at Appendix 7 of the submitted report.

After careful consideration the sub-committee agreed that the licence be revoked, in accordance with its powers under Section 52 of the Licensing Act 2003.

RESOLVED – That the Premises Licence be revoked.