

LICENSING ACT 2003 SUB COMMITTEE

Monday, 19 April 2021

PRESENT – Councillors Donoghue, C L B Hughes and B Jones

OFFICERS IN ATTENDANCE - Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), Graham Hall (Head of Community Safety), Bethany Symonds (Principal Lawyer) and Allison Hill (Democratic Support Officer)

LS1 ELECTION OF CHAIR

RESOLVED – That Councillor B Jones be elected Chair for the purposes of this Sub-Committee

LS2 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LS3 APPLICATION TO REVIEW PREMISES LICENCE ON THE GROUNDS OF THE PREVENTION OF CRIME AND DISORDER - AKBAR DYNASTY RESTAURANT

The Director of Economic Growth submitted a report (previously circulated) to consider an application for a review of the Premises Licence submitted by the Home Office (Immigration Enforcement) based on the grounds that it undermines the prevention of crime and disorder objective.

Present at the meeting were Colin Dobson, Licensing Manager, Brian Murray, Assistant Licensing Manager, Graham Hall, Head of Community Safety, Bethany Symonds, Principal Solicitor, Abdul Mannan Shabul Ali, Premises Licence Holder and Mark Bryden, Immigration Officer, Home Office (Immigration Enforcement).

The Assistant Licensing Manager introduced the application to review the Premises Licence and the Notice of Hearing pertaining to the application.

Members listened carefully to the representations made by Mark Bryden, Home Office (Immigration Enforcement) on the grounds of Prevention of Crime and Disorder and the concerns regarding Akbar Dynasty, Sadberge that the Licence Holder was failing to meet the licensing objectives of prevention of crime and disorder, as illegal working had been identified at this premises.

Members also listened carefully to the representations made by the Premises Licence Holder.

The Sub-Committee considered the views in accordance with the Secretary of State's Guidance in relation to crime and disorder, public safety and the prevention of public nuisance; Guidance issued under Section 182 of the Licensing Act 2003 and in accordance with the 'Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received';

and Statutory Instrument 2005 No. 44 The Licensing Act 2003 (Hearings) Regulations 2005.

Members considered the relevant sections of the Council's Licensing Policy: Section 6.1 in relation to Premises Licences; Section 7.1-7.3 relating to the impact of licensable activities; Section 9.0-9.5 relating to Prevention of Nuisance; and Sections 11.3-11.5 relating to steps to be taken by Licensees to address Crime and Disorder issues.

The Sub-Committee considered the views in accordance with revised guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy in relation to the Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003 and in accordance with the 'Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received; and The Licensing Act 2003 (Hearings) Regulations 2005.

In arriving at their decision, Members considered whether they could impose any conditions on the licence to promote the licensing objective of preventing crime and disorder, however agreed to revoke the premises licence as they felt there were no conditions they could add which would address their concerns and would not simply be a repetition of the licence holders statutory obligations.

RESOLVED – That the premises licence be revoked pursuant to Section 52 (4) of the Licensing Act 2003.