

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE
Council Chamber - Town Hall
4 April 2017 (10.30 - 11.25 am)**

Present:

COUNCILLORS

Conservative Group Dilip Patel (Chairman) and Linda Trew

Residents' Group Jody Ganly

Present at the hearing were Mr Amer Khan for the premises/applicant. Also present were Mr Graham Hopkins & Ms Linda Potter - applicant representatives. Also in attendance were Police Licensing Officer PC Belinda Goodwin and Havering Licensing Officer Paul Campbell.

Also present were the Legal Advisor to the Sub-Committee and the Clerk to the Licensing sub-committee.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

1 APPLICATION TO REVIEW THE PREMISES LICENCE FOR NEW TASTY CHICKEN

PREMISES

New Tasty Chicken
7 Station Chambers
Victoria Road
Romford
RM1 2HS

APPLICANT

PC Oisin Daly
Metropolitan Police
Licensing Dept
Romford Police Station
Main Road
Romford
RM1 3BJ

1. Grounds for Review

The Metropolitan Police submitted the application to review the premises licence for New Tasty Chicken, in accordance with the provisions of section 51 of the Act.

The grounds for the licence review were that:

- The premises had shown a disregard for its premises licence conditions
- Police had no faith in the ability of the premises licence holder to manage the premises

The application to review the premises licence related to the prevention of crime and disorder licensing objective.

Upon submission of the application the licensing authority advertised the application appropriately further to the requirements of regulations 38 and 39 of The Licensing Act 2003 (premises licences and club premises certificates) Regulations 2005.

2. Details of Representations

There were no representations made against or in support of this application.

PC Belinda Goodwin, representing PC Oisin, advised that the premises was situated within the ring road and was therefore part of Havering's special policy area.

PC Goodwin advised that the premises were situated in a crime and disorder hotspot and had also previously been reviewed for failing to provide police with adequate CCTV and the employment of illegal workers.

On 7 February 2017 the UK Border Agency had visited the premises and found a male employed at the premises who did not have the relevant entitlement to work in the UK.

Police had again visited the premises to view CCTV but there had been no persons on the premises that could operate the CCTV.

The police had subsequently requested CCTV footage, relevant paperwork for employees, doorstaff records and a copy of the contract for the town radio link from the applicant but to date had only received CCTV footage that had been unable to be used as the software was incompatible with anything the police used.

PC Goodwin advised that the police had concerns over the operation of the premises particularly as the second incident had taken place only eleven weeks after the first review of the premises.

3. Applicant's response.

Mr Graham Hopkins, representing the applicant, commented that the applicant, Mr Amer Khan, had had to visit Pakistan to visit his sick mother in law at the beginning of February 2017 which had meant he had been absent from the premises for a period of time.

During his absence Mr Khan had asked a friend to look after the business for him but had instructed the friend not to dismiss or hire any members of staff.

Mr Hopkins confirmed that the applicant was sorry and remorseful for the events that had taken place at the premises in his absence.

Mr Hopkins also confirmed that the applicant had been successful in deterring gang members from loitering around the premises and that there had been no recent evidence of anti-social behaviour in the vicinity.

Mr Hopkins advised that all members of staff were now PAYE and records kept that could be provided to the authorities.

Mr Hopkins also confirmed that there had been problems with the CCTV system in the past but the system had now been certified as fully functional and any records required could be provided to the police in the future. It was also confirmed to the Sub-Committee that the rubbish that had been seen at the rear of the premises on the 7 February 2017 was not rubbish attributed to the premises and that the applicant had in place a waste removal contract.

4. Determination of Application

Consequent upon the hearing held on 15 February 2016, the Sub-Committee's decision regarding the review of the premises licence for New Tasty Chicken is as set out below, for the reasons stated:

The Sub-Committee was obliged to determine the application with a view to promoting the licensing objectives.

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition the Sub-Committee took account of its obligations under section 117 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

5. Decision

Having considered the oral and written submissions of the applicant and the representations from the responsible authority in relation to the review application the Sub-Committee revoked the premises licence for the following reasons:

- The premises licence holder's failure to comply with the conditions imposed by the Licensing Sub-Committee at the hearing on 30 November 2016.
- The premises licence holder's continued failure to prevent employment of illegal workers at the premises.
- The premises licence holder's failure to ensure that the temporary manager left in charge of the premises in the premises licence holder's absence was someone who understood the premises licence conditions.

Chairman