

Meeting Commenced:	10:00
Meeting Adjourned:	10:30
Meeting Recommenced:	11:08
Meeting Finished:	11:10

GENERAL LICENSING SUB-COMMITTEE

20 August 2018

Present: Councillors Barker and A Holmes
Officers: Lucie Keeler (Legal Services)
Sandra Mansell (Licensing Team Leader)

11/18 Appointment of Chair

Resolved to appoint Councillor Barker as Chair of the General Licensing Sub Committee.

12/18 Apologies

There were no apologies for absence.

13/18 Late Items to be Introduced by the Chair

There were no late items.

14/18 Declarations of Interest

There were no declarations of interest.

15/18 Application for a review of a premises licence at: Hardy's Off Licence, 88 Sunny Hill Avenue, Littleover, Derby, DE23 1RJ

The Sub-Committee has considered an application for the review of the Premises Licence for Hardy's Off Licence, 88 Sunny Hill Avenue, Littleover, Derby, DE23 1RJ.

The Sub-Committee has heard evidence from: Sandra Mansell (Licensing Team) and PC Suiter (Derbyshire Constabulary) and (premises licence holder) and has taken into account the verbal and written representations received.

Mr Hassan the premises licence holder (PLH) and designated premises supervisor (DPS) did not attend the sub-committee. The sub-committee were informed that he had been written to and told of the importance of his attendance at today's hearing by the Licensing Team. The sub-committee therefore decided to proceed in Mr Hassan's absence.

Decision

In making its decision, the Sub-Committee has had regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and has carefully considered all the evidence presented to it.

The Sub-Committee has made this decision to promote the 4 Licensing Objectives:

- (a) Prevention of crime and disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance;
- (d) Protection of Children from harm.

Findings

The application for review was made by the Derbyshire Constabulary as a responsible authority. Derbyshire Constabulary provided relevant representations relating to the licensing objective of crime and disorder in that evidence which had been gathered which showed that the premises was employing persons who had no right to work on 3 April 2018, 11 June 2018 and the 28 June 2018. Evidence provided which showed that Mr Hassan had been informed of his responsibilities of employing workers and to check immigration status by the police on 11 June 2018 yet an illegal worker was found at the premises on 28 June 2018. Further evidence was provided that illicit tobacco was found on the premises on 28 June 2018. The sub-committee find, on balance, that the licensing objective of crime and disorder has not been upheld, and the sub-committee have no confidence that such behaviour would not continue given the evidence provided by Derbyshire Constabulary.

The PLH and DPS, Mr Hassan has provided documentation to Derbyshire Constabulary and the Licensing Team that he no longer has any control over the premises.

There had been an attempt to vary the DPS and transfer the premises licence, however this applications were withdrawn by the proposed person who was due to take over, as such Mr Hassan remains the PLH and DPS.

The Sub-Committee has RESOLVED to:

Revoke Premises Licence PL10550189.

The reasons for this decision are as follows:

Having taken into account the 4 licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the council's licensing policy and the Human Rights Act, the Sub-Committee sought to balance the interests of the applicant and the representations made by the responsible authority and the licence-holder.

The Sub-Committee find that the way in which the licensing objectives have been undermined justifies the interference with the Premises Licence in this case.

The Sub-Committee has no confidence that the licensing objectives would not be undermined without revocation of the Premises Licence in this case, given the evidence presented. Lesser sanctions were considered, but discounted, by the Sub-Committee as being either wholly inappropriate or ineffective, given the findings made.

MINUTES END