

Licensing Sub-Committee – Meeting held on Wednesday, 26th April, 2023.

Present:- Councillors Sandhu (Chair), Bedi and Kaur

Officers Present:- Mrs Kauser (Democratic Services), Mrs Sagar (Licensing) and Mr Virdee (Legal Services)

PART 1

17. Declarations of Interest

Agenda Item 4: Review of Premises Licence - New Bettola Restaurant & Colnbrook Lodge. Councillor Bedi declared that the site premises were located within her ward but confirmed that she did not know the the Applicant or Designated Premises Supervisor.

18. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

19. Minutes of the Meeting held on 7th March 2023

Resolved - That the minutes of the meeting held on 7th March 2023 be approved as a correct record.

20. Review of Premises Licence - New Bettola Restaurant & Colnbrook Lodge, Meadowbrook Bungalow, Old Bath Road, Slough

Following introductions and confirmation that all parties had received a copy of the paperwork, the Chair outlined the procedure for the hearing. It was noted that the Designated Premises Supervisor (DPS), Mr Olton Mataj was in attendance on behalf of and representing the Premises Licence Holder.

Introduction by the Licensing Officer

The Senior Licensing Officer introduced the report to the Sub-Committee. The application for review was made by the Thames Valley Police (TVP), on grounds that the licensing objectives relating to the prevention of crime and disorder and public safety were not being met. TVP and the Immigration Enforcement team conducted a joint visit to the Premises on 16th February 2023 following intelligence reports of alleged illegal workers at the premises.

Options available to the Sub-Committee were outlined.

Submissions by Responsible Authority - Thames Valley Police and Immigration Enforcement Team

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Debie Pearmain, Police Licensing Officer for TVP, and Caroline Laird, Assistant Immigration Officer, were in attendance and made submissions to the Sub-Committee.

Ms Pearmain confirmed that at the joint visit on 16th February 2023 three people were found to be working at the Premises who did not have a right to work in the UK. In addition, no Premises summary was being displayed and that, with Mr Mataj away on holiday at that time, there was no other staff member present who could download the CCTV at the Premises. Therefore, had there been a need to view the CCTV it could not be accessed.

Ms Laird confirmed her attendance with the police on the 16th February 2023 and that three arrests were made, with all three people being interviewed and being found not to be allowed to work in the UK. She confirmed that the Premises had been issued with a £20,000 fine as a result of using illegal workers. It was submitted that one of the workers said they showed the DPS their immigration card, and was still allowed to work. MS Laird referred the Sub-Committee to her report contained within the agenda pack, which referred to a meeting at Windsor police station with Mr Mataj, Melanie Sagar (Senior Licencing Officer of Slough Borough Council), Sergeant Grey and Ms Pearmain. At this meeting, the DPS was asked what processes he had in place for checking his staff's right to work and he stated that he needed staff and no checks had been done at the time. He admitted that he had not been very careful and apologised for this mistake. He stated that he had intended to ask for the relevant paperwork but was going to wait until the end of the month when the workers got paid.

Ms Pearmain referred back to her own witness statement and how the DPS had admitted no relevant checks had been conducted by him or the Premises licence holder to ensure the right to work for their staff members. Of the three workers, 2 had no right to work in the UK and the third person was working in breach of her visa conditions.

As result of the above, the police considered that the prevention of crime and disorder and public safety licencing objectives had been undermined and on this basis the premises licence be revoked. In the alternative, if the Sub-Committee decided not to revoke the licence, TVP proposed that a number of conditions be attached to the licence as detailed in the report.

Questions to Responsible Authority

None.

Submissions by the Designated Premises Supervisor on behalf of the Premises Licence Holder

Mr Mataj admitted that he had made a mistake and that he had been living in the UK and contributing for over 24 years. All the conditions proposed by TVP were accepted by the DPS with the exception of the premises licence being suspended for a period of time. Mr Mataj submitted that works had already

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been carried out to comply with all the recommendations made by the TVP. Furthermore, all relevant paperwork from staff had been obtained and checks made ensuring all records and visas were in order and filed accordingly.

Recognising that appropriate checks on employees work status should have been carried out, the DPS explained that personal family issues had meant that he was not focussed as he should have been.

With respect to the failure to show a licence summary, it was explained that works were being carried out on the premises during which time it had been removed but confirmed to the Sub-Committee that it was now correctly displayed at the premises.

It was requested that the premises licence not be suspended as this would have an adverse effect on his family and employees of the business.

Questions to the Designated Premises Supervisor

Ms Pearmain asked what measures would be taken to improve the poor management of the premises and how long the staff members had been working at the Premises prior to the 16th February. Mr Mataj stated that full appropriate training would be given to all staff. Home Office guidelines on carrying out appropriate checks on an individual's right to work in the UK had been implemented with relevant documents kept on file. The CCTV system had also been upgraded and the assistant manager trained to be able to download footage when required if the DPS was not at the premises.

Closing remarks

Mr Mataj did not make any closing comments.

Ms Pearmain stated that conditions on the premises licence were to ensure the licencing objectives were not undermined and employing illegal workers was a serious offence.

Decision

The Sub-Committee carefully considered all the evidence before it and all oral submissions made during the hearing.

The Sub-Committee noted that three people were illegally working at the Premises and that on the 16th February 2023, these three people had not had their right to work in the UK checked. Accordingly, the Sub-Committee was satisfied the Premises was in breach of the prevention of crime and disorder licencing objective. Furthermore, the Sub-Committee agreed that a failure by the Premises to carry out checks on these workers also undermined the public safety objective as the Premises on the DPS could not be certain as to who they were employing and their background.

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The Sub-Committee noted that the statutory guidance states at paragraph 11.27 that there is certain criminal activity that may arise in connection with licenced Premises which should be treated particularly seriously and one of the examples given is, "*for employing a person who is disqualified from that work by reason of their immigration status in the UK.*" Therefore, the Sub-Committee was aware of the seriousness of this matter and the importance given to this issue in the statutory guidance.

The Sub-Committee also took into account the fact that this business had been operating for some time, that the Premises had been fined £20,000 and that, according to the DPS, in the two months since the visit on the 16th February the recommendations made by the police have already been implemented and put into effect. This included ensuring all relevant documentation and visas for their workers had been checked, scanned and saved in a file. The DPS also stated that other matters such as ensuring other staff members are able to access and download the CCTV, had also been put into effect so that the recordings could be accessed if he was not around.

The Sub-Committee decided not to revoke the Premises Licence but to suspend the premises licence until such time to ensure that all the requested conditions were in place and a full licencing inspection had been completed by the Police Licencing Officer and Senior Licencing Officer, Slough Borough Council.

The Sub-Committee accepted the conditions proposed by the TVP, which it considered appropriate to uphold the licensing objectives of the prevention of crime and disorder and public safety and that these should be placed on the premises licence as follows:

- Digital CCTV monitoring system to be installed and maintained to Thames Valley Police standard. Recording to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.
- DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person is able to download any potential evidence required by Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003
- DPS or nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.
- If the CCTV equipment fails, the Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.

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- In the absence of the Designated Premises Supervisor a Personal Licence Holder to be on the premises during the sale of alcohol.
- Refusals Register to be in place, kept up to date and made available upon request of Thames Valley Police, Trading Standards or Slough Borough Council Licensing Officers.
- Before any person is employed at the premises sufficient checks will be made to ensure they are legally entitled to employment in the UK.
- The Premises Licence Holder shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to Thames Valley Police and authorised Officers of Slough Borough Council.

The Licensing Sub Committee issued a 'Yellow card' to the licensed premises as a warning that if a further review was necessary and matters had not improved the Premises Licence may be revoked. A 'Yellow card' was to be clearly and visibly displayed at the Premises for a period of 12 months detailing the imposition of new conditions on the Premises Licence and that this warning had been given.

Given the comments made by the DPS that the Premises were now fully in compliance with all the licencing objectives, having implemented all the conditions requested by TVP, the Sub-Committee strongly recommended that TVP and Slough Licencing Team arrange to carry out an inspection of the Premises as soon as possible.

The Sub Committee considered the imposition of the conditions reasonable and proportionate to promote the licensing objectives relating to prevention of crime and disorder and public safety.

21. Exclusion of the Press and Public

Resolved - That the press and public be excluded from the remainder of the meeting as the item to be considered contains exempt information relating to an individual as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended)

22. Revocation or Suspension of a Personal Licence

Below is a summary of the agenda item discussed in Part II of the meeting.

The Chair explained the procedure for the hearing and confirmed that all parties had received a copy of the paperwork.

The Licensing Officer introduced the report stating that a personal licence was held by the Appellant and outlined the reasons why an application to revoke the personal licence had been submitted by Thames Valley Police. The relevant legislation and options available to the Sub-Committee were outlined.

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The TVP Licensing Officer submitted that due to the serious nature of the incident, as detailed in the report, the personal licence should be revoked.

The Appellant outlined the circumstances regarding the incident referred to and explained the reasons as to why his personal licence should not be revoked.

Having considered all of the written representations, verbal submissions during the meeting, statutory guidance and all other relevant legislation, the Sub-Committee -

Resolved – That the Appellant's personal licence be suspended for a period of three months.

Chair

(Note: The Meeting opened at 10am and closed at 1.20pm)