

Report of	Meeting	Date
Deputy Chief Executive	Licensing Panel	Tuesday, 9 January 2024

Premises Licence Review

Is this report confidential?	No
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Is this decision key?	Not applicable
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Savings or expenditure amounting to greater than £100,000	Significant impact on 2 or more council wards
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Purpose of the Report

1. To provide an overview of the application and inform Members of the relevant parts of statute and guidance relating to the review application.

Recommendations

Members are requested to;

2. Note the contents of the report; and
3. Conduct the hearing in accordance with the hearing procedure and;
4. Determine what steps are appropriate to promote the Licensing objectives.

Reasons for recommendations

5. At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives

Corporate priorities

6. The report relates to the following corporate priorities: (Please bold one)

An exemplary council	Healthy and happy communities
Opportunities for everyone	Green and clean neighbourhood

Review Application Received

7. A review application has been submitted on 16th November 2023 by the Licensing Authority, on the grounds that the licensing objective;
8. “*The Prevention of crime and disorder*” - has been undermined at the premises;

Best One
Poplar avenue
Bamber Bridge
Premises licence number PREMA0047
9. The premises is a small retail store that stocks a range of everyday items and is licensed to sell alcoholic products.
10. The review application documents can be found attached to this report as **Appendix 1**.
11. On 11th March 2023 a joint visit to Best One took place by representatives from the Home Office, authorised to carry out Immigration Enforcement as well as South Ribble Borough Council Licensing Manager, Chris Ward.
12. Officers identified that two individuals were working in the store, enquiries were made by Immigration officers regarding both individuals and it was found that one individual did not have rights to work in the UK.
13. A fine was issued by the Home Office Civil Penalties team on 20/06/2023 for £10,000 for employing an illegal worker. This fine was paid by the business owner.
14. On 12th July 2023 officers from the Immigration Service conducted a second visit, after the visit, South Ribble Borough Council were informed of two further alleged illegal workers. Both illegal workers were found in the premises and arrested by immigration officers.
15. Following this the business owner was served an illegal working civil penalty notice.
16. Witness statements were provided from 2 Immigration officers on duty on the evenings of 11th March 2023 and 12th July 2023. These can be found attached to the review application submitted by Chris Ward, Licensing Manager, as **Appendix 1**.

Representations from Responsible Authorities

Home Office - Immigration Officer

17. Additionally, to the witness statements provided by 2 Home Office – Immigration Officers, a representation in support of the review of the licence, was received from Home Office Immigration Officer.
18. The representation received also identifies that the licensing objective “*The prevention of crime and disorder*” has also be undermined at this premises. This can be found attached to the report as **Appendix 2**.

Lancashire Constabulary - Police

19. Subsequently, a supporting representation to the review was received on 8th December 2023 from PC Connolly of Lancashire Constabulary.
20. He adds that on 19th May 2023, during part of a joint underage test purchase exercise with Lancashire Trading Standards officers, a member of staff sold a knife to children aged 13 and 14 during the test purchase exercise.
21. His representation states that the premises has additionally also undermined the licensing objective 'Protecting Children from Harm' and "The Prevention of Crime and Disorder".
22. The representation from PC Connolly can be found attached to the report as **Appendix 3**.

Representations from Members of Public

23. There have been no representations made either in support or against the review application from members of the public.

Decision to be made by the Licensing Panel

24. The Panel are asked to consider the seriousness of the issues disclosed and determine this application by taking account of SRBC's Licensing policy and Secretary of State Guidance (section 182 of the Licensing Act 2003).
25. Determining the review application, under Section 52 of the Licensing Act 2003, the committee have the following options;
 - make no changes to the premises licence;
 - to modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence;
26. Numerous paragraphs of the Section 182 Guidance are worthy of mention;

9.25

The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late-night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

11.18

However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing

authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

11.20

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.26

Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- *for the sale and distribution of illegal firearms;*

- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs
- for the organisation of racist activity or the promotion of racist attacks;
- **for employing a person who is disqualified from that work by reason of their immigration status**
- in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol

11 .28

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence — even in the first instance — should be seriously considered.

Climate change and air quality

27. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

28. South Ribble Borough Council is responsible for the licensing of Premises who sell alcohol within the Borough, under the Licensing Act 2003. This policy applies to all licence holders regardless of gender, age, disability, religious belief, race or ethnic minority or sexual orientation. No overall impacts have been identified across the equality strands within this report.

Risk

29. Reputation of the Council, if any party feels aggrieved with the decision taking by the panel this can be appealed to the magistrate's court within 28 days.

Comments of the Statutory Finance Officer

30. No Financial Implications within the report.

Comments of the Monitoring Officer

31. The legal implications have been identified within the body of the report. It should be noted that any party to the Review Hearing has a right to appeal the decision of the Panel to the Magistrates' Court.

Appendices

Appendix 1 – Review Application

Appendix 2 - Representation Home Office - Immigration Officer

Appendix 3 - Representation Lancashire Constabulary

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