

Minutes

**Licensing Sub-Committee
Wednesday, 11th October, 2023**

Membership/Attendance

Cllr Gorton
Cllr Mrs Murphy

Cllr Mynott

Substitute Present

Also Present

Officers Present

Paul Adams	- Licensing Manager
Dave Leonard	- Licensing Officer
Zoe Borman	- Governance and Member Support Officer

203. Appointment of Chair

Members resolved that Cllr Mynott would Chair the meeting.

204. Administrative Function

Members were respectfully reminded that, in determining the matter listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.

205. Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, CM15 0NG - Application to Review a Premises Licence

An application had been received from the Home Office Immigration Enforcement Team for a review of the premises licence in respect **Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, CM15 0NG** following a visit by the East of England Immigration Compliance and Enforcement (ICE) team where individuals who had no legal basis to live or work had been discovered. During the consultation period, representations were also received from Brentwood Council's Environmental Health Department, Essex Police and one Other Person.

The Sub-Committee considered the application for review and any relevant representations and consider what steps are appropriate for the promotion of the licensing objectives in line with the options open to the committee under the Licensing Act 2003.

The following options are available to the Licensing Sub-Committee:

- i. Do nothing with the licence;
- ii. Modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation or removing a licensable activity from the licence;
- iii. The removal of the designated premises supervisor from the licence;
- iv. To suspend the licence;
- v. To revoke the licence.

During the course of the hearing the committee heard from the Licensing Officer, Environmental Health, Police and the Home Office who provided significant detail and background as to their representations.

The Sub-Committee heard from the Applicant and their legal representative, Mr Dadds, who provided a significant amount of detail regarding the business and the manner which it will be run.

A number of additional proposed conditions by the applicant were also heard by the Committee. The committee also heard the circumstances regarding Mr Firat and the earthquake in Turkey. The sub-committee is extremely sympathetic to Mr Firat for what clearly was a distressing time and has an ongoing impact.

The committee noted that the business accepted that they had allowed illegal workers to be on this business and felt that a number of explanations offered regarding this were inconsistent and, when considered, could not be correct.

The Committee considered that the Designated Premises Supervisor is still Mr Firat despite representation being made that an application had been submitted to amend this. The committee found that there was no evidence to suggest this was in fact submitted.

There was also concern as to other breaches that had been brought to the attention of the committee albeit these were minor by comparison.

The Sub-Committee made it clear that they considered section 182 Guidance and considered paragraph 11.27 and 11.28 in detail.

The Sub-Committee **RESOLVED** to **REVOKE** the premises license.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

Sub-committee decision date: 11 October 2023.