

LICENSING SUB-COMMITTEE

DETERMINATION NOTICE

APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Date of Hearing	25th October 2023
Sub-Committee Members	Councillors Micaela Bartrum (Chair) Councillor Jo Rust Councillor Donald Tyler
Legal Adviser	James Arrandale
Licensing Officer	Marie Malt – Licensing Service Manager
Democratic Services Officer	Kathy Wagg
Licence Holder	Mr Abdul Shahin
Responsible Authority	Home Office
Premises Address	The Spice Inn, 2 London Road, King’s Lynn, Norfolk
Application	Application for a review of a premises licence

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application from Home Office Immigration Enforcement to review the premises licence for the Spice Inn under the “prevention of crime and disorder” licensing objective.

There were no representations from other “responsible authorities” or “other persons” to consider.

HEARING

On 25th October 2023, a hearing was held to consider the review of the premises licence. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Kings Lynn and West Norfolk Borough Council Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officer
- The Home Office
- The Licence Holder’s representative Mr Paul Byatt

SUMMARY OF EVIDENCE

The Licensing Officer presented her report and outlined the application submitted and responded to questions from all parties. A copy of the application was attached to the report.

The Applicant presented his case and responded to questions from all parties. The Licence Holder's representative presented his case and responded to questions from all parties.

The parties all summed up.

FINDINGS AND DETERMINATION

The Sub-Committee considered the evidence in the report, as well as the written and oral evidence of all parties put forward at the Hearing.

The Sub-Committee noted that the Respondent had surrendered his Licence on the morning of this hearing. However, the Sub-Committee also noted that the Licence was available to be transferred for 28 days after surrender. The Sub-Committee therefore determined to hear the application.

The Sub-Committee noted the illegal immigration offences and the failure to pay the living wage, in the context of the crime and disorder objectives of the licensing regime.

The Sub-Committee also noted the discrepancies between the respondent's statements to the Home Office and the other evidence presented by the Home Office.

The Sub-Committee considered the importance of upholding the licensing objectives firmly in this case, in the interests of the wider business community.

The Sub-Committee considered the alternatives put forward by the respondent's representative, of imposing further conditions on the Licence or imposing a three-month suspension. The Sub-Committee agreed with the observations of the Home Office representative that conditions should not duplicate the provisions of legislation. The Sub-Committee did not consider that suspension was appropriate.

The Sub-Committee therefore determined to revoke the Licence.

RIGHT OF APPEAL

There is a right of appeal against this decision to the Magistrates' Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the decision. You may wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

Signed.....*M Bartrum*.....
Councillor Micaela Bartrum (Chair of the Sub-Committee)

Date: 25th October 2023