



**Licensing Sub-Committee  
DECISION NOTICE**

**REVIEW OF A PREMISES  
LICENCE**

**Meeting:** LICENSING ACT 2003 SUB-COMMITTEE REVIEW HEARING at  
Melton Borough Council on Friday 24 January 2020 at 10am

**Applicant:** Leicestershire Police

**Licensee:** Golden Choice

**Address:** 17 Windsor Street  
Melton Mowbray  
LE13 1BU

**Licence No.:** MME0004

**Summary of Decision:**

The decision of the Licensing Sub-Committee (in exercise of the powers delegated by Melton Borough Council as Licensing Authority) was to revoke the premises licence pursuant to the Licensing Act 2003.

**Facts and Reasons:**

The Sub-Committee carefully considered all the information provided at the hearing and in making their decision the four licensing objectives, namely,

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Each objective was of paramount importance.

The Sub-Committee made the following findings of fact:

1. The Sub-Committee accepted the evidence presented by the Police;
2. The Licensee was caught with four people working on the premises who were overstaying in the UK which demonstrated the Licensee had failed to uphold the licensing objectives, in particular:
  - a. The Prevention of Crime & Disorder; and
  - b. Public Safety
3. Immigration offences are considered very seriously and the Sub-Committee found that the Licensee was irresponsible and had failed in his duty to promote the licensing objectives;
4. The Licence Holder had breached his Licence conditions;
5. The Licensee holder lacked the diligence required of a Licence Holder;
6. Protection of the public is paramount and on the evidence presented the Sub-Committee decided that the licence should be revoked.

The Sub-Committee gave the following reasons for their decision:

1. As per the Guidance, any determination needs to be evidence-based (para 9.42). The Licensee made no efforts to engage with the Licensing Authority. The Licensee also failed to attend the Sub-Committee hearing and/or send a representative which left the Sub-Committee without any representations or mitigation to consider;
2. Paragraph 11.27 stipulates that certain criminal activity that may arise in connection with licensed premises should be treated particularly seriously and includes employing person(s) who are disqualified from working by reason of their immigration status in the UK;

- 3 The legislation supports a number of other key aims and purposes which are vitally important and should be principal aims for everyone involved in licensing work which include protecting the public and local residents from crime, anti-social behaviour etc. caused by irresponsible licensed premises;
- 4 Whilst the Guidance suggests that licence conditions may be appropriate for the prevention of illegal working, conditioning a licence holder who cannot be located to undertake right to work checks on all staff employed, was deemed inappropriate and would not provide the Sub-Committee with the confidence that the licence holder would uphold the Licensing objectives. Conditions should be targeted on deterrence and preventing crime and disorder including prevention of illegal working in licensed premises and the LH has clearly disregarded these;
- 5 The Licence holder cannot be located, has not paid the fine issued and has failed in his duty to ensure the safety of the public;
- 6 The night time economy should be as effectively managed and as any other licensable activity and action should be taken against those premises that are causing 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 those of the individual licence holder. The Sub-Committee felt it was a reasonable and proportionate measure to revoke the licence.

Having considered the all the evidence presented at the hearing, the Sub-Committee determined that the applicant failed to promote the Licensing objectives.

In reaching this decision, the Sub-Committee took into consideration the following factors:-

- (i) The report presented by Victoria Clarke, Regulatory Services Manager for Melton Borough Council;

- (ii) The Applicant's (Leicestershire Police) submissions;
- (ii) The provisions of the Licensing Act 2003 and the four licensing objectives;
- (iii) The Human Rights Act 1998;
- (iv) Melton Borough Council's Statement of Licensing Policy ["the Policy"]
- (v) The guidance issued by the Secretary of State under s.182 of the Licensing Act 2003 (April 2018)

**Decision:**

Upon consideration of the evidence presented, the Regulatory Services Manager report, the relevant legislation, case law and policies the Sub-Committee took the decision to revoke the premises licence.


**Right to Appeal**

The parties were advised of their right to appeal the decision at the hearing and that any appeal of the Sub-Committee's decision must be lodged at the Magistrates' Court with 21 days of notification of the Licensing Authority's decision.

Any other queries should be directed to:

Licensing Department  
Melton Borough Council  
Parkside, Station Approach  
Burton Road  
Melton Mowbray  
LE13 1GH

Tel: 01664 502502

Signature:  .....

Chair of the Licensing Sub-Committee

Date: 24 January 2020