

LICENSING SUB-COMMITTEE

AGENDA



Tuesday 8th September 2020

at 10.00 am

in the Civic Centre, Hartlepool.

PLEASE NOTE: this will be a 'remote' online meeting, a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Fleming, Loynes and Prince

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Application for the review of a premises licence – Sicilianos, 93A-B York Road, Hartlepool – *Assistant Director, Regulatory Services*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

LICENSING ACT 2003

Procedure for Review Hearings



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. The Assistant Director (Environment & Neighbourhood Services) outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director (Environment & Neighbourhood Services).
4. Applicant for Review presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Licence/Club Certificate holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Parties may question and clarify issues raised with the consent of the Chair.
10. If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
11. If required, the Licence /Club Certificate holder to be given opportunity to sum up.
12. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
13. Members to go into closed session to deliberate.
14. Chair informs parties of their decision, with reasons.

Report of: Assistant Director, Regulatory Services

Subject: APPLICATION FOR THE REVIEW OF A PREMISES
LICENCE – SICILLIANOS, 93A-B YORK ROAD,
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of Sicillianos takeaway, 93A-B York Road, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Cleveland Police
- 2.2 The current premises licence holder is: Mr Adam Read
- 2.3 The current premises licence authorises the supply of late night refreshment at the following times: -
- | | |
|---------------------|-------------|
| Monday - Wednesday | 2300 – 0230 |
| Thursday - Saturday | 2300 – 0300 |
| Sunday | 2300 – 0100 |
- 2.4 A copy of the review application is attached as **Appendix 1**.
- 2.5 A copy of the premises licence is attached as **Appendix 2**.
- 2.6 Street View images of the premises are attached as **Appendix 3** and a map showing the premises location is attached as **Appendix 4**.
- 2.7 The application for review refers to the following licensing objectives:
- The Prevention of Crime & Disorder
- 2.8 The application for review was advertised in the prescribed manner and no additional representations were received.

3. BACKGROUND

- 3.1 The application for review states that on 23rd November 2019 Cleveland Police and Immigration Officers attended Sicillianos under a warrant.

3.1

- 3.2 During the visit, two males were found working behind the counter who had no legal permission to work in the UK.
- 3.3 Sicillianos was issued with an Illegal Working Civil Penalty Referral Notice in respect of the two workers.

4. ISSUES

- 4.1 An application for the review of a licence is made under Section 51 of the Licensing Act 2003. The application must be made by either a Responsible Authority or any other person as defined by the Act. In this case, the application has been made by Cleveland Police which is a Responsible Authority.
- 4.2 The application must also relate to at least one of the Act's 'licensing objectives' which are: -
- i) The prevention of crime and disorder;
 - ii) Public safety;
 - iii) The prevention of public nuisance; and
 - iv) The protection of children from harm
- 4.3 The application for review relates to the alleged discovery of illegal workers at Sicillianos on 23rd November 2019.
- 4.4 An application was review was submitted by Cleveland Police on 21st February 2020 but due to the outbreak of COVID-19, the review hearing was postponed until suitable alternative arrangements could be made.
- 4.5 The Sub-committee's attention is drawn to paragraph 11.27 of the Licensing Act's statutory guidance which states: -
- There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises for (amongst others):*
- *Employing a person who is disqualified from that work by reason of their immigration status in the UK.*
- 4.6 Having considered the evidence detailed in this report and any further information provided at the licensing hearing, the steps available to the Licensing Sub-committee are: -
- To take no action;
 - To modify the conditions on the licence;
 - To suspend the licence for a period not exceeding three months;
 - To revoke the licence.

5. RECOMMENDATIONS

- 5.1 That Members consider the representations made by the applicant (Cleveland Police) and the licence holder and determine what action, if any, should be taken.

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB
PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003**



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

~~1 Andrew Thorpe~~

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

DEPARTMENT

21 FEB 2020

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Siciliano's Pizza
93A-93B York Road

Post town Hartlepool

Post code (if known) TS26 8AD

Name of premises licence holder or club holding club premises certificate (if known)

Adam READ

Number of premises licence or club premises certificate (if known)

HART/PS/120

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

☐☐☐

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

~~I am 18 years old or over~~

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address CHIEF CONSTABLE OF CLEVELAND POLICE C/O PC894 Thorpe Middlesbrough Police Bridge Street West Middlesbrough	
Telephone number (if any)	
E-mail address (optional)	

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

X

Please state the ground(s) for review (please read guidance note 1)

Siciliano's is Take-away food establishment on busy York Road in Hartlepool. The current premise licence allows it to carry out the licensable activity of late night refreshments from 23:00 hours until 02:30 hours Monday to Wednesday, 23:00 hours until 03:00 hours Thursdays to Saturdays and 23:00 hours to 01:00 hours on Sundays.

Cleveland Police make application to review this premises licence for the following reasons:

On 23rd November 2019 at 17:09 hours the police and Immigration Officers attended Siciliano's Pizza Shop under a Section 23 Misuse of Drugs Act 1971 warrant which named Immigration officers as being allowed to enter. On entering the premises a male identified himself as the manager of the premise.

Whilst no drugs were found on the premises or on the people in the premise, Immigration officers identified 2 males working behind the counter at the property who did not have permission to work in the United Kingdom. The two males were interviewed by the Immigration Officers on site regarding their employment status.

The premise was issued an Illegal Working Civil penalty referral notice naming the 2 males.

Not only is it an offence to employ someone who cannot legally work in the UK, it also encourages illegal migration into the UK, which risks peoples lives by putting them in the hands of people smugglers and leaves them vulnerable to exploitative employers.

Paragraph 11.27 of the Guidance issued under Section 182 of the Licensing Act 2003 states that there are a number of criminal activities linked to Licensed premises that should be treated particularly seriously. Those activities identified include

- employing a person who is disqualified from that work by reason of their immigration status in the UK.

It is for this reason the Police believe that the Crime and Disorder objective is being undermined and this is the reason the Police are calling for a review of the premise licence.

Please provide as much information as possible to support the application
(please read guidance note 2)

Evidence to support this application is attached.

Please tick yes

Have you made an application for review relating to this premises before ☐ N

If yes please state the date of that application

Day Month Year

0	0	0	0	0	0	0	0
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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature Andrew Thorpe (PC894)

.....

Date 18/02/2020

.....

Capacity Cleveland Police Licensing Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Middlesbrough Police Office Bridge Road West	
Post town Middlesbrough	Post Code TS1 2AB
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-	
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Copies of this completed application form must be sent to:-

The Licensing Team (HBC),
 Principal Trading Standards Officer (HBC)
 Development Control Manager (HBC)
 Principal Environmental Health Officer (Commercial Services) (HBC)
 Principal Environmental Health Officer (Environmental Protection) (HBC)
 Head of Safeguarding and Review (Licensing) (HBC)
 Cleveland Police,
 Cleveland Fire Brigade

Addresses for the above organisations are attached.

**The Licensing Section
 Hartlepool Borough Council
 Bryan Hanson House
 Hanson Square
 Hartlepool
 TS24 7BT**

THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/120

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference, or description

Sicillianos
93a & 93b York Road

Post Town Hartlepool

Post Code TS26 8AD

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence. Any entertainment authorised by this licence is limited to indoors only, unless stated otherwise

Late Night Refreshment

The time the licence authorises the carrying out of licensable activities.

Late Night Refreshments

Monday - Wednesday	2300 – 0230
Thursday - Saturday	2300 – 0300
Sunday	2300 – 0100

The opening hours of the premises

Monday - Wednesday	2300 – 0230
Thursday - Saturday	2300 – 0300
Sunday	2300 – 0100

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Adam Read

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Date licence granted: 2nd November 2018

ANNEX 1 – Mandatory Conditions

1. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.

ANNEX 2 – Conditions consistent with the Operating Schedule

- 1 CCTV cameras shall be maintained and operational to monitor the public areas during opening hours.
- 2 Litter shall be collected from outside the premises at regular intervals as is necessary to prevent public nuisance. In addition at least two suitable litter bins shall be provided inside the premises.
3. A minimum of at least one Door Supervisor shall be in attendance at the premises between the hours of midnight until closing every night.
4. Litter shall be collected outside the premises after the end of operating hours and disposed off in appropriate waste bins.
5. Two litter bins shall be provided in the premises for customers.

ANNEX 3 – Conditions attached after a hearing by the Licensing Authority

NONE

ANNEX 4 - Plans

YOU ARE REMINDED THAT IT IS YOUR LEGAL OBLIGATION TO ATTACH THE CURRENT 'PLAN' TO THIS PREMISES LICENCE AND KEEP THIS LICENCE (OR A CERTIFIED COPY) IN A SECURE PLACE AT THE LICENSED PREMISES.

IT IS AN OFFENCE NOT TO PRODUCE YOUR PREMISES LICENCE (INCLUDING THE PLAN) UPON REQUEST BY A POLICE OFFICER, LOCAL AUTHORITY OFFICER OR AUTHORISED PERSON.



Appendix 4

