

Decision Schedule



Licensing Sub-Committee

TO ALL MEMBERS OF NEWPORT CITY COUNCIL

Decision Schedule published on 6 August 2019

The Licensing Sub-Committee took the following decisions on 6 August 2019, which became effective immediately.

Councillors D Davies (in the Chair), H Thomas and J Cleverly

LICSUB 05/19

Decision

Review of Premises Licence under Section 51 Licensing Act 2003

The Sub-Committee considered the application and heard evidence from an officer from the Home Office Immigration Enforcement Service and from the Premises License Holder and his representative.

It was clear that an offence under the Immigration Act 2016 had been committed at the licensed premises on 6 March 2019 for which the Premises License Holder's Company was given a fixed penalty fine of £15,000. This resulted from the Home Office Immigration Enforcement Service carrying out a raid on the premises that day where they found a person disqualified from working due to his immigration status in the UK under the Immigration Act 2016 who was working at the premises. The Premises License Holder accepted these facts.

The Sub-Committee noted that the Home Office Guidance recommended that they should consider a revocation of the licence even in the case of a first immigration offence. However, the sub-committee also took into account that the Premises License holder had spent time overseas for health reasons when the offence was committed and had dismissed the manager of the premises who he blamed for the employment of the illegal worker. Nevertheless, the Premises Licence Holder remained responsible for compliance with the Licensing Act 2003. In addition, the illegal worker was still living at a room at the premises and two employees who worked at the premises at the time of the offence still worked there.

The Sub-Committee therefore decided to suspend the Licence for the maximum period of three months and to add the conditions listed below. The installation of CCTV in all food preparation areas was an invasion of privacy of the workers at the premises but was necessary and proportionate due to the illegal worker still residing at the premises. The additional conditions imposed are as follows:-

- The Premises Licence Holder will operate a full digital HR management system where all relevant documents are stored for each individual member of staff.
- The Premises Licence Holder will work with People Force International, or a other similar agency and carry out checks on the Home Office website to verify identification, visa and right to work documents.

- No new member of staff will be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and right to work.
- All documents for members of staff will be retained for a period of 12 months post termination of employment and will be made available to police, immigration or licensing officers on request.
- CCTV cameras be installed in all food preparation areas.

Consultation

Implemented by: 6 August 2019

Implementation Timetable: Immediate

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