

BOROUGH OF KETTERING

LICENSING COMMITTEE

Meeting held – 21st July 2020

Present: Councillor Margaret Talbot (Chair)
Councillor Lloyd Bunday
Councillor Clark Mitchell

Also Present Anne-Marie Walton-Miller (Legal Advisor)
Russ Howell (Environmental Health Officer)
Jack Davies (Chief Immigration Officer)
David Pope (Committee Manager)
Callum Galluzzo (Committee Administrator)

Manwar Rashid (Current Licence Holder / Business Owner)
Frank Fender (Legal Advisor)

20.LC.06 APOLOGIES

No apologies for absence were received.

20.LC.07 MATTERS OF URGENCY

None

20.LC.08 DECLARATIONS OF INTEREST

None

20.LC.09 TO CONSIDER AN APPLICATION FOR REVIEW OF THE PREMISES LICENSE FOR THE RED ROSE RESTAURANT, GEORGE STREET, KETTERING

A report was submitted which sought the Committee's decision in regard to an application for review of the premises licence for the Red Rose Restaurant, George Street, Kettering where representation had been received from Home Office (Immigration Enforcement).

Details were provided to the committee regarding a visit to the

premises by Immigration Enforcement on 31st October 2019. It was heard that at that visit all five of the employees encountered there were immigration offenders with no right to work in the UK, and an additional sixth employee, who possibly gave a false identity escaped from the premises. Only the manager on site at the time had a right to work in the UK.

Mr Frank Fender and Mr Manwar Rashid attended the meeting and addressed the committee on behalf of the Red Rose stating that although errors had been made in relation to the administration of staff, measures had been put in place to ensure that checks were being carried out and adequate evidence provided for any new members of staff. Conditions were also proposed by Mr Fender which enforced the business to continue to carry out satisfactory HR checks on all members of staff.

Following consideration, it was

RESOLVED Thank you for attending the Licensing Committee to consider an application for review of the premises licence for the Red Rose Restaurant, George Street, Kettering.

The Committee carefully considered the report of the Health Services Manager, the report of the Immigration Service and the verbal representations of Mr Jack Davis, Chief Immigration Officer, Mr Frank Fender representative of Mr Manwar Rashid the Premises Licence Holder and from Mr Rashid, in person.

The Committee also took into account the Council's Statement of Licencing Policy, Section 182 Guidance of the Licensing Act 2003, in particular sections 11.23, 11.26, 11.27 and 11.28 and the 4 licensing objectives in particular prevention of crime and disorder.

The Committee was concerned to note from the Immigration Officer's report that only 2 employees had been declared to HMRC in relation to the business, Mr Rashid provided no satisfactory explanation as to why this was. Staff were being paid cash in hand, had no contracts of employment, wages paid were inconsistent with each other and appeared to be below the minimum wage, the provision of food and accommodation was linked to work. The committee takes very seriously the fact that these unlawful practices are akin to modern day

slavery and that Mr Rashid has been defrauding the HMRC.

The Committee took into account the length of time that the premises had been licenced and the fact that Mr Rashid had been running the business for 10 years however was concerned that Mr Rashid had only taken action to undertake document checks for staff after this incident. The Committee was dissatisfied with the explanation provided by Mr Rashid as to why he had made no request for ID documents in respect of the illegal workers and his explanation as to why illegal workers had been offered accommodation at the premises.

The Committee considered all the options that were available to them including modification of the licence conditions as proposed by Mr Fender. However given the evidence before them the Committee did not consider that either of these options were appropriate. The committee was not satisfied that the conditions proposed would meet the committee's concerns. Further the committee was of the view that the imposing of extra conditions on the premises licence would not be sufficient to further the licensing objectives of preventing crime and disorder given the seriousness of the circumstances.

Removal of Mr Rashid as Designated Premises Supervisor (DPS) was also considered. Because Mr Rashid is also the owner of the premises and would therefore have substantial involvement in the day to day management and operation regardless of whether he was the DPS or not, this step would not achieve greater promotion of the licensing objectives.

The management of the premises fell below the high standards expected of it as a licenced premises and Mr Rashid in employing 5, possibly 6, illegal works at the premises had demonstrated a total disregard for the promotion of the licensing objectives. His actions were wholly irresponsible, unacceptable and clearly undermined the licensing objective of crime and disorder.

Taking into account all of the evidence presented to the Committee, the committee was unanimous in its decision to revoke the premises licence. It considered that this decision was reasonable

and proportionate and necessary for promotion of the licencing objectives in particular the prevention of illegal working within the borough.

Any persons aggrieved by these decisions has a right of appeal to the Magistrates Court no later than 21 days from the date of receiving the decision notice.

(The committee exercised its delegated powers to act in the matters marked)*

(The meeting started at 3.30pm and ended at 4:15pm)

Signed.....
Chair

CG