



## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB COMMITTEE - C**

**WEDNESDAY 15 SEPTEMBER 2021**

#### **SIMPLY LOCAL, UNIT 8 NORFOLK HOUSE, 84-86 SMALLBROOK QUEENSWAY, BIRMINGHAM B5 4EG**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Mr Lakhbir Singh in respect of Simply Local, Unit 8 Norfolk House, 84-86 Smallbrook Queensway, Birmingham B5 4EG, this Sub-Committee determines:

- that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application, and
- that Mr Lakhbir Singh be removed as the Designated Premises Supervisor

Members heard the submissions of West Midlands Police, namely that the certificate issued by Superintendent Fox under s53A(1)(b) of the Act related to the employment of an illegal immigrant. The Guidance issued by the Secretary of State under s182 of the Act confirmed that employment of such persons was an issue which should be taken particularly seriously by the Sub-Committee. The Police observed that the answers that the Simply Local management gave to their questions raised doubts over who exactly was responsible for management.

The Sub-Committee then heard from the licence holder, who stated that there had been no intention to mislead the Police. The licence holder ran ten licensed premises in the Birmingham area, and had operated three premises on Smallbrook Queensway for 17 years with no incidents. The premises checked its staff, did not use "cash in hand" methods to pay employees, and paid at least National Minimum Wage. The HR manager would have to be consulted before the premises could answer questions regarding the employment of the particular member of staff in question, as it was the HR Manager who had the details.

In deliberating, the Sub-Committee agreed with the Police that the employment of an illegal immigrant was a serious crime, and that the causes of the serious crime appeared to originate from unsatisfactory internal management procedures at the premises. The Sub-Committee determined that they had no confidence in the management to ensure proper operation. All in all, the Sub-Committee considered the licence holder to have failed to take his responsibilities seriously.

The Sub-Committee determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little

to address the real issue, which was the lack of proper management control shown by the licence holder, which was a significant risk to the upholding of the licensing objectives.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises. Therefore, the risks could only be properly addressed first by the suspension of the licence, and secondly by the removal of the designated premises supervisor, pending the full Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, and the submissions made by West Midlands Police, and by the licence holder via his solicitor, at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.