



**MINUTES of  
LICENSING SUB-COMMITTEE  
16 NOVEMBER 2018**

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**PRESENT**

<b>Purpose of the Hearing:</b>	To review a premises licence
<b>Premises:</b>	Zara's Indian Cuisine, Steeple Road, Mayland, Southminster, CM3 6EG
<b>Councillors:</b>	S J Savage, A K M St. Joseph and Mrs M E Thompson
<b>Representing the Licensing Sub-Committee:</b>	Mr Matthew Evans, Licensing Lead Officer Mr Simon Quelch, Solicitor to the Council Miss Tara Bird, Committee Clerk
<b>Applicant:</b>	Mr Nigel Dermott, Essex Police Licensing Officer
<b>Licence Holder:</b>	Mr Abdul Kasim, Landlord and Premises Licence Holder
<b>Interested Party</b>	Miss Heather Oliver, Counsel for Mr Kasim
<b>Responsible Authorities:</b>	None
<b>In Attendance:</b>	Ms Keeley Drains, Essex Police Licensing Officer Ms Lacey Latimer, Licensing Officer
<b>Members of the Public:</b>	None
<b>Members of the Press:</b>	None

**613. TO APPOINT A CHAIRMAN FOR HEARING**

**RESOLVED** that Councillor S J Savage be appointed Chairman for the meeting.

IN THE CHAIR: COUNCILLOR S J SAVAGE

**614. APOLOGIES FOR ABSENCE**

There were none.

**615. DISCLOSURE OF INTEREST**

There were none.

**616. LICENSING ACT 2003 - APPLICATION TO REVIEW PREMISES LICENCE - ZARA'S INDIAN CUISINE, STEEPLE ROAD, MAYLAND, SOUTHMINSTER, CM3 6EG**

The Chairman sought confirmation that all those present were in possession of and had read the report of the Director of Service Delivery along with appendices A – D. At this point reference was made to a letter submitted by Labrums Solicitors on behalf of Mr Kasim which had been circulated to Members' prior to the meeting. Introductions were then made.

The Licensing Lead Officer outlined the application for the review the Premises Licence for Zara's Indian Cuisine, Steeple Road, Mayland, Southmisnter, CM3 6EG by Essex Police on the grounds of one of the licensing objectives, namely the prevention of crime and disorder. The Officer reminded Members' that it was not possible to enforce a transfer of a premises licence.

The Chairman invited Mr Nigel Dermott, Licensing Officer for Essex Police, to make his opening statement.

Mr Dermott took the Committee through his submitted statement and referred to a number of intelligence items which were detailed in the application for review as submitted by the Police. He advised that the Premises Licence Holder had failed to support the licensing objectives, namely the prevention of crime and disorder relating to uncontested matters regarding the employment of illegal workers. Mr Dermott explained that the employment of illegal workers was considered by Essex Police to be a serious crime, making reference to Section 182 to the Licensing Act 2003 and how in the Police's view revocation of the licence was the only outcome. Mr Dermott explained that should Members be minded to not revoke the licence there were a number of policies and procedures the Police would request that the Committee put in place to ensure that this did not reoccur.

In response to a question from the Chairman, those parties present confirmed that they would not be calling any witnesses.

The Chairman then invited the applicant's legal representative, Miss Oliver to make her opening statement to the Committee. Miss Oliver provided the Committee with some background information regarding Mr Kasim and the license for this premises.

At this point further documentation was circulating including information on Zara's Indian Cuisine from Companies House.

Miss Oliver continued her presentation of the case setting out a great deal of detail regarding the current arrangements in relation to the premises and Mr Kassim in his role as Premises Licence Holder. Members were advised of the difficult to identify suitable tenants for the premises and the need to preserve the premises which were a benefit to the local community. Miss Oliver provided detail of and encouraged the Committee to consider adding a further condition to the licence which in her view would effectively suspend the operation of the licence until a new leaseholder could be found.

Mr Quelch, the Council's legal advisor, raised a question through the Chairman regarding the additional condition suggested by Miss Oliver and sought clarification on the wording and to whom it would relate. Miss Oliver gave further clarification that the

condition proposed that a number of individuals would not have any further managerial involvement with that business while the licence continues. She also referred to a further proposed condition that the person with managerial responsibility for the premises is not Mr Hassan but someone that has the approval of Essex Police.

Mr Dermott commented that it was not for Essex Police to approve a Designated Premises Supervisor (DPS). He explained the process that occurred when a Premises Licence Holder applied for a DPS and how as part of this the Police could raise an objection to an initial application.

In response to a question, Miss Oliver advised that the court case referred to on page 45 of the document pack had no connection to the restaurant in that case and those owned by Mr Kasim.

The Licensing Officer provided the Committee with clarification on the role of a DPS in a premises licence. He explained that a DPS is the person responsible for the authorised sale of alcohol at a premise. Management of the premises was not required of a DPS in law. In the Officers' opinion it was difficult would Members to take an opinion on this.

Mr Dermott responded to comments and made a closing statement which clarified the following points:

- There were a number of options available which included surrendering or transferring the licence.
- The Premises Licence Holder had failed to uphold the licensing objective relating to the prevention of Crime and Disorder.
- The warrant carried out by immigration was based on prior information and intelligence.

Mr Dermott advised that the Police would say it was not the naivety of the Premises Licence Holder but irresponsibility which had led to serious crime. The Chairman at this point advised that the Committee was not here to deal with any criminal activity.

The closing statement from Miss Oliver followed, during which she reminded Members that Mr Kasim had been looking for a suitable person to transfer the licence to. She reminded Members that there had been no similar incidents to those highlighted and if there was a way for the premises to continue to operate in line with the licensing objectives it should be given the opportunity to do so. Miss Oliver reminded the Committee of her earlier proposal of an alternative option which would allow the licence to continue.

The Chairman thanked everyone present and advised that the Committee would now adjourn to consider its decision.

## **617. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 2:36pm.

**618. RESUMPTION IN OPEN SESSION**

**RESOLVED** that the meeting resumes in open session at 3:15pm.

**619. CONTINUED - LICENSING ACT 2003: APPLICATION TO REVIEW PREMISES LICENSE - ZARA'S INDIAN CUISINE, STEEPLE ROAD, MAYLAND, SOUTHMINSTER, CM3 6EG**

The Chairman advised that having heard the submissions from both parties and having particular regard to the licensing objective for the prevention of crime and disorder we hereby determine that the application for the review of a Premises Licence by the Police is granted and the licence is revoked. The Chairman then outlined the reason behind the Committee's decision, as follows:

Mr Abdul Kasim is still in charge and he has failed in his responsibilities as Licence Holder to comply with the licensing objective of prevention of crime and disorder, in allowing three persons to be employed contrary to the UK Immigration legislation. The Committee accepted the Police submission that offences were committed in relation to the three disqualified workers. As cited in 11.27 of the revised guidance issued under Section 182 of the Licensing Act 2003 (April 2017) should be treated particularly seriously.

The Chairman continued advising that 11.28 of the same Act encouraged the revocation of the licence even when this was the first occasion of such offences being committed in relation to these premises. The Committee had considered Miss Oliver's alternatives but did not consider they took sufficient account of the seriousness of these offences.

**RESOLVED** that the premises licence for Zara's Indian Cuisine, Steeple Road, Mayland, Southminster, CM3 6EG be revoked.

The Chairman thanked those for attending and advised that a formal decision would be notified to all interested parties.

There being no further items of business the Chairman closed the meeting at 3.17 pm.

S J SAVAGE  
CHAIRMAN