

**DELEGATED**

**AGENDA NO.**

**REPORT TO THE  
STATUTORY LICENSING  
COMMITTEE**

**21 August 2024**

**LICENSING ACT 2003  
APPLICATION FOR REVIEW OF A PREMISES LICENCE  
LEBANEAT, 48 HIGH STREET, YARM, STOCKTON-ON-TEES, TS15 9AH  
PREMISE LICENCE NUMBER: 146366**

**SUMMARY**

The purpose of this report is for Members to consider an application for a review of a premises licence from Home Office Immigration Enforcement on the grounds of the prevention of crime and disorder due to illegal workers working at the premises.

**RECOMMENDATION**

That Members determine the application.

**THE APPLICATION**

1. An application for a review of premises licence in respect of above the premises has been received from Home Office Immigration Enforcement under section 51 of the Licensing Act 2003. A copy of the application is attached at Appendix 1.
2. The application relates to the undermining of the licensing objectives of:
  - The Prevention of Crime and Disorder
3. On 26 March 2024, the North East Immigration Compliance and Enforcement (ICE) Team visited Lebaneat, at the above address, after intelligence was received the premises is employing illegal workers.
4. Entry to the premises was gained at approximately 20:58hrs under Section 179 of the Licensing Act 2003. The officers encountered 5 persons working at the premises of which 3 were identified as working in breach of their immigration bail conditions.
5. A referral has been made to the Civil Penalty Compliance Team in relation to the illegal working, the outcome is still outstanding. A full report supplied by the Home Office is attached as Appendix 2.
6. A copy of the current premises licence showing licensable activities and licensable hours is attached at Appendix 3.
7. A map showing the location of the premises is attached at Appendix 4.

**RESPONSIBLE AUTHORITIES**

8. A representation in support of the review on the grounds of the Crime and Disorder objective has been received from the Licensing Service and is attached at Appendix 5. Evidence in support of the representation is attached as Appendix 6 and an additional statement is attached as Appendix 7.
9. A representation in support of the review on the grounds of the Crime and Disorder objective has been received from Cleveland Police and is attached at Appendix 8.

## ADDITIONAL INFORMATION

<b>PREMISE LICENCE HOLDER (PLH)</b>	LEBANEAT YARM LTD	12/12/18 - Present
<b>DESIGNATED PREMISES SUPERVISOR (DPS)</b>	OKSANA SAYED	12/12/18 - Present

10. Cleveland Police have applied to review the premises licence and the Statutory Sub Committee revoked the premises licence on 5 November 2019. The minutes of the meeting, full report and appendices can be found online at: <https://moderngov.stockton.gov.uk/CeListDocuments.aspx?Committeeld=1252&MeetingId=4032&DF=05%2f11%2f2019&Ver=2>
11. A copy of the Statutory Sub Committee meeting minute is attached at Appendix 9.
12. Lebaneat (Yarm) Ltd (sole director Ahmed Sayed) appealed this decision to the Magistrates Court, and as such the premises were able to continue to trade until the appeal was heard.
13. An appeal date had been set but the Covid pandemic in March 2020 meant that no cases were being heard in the courts. Due to the ongoing situation on 5 January 2021, it was agreed between legal parties, Police and the chair of the licensing committee:
  - The appeal would be withdrawn
  - The licence would be reinstated with additional conditions on right to work checks for employees
  - Court costs incurred by the local authority to date would be paid

## POLICY CONSIDERATION

14. Members must carry out their functions with a view to promoting the four licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
15. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and the Section 182 Revised Guidance issued December 2022 under the Licensing Act 2003 when considering this application for review. Details regarding the full range of powers available to members can be found at section 11 of the Guidance.
16. Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.
17. Copies of these documents can be found at:  
[www.stockton.gov.uk/article/1672/Welcome-to-Stockton-on-Tees-Borough-Council-s-Statement-of-Licensing-Policy](http://www.stockton.gov.uk/article/1672/Welcome-to-Stockton-on-Tees-Borough-Council-s-Statement-of-Licensing-Policy)  
[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)

## MEMBERS OPTIONS

18. Members are advised that under the provisions of Section 51(4) The Licensing Act 2003 the authority may, at any time, reject any ground for review if it is satisfied: -
  - that the ground is not relevant to one or more of the licensing objectives, or

- in the case of an application made by a person other than a responsible authority, that-
  - the ground is frivolous or vexatious, or
  - the ground is a repetition.
19. If Members are not minded to reject this application, then under the provisions of Section 52(3) The Licensing Act 2003, the authority must, having regard to the application and any relevant representations take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the four licensing objectives. The steps are: -
- a) to modify the conditions of the licence which could include reducing opening hours or requiring door supervisors at a particular time;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premise supervisor for example, because they consider that the problems are the result of poor management;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence
  - f) and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the authority takes a step mentioned in (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

20. The Committee also have the option to leave the licence in its existing state.

## **ASSOCIATED PAPERS**

The following appendices are attached for information:

- Appendix 1 - Application for review
- Appendix 2 - Supporting documents
- Appendix 3 - Copy of the existing licence
- Appendix 4 - Location Map
- Appendix 5 - Representation from Licensing Service
- Appendix 6 - Representation from Licensing Service Additional Evidence
- Appendix 7 - Statement E Beevers
- Appendix 8 - Representation from Cleveland Police
- Appendix 9 - Review meeting minutes - 2019

### **Assistant Director – Regulated Services and Transformation - Adults, Health and Wellbeing:**

**Contact Officer:**

**Telephone No.**

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**Financial Implications :**

**Community Safety Implications:**

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None

The Licensing Act 2003 requires the licensing authority to have regard to:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

### **Legal implications**

Any decision made in respect of the review application can be appealed to the magistrate's court within 21 days by: -

1. The applicant
2. The premises licence holder
3. Any other person who made relevant representations

Any decision made in respect of the review does not have effect until:-

- a. the end of the period given for appealing against the decision, or
- b. If the decision is appealed against, the time the appeal is disposed of.

**Human Rights**

Members should have regard to the Human Rights Act when conducting this hearing.

**Background Papers:**

Stockton Borough Council Licensing Policy Statement and Section 182 Guidance.

**Ward(s) and Ward Councillors:**

Appendices

Yarm Ward:

Councillor John Coulson

Councillor Dan Fagan

Councillor Andrew Sherris