

Notice of determination of application for a review of premises licence

To:

Of: Qissa, 4 Carlton Parade, St Johns Hill, Sevenoaks TN13 3NZ

Ref: 21/03357/REVIEW

Sevenoaks District Council being the licensing authority, on the 2 December 2021 received an application for a review of the premises licence in respect of premises known as Qissa, 4 Carlton Parade, St Johns Hill, Sevenoaks TN13 3NZ

On the 31 January 2022 there being valid representations which were received and had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To revoke the licence

The Sub-Committee has taken account of the documents provided, the oral representations made at the Hearing, the Licensing Objectives, the Council's Statement of Licensing Policy and the Home Office Guidance issued under Section 182 of the Act.

The Sub-Committee has had particular regard to the Crime Prevention objective on which the review was raised.

It was noted that the appeals against the civil penalties are now exhausted. The Licence Holder and DPS admitted to allowing others to arrange employment and failed to ensure that checks were carried out. The Sub-Committee was not satisfied that the Premises Licence Holder and DPS appreciated the importance of her role in upholding the Licensing Objectives and in being responsible to police and other authorities investigating the premises.

Paragraph 5.3 of the Council's Statement of Licensing Policy specifies that the Council expects all licensed premises to familiarise themselves with and adhere to their responsibilities around preventing illegal working.

Paragraph 2.5 of the Home Office Guidance under Section 182 of the Act states that it is for the Premises Licence Holder to ensure the DPS is competent and appropriately trained. The DPS is the key person responsible for day to day management

Paragraph 11.27 of the Guidance states that the use of a licensed premises for employing someone disqualified from that work by reason of their immigration status should be treated particularly seriously. Licensing authorities and others are expected seriously to consider revocation where the crime prevention objective is being undermined through the premises being operated other than in accordance with the law, acting as a deterrent, even in the first instance (11.28).

Amendment of the licensable activities would be ineffective given the limited scope of the licence. Additional conditions to the licence would primarily replicate existing

statutory requirements. Suspension of the licence for up to 3 months would be ineffective given the current closure of the premises for one month. These lesser steps would fail to uphold the Licensing Objectives.

Revocation of the licence would be appropriate in the circumstances of the case. The breach of the Objectives and failure to meet the lawful expectations of both a Premises Licence Holder and a Designated Premises Supervisor were so egregious that revocation is appropriate.

The determination will not have effect (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of. *

Dated: 31 January 2022

Please address any communications to:

Licensing Partnership
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

***Note:** Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.