

Wednesday, 22 January 2025

Report of the Assistant Director - Growth & Regeneration

Application for a Review of a Premises Licence

Exempt Information

None

Purpose

This report provides information for Members about an application made under Section 51 of the Licensing Act 2003, to assist them in determining the outcome of that application.

Recommendations

It is recommended that Members are asked to determine the application to review a premises licence in respect of T & J Burgers, 86 Bolebridge Street, Tamworth, B79 7PD having due regard to the Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

Executive Summary

An application for the 'Review of a premises licence' under Section 51 of the Licensing Act 2003 was received on the 12th November 2024 from a responsible authority, namely Home Office Immigration Enforcement. It was deemed to be relevant in that it relates to one or more of the licensing objectives - The prevention of crime and disorder. A copy of the application is attached at Appendix 1.

As a responsible authority, Home Office Immigration enforcement are concerned that the licensing objective, the prevention of crime and disorder is being undermined.

Options Considered

An application for the 'Review of a premises licence' under the Licensing Act 2003, that is relevant, has to be considered by the licensing authority. The options open to the authority are set out in the report.

Resource Implications

There is no fee for an application to 'Review a premises licence'. If the application is refused, or granted with conditions, the applicant has the right of appeal to the Magistrates' Court against the decision. Similarly, a person who made relevant representations has a right of appeal against a decision to grant a licence, or the conditions imposed upon it.

Legal/Risk Implications Background

If the application is refused, or granted with conditions, the applicant has the right of appeal to the Magistrates' Court against the decision. Similarly, a person who made relevant representations has a right of appeal against a decision to grant a licence, or

the conditions imposed upon it. The committee will have Legal Advice at the meeting.

Equalities Implications

Community Impact Assessment is attached at Appendix 6.

Environment and Sustainability Implications (including climate change)

There are no environmental implications

Background Information

A premises licence is currently in force for T & J Burgers, 86 Bolebridge Street, Tamworth, B79 7PD. A copy of this licence is attached at Appendix 3.

Once a licensing authority has received a review application it must determine whether it is relevant, i.e. it relates to one or more of the four licensing objectives. In the case of any other person making the application the licensing authority must then consider whether it is vexatious, frivolous or a repetition. The application meets these requirements.

In accordance with the provisions contained within the Licensing Act 2003 and Licensing Act 2003 Regulations, the licensing authority has advertised the application for review, inviting representations from the premises licence holder, a Responsible Authority or any other person, for twenty-eight consecutive days starting on the day after the day on which the application was given to the Authority. A copy of this notice is attached at Appendix 4.

As a responsible authority, Home Office Immigration Enforcement are concerned that one of the licensing objectives, the prevention of crime and disorder is being undermined.

The grounds for the review are:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working. Information in support of the review is attached at Appendix 2 is set out on pages 4 to 5 of Appendix A.

The licensing authority may decide:

- That the review does not require it to take any further steps appropriate to promote the licensing objectives.
- To issue an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- To modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition).
- To exclude a licensable activity from the scope of the licence.
- To remove the designated premises supervisor, for example, because they consider that the problems are as a result of poor management.
- To suspend the licence for a period not exceeding three months.
- To revoke the licence.

The licensing authority should give its decision within 5 working days of the conclusion of the hearing and provide reasons to support it.

A determination under section 52 of the Act does not have effect-

- Until the end of the period given for appealing against the decision (21 days), or
- If the decision is appealed against, until the appeal is disposed of.

During the consultation period information was received from the Licensing Authority in support of the review. This information is attached at Appendix 5.

Report Author

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List of Background Papers

[Revised Guidance issued under section 182 of the Licensing Act 2003](#)
[Licensing policies and fees | Tamworth Borough Council](#)
<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Appendices

Appendix 1 – Application for Review
Appendix 2 – Supporting Information
Appendix 3 – Premises Licence
Appendix 4 – Blue Notice
Appendix 5 – Supporting information from the LA
Appendix 6 - CIA

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