



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in Committee Room 1, East Pallant House on Wednesday 15 March 2023 at 2.30 pm

**Members Present:** Mr J Elliott, Mr H Potter and Mrs S Taylor

**Members not present:**

**In attendance by invitation:**

**Officers present all items:**

90 **To elect a Chairman for this Hearing**

**RESOLVED:**

1. That Cllr Elliot be duly elected as chairman for the duration of this Sub-Committee meeting.

91 **Declarations of Interests**

There were no declarations of interest

92 **Licensing Hearings**

The Chairman welcomed everyone present to this licensing Sub-Committee hearing.

Mr Laurence Foord introduced the report and outlined the reasons why this application had been brought before the Licensing Sub-Committee. Mr Foord stated that the premises in question has operated as a convenience store for many years and is predominantly situated in a residential area. Mr Foord went on to state that under the Licensing Act 2003 the premises was granted a license in 2005 following a successful application during the transitional period. Mr Foord concluded by stating that this Sub-Committee is requested to determine the application made by the Immigration Compliance Enforcement Team at the Home Office for the review of the premises license and give reasons for that determination.

The applicant Mr Lee Coates Chief Immigration Officer, on behalf of the South-East ICE Team at the Home Office explained why the application had been submitted to the Licensing Authority. Mr Coates stated that on Tuesday 8 November 2022 enforcement officers from South-East ICE Immigration based at Gatwick attended the premises address with Sussex police where three illegal workers were identified on the premises. At the time it was established through questioning that the workers

did not have legal rights to work in the UK. It transpired via the questioning that the premises licences holder Mr Sathananthan had been paying the workers cash in hand.

A representative on behalf of Mr Sathananthan, Mr Cyril Bekoe, stated that he was deeply apologetic towards all parties and that he acknowledges his mistake. The representative went on to state that Mr Sathananthan repeatedly requested Right to Work documentation from one of the workers, but they refused to supply any documentation. Unfortunately, in October and August of 2022 Mr Sathananthan had to attend to religious and cultural issues in Sri Lanka. When he returned to the UK, Mr Sathananthan found two more workers that he had not authorised to work in his premises. Mr Sathananthan has taken steps to improve the operations of the business by reviewing the recruitment policy, payroll records and included the challenge 25 posters on the outside of the shop. Mr Sathananthan has also stated that he would step down as the designated premises supervisor and instead his wife Mrs Sathananthan take on more of a managerial role. The representative also asked the Sub-Committee that Mr Sathananthan was the primary caregiver for his 84-year-old sick mother and that the business was the main source of income.

Mr Bekoe offered a letter to Mr Coates on behalf of Mr Sathananthan in which he wished to offer his apologies, emphasize his intentions regarding compliance in the future and positive working relationship with the Home Office and also to obtain a better understanding and methods of payment to the Home Office for his fine. Mr Bekoe again emphasized Mr Sathananthan's remorse. Said letter was not accepted by Mr Coates or Chair of the Sub Committee. Mr Bekoe advised that he had no legal qualification and was acting as a consultant on behalf of Mr Sathananthan.

The Sub-Committee asked the representative to clarify which documentation Mr Sathananthan had asked the first worker for and the process behind that. The Sub-Committee also noted that Mr Sathananthan had held a premises license since 2005 and found it odd that he would accept a worker who did not have the relevant Right to work documentation and was claiming to have a visa but was showing no proof of such documentation. The representative responded by stating that Mr Sathananthan had suffered from some mental health issues due to his elderly mother having had a heart attack and was consequently not in the right frame of mind to make right and proper decisions at that time.

Mr Coates asked the representative how long Mr Sathananthan had known the first worker as it was unusual to leave someone in charge of his premises that he had only known for a few months. The representative responded by stating that Mr Sathananthan knew the worker strictly through an employer and employee working relationship.

Kevin Gillet, Valuation & Estates Manager for Chichester District Council stated that as Landlord of the premises for Mrs Sathananthan to be named designated premises supervisor (DPS) she would also need to be added to the lease of the premises. Mr Gillet stated that they have dealt with various breaches of the lease regarding Mr Sathananthan as far back as 2010. These included alterations without consent and incorrect tenants living at the property.

The relevant parties present at the Sub-Committee summarised their arguments and reaffirmed their positions regarding the application for review of Premises Licence (application number – 23/00087/LAPRER ) Holmbush Stores 4 Holmbush Way Midhurst West Sussex GU29 9BS.

Ms Giusj Di Lauro, Litigation and Licensing Lawyer outlined the relevant procedures that would take place during the adjournment of the Sub-Committee and also stated the role she would play as Legal. Ms Di Lauro also clarified that she would only be present in an advisory capacity and would have no input in the final determination made.

The Sub-Committee adjourned to establish a verdict.

**RESOLVED:**

The Sub-Committee decided to revoke the premises licence.

93 **Consideration of any late items as follows:**

There were no late items.

The meeting ended at 4.40 pm

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CHAIRMAN

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Date: