

<b>REPORT TO:</b>	<b>LICENSING ACT 2003 SUB-COMMITTEE</b>
<b>DATE:</b>	<b>14 MARCH 2022</b>
<b>SUBJECT:</b>	<b>REVIEW OF A PREMISES LICENCE – SAN RUFO’S RESTAURANT, 185 ROMAN BANK, SKEGNESS, PE25 1SD</b>
<b>PURPOSE:</b>	This Report considers an application by Lincolnshire Police for a review of the premises licence held in respect of the San Rufo’s Restaurant, Skegness.
<b>KEY DECISION:</b>	Not Applicable.
<b>REPORT OF:</b>	Service Manager – Safer Communities
<b>REPORT AUTHOR:</b>	Mr Adrian Twiddy (Principal Licensing Officer)
<b>WARD(S) AFFECTED:</b>	Skegness.
<b>EXEMPT REPORT?</b>	The content of this Report is not exempt from publication.  However, a confidential evidence pack has been forwarded to the Members of the Licensing Sub-Committee under separate cover to this Report. The evidence pack is exempt from publication – the pack is not for publication by virtue of Paragraphs 1, 2 & 7 of Part I of Schedule 12A of the Local Government Act 1972.

## **SUMMARY**

This Report considers an application by Lincolnshire Police for a review of the premises licence held in respect of San Rufo’s Restaurant, 185 Roman Bank, Skegness, PE25 1SD. The review is the result of a Police compliance check during which a person at the premise was identified as being an illegal entrant to the UK with no permission to work.

Lincolnshire Police and the premises licence holder have now agreed a way forward in relation to the matters identified in the review application – the way forward being amendment of the licence conditions and a temporary suspension of licensable activities at the premise. The temporary suspension of licensable activities at the premise took place during the period 04 January 2022 to 13 February 2022.

The new licence conditions were attached to the premises licence by way of a licence variation application submitted by the premises licence holder. The variation application was granted on 18 January 2022. The Committee is now asked to endorse the way forward agreed between the Police and the premises licence holder and to bring to an end the review process.

## **RECOMMENDATIONS**

That the Sub-Committee agree to and support the modification of the premises licence conditions as set out in **Appendix C** of this Report. All other conditions on the premises licence, not affected by the aforementioned modification, to remain in their current form.

## **REASONS FOR RECOMMENDATIONS**

The Licensing Authority has a duty to consider the status of premises licences where reviews have been submitted by Responsible Authorities. All parties within the licensing process must seek to promote the licensing objectives as defined under the Licensing Act 2003.

The Sub-Committee must consider the application for review of the premises licence and having regard to the application, take such steps as it considers appropriate for the promotion of the licensing objectives. The conditions set out at **Appendix C** of this Report have been agreed by both the premises licence holder and Lincolnshire Police as an appropriate step, in this particular case, for the promotion of the licensing objectives.

## **OTHER OPTIONS CONSIDERED**

Under the terms of the Licensing Act 2003 this Authority must consider the premises licence review. There is no other option but to undertake and complete the review of the premises licence.

## **1. BACKGROUND**

### **1.1. Premises Licence Details:**

**Licence Holder Details:** Mr Altin Bushi

**Premises:** San Rufo's Restaurant, 185 Roman Bank, Skegness, PE25 1SD

**Designated Premises Supervisor (DPS):** Mr Altin Bushi

**Licence Holder's Representative:** Mr Patrick Robson of John Gaunt and Partners.

**1.2.** This case involves an application for a review of a premises licence (Section 51 of the 2003 Act refers) by Lincolnshire Police. The application to review relates to the prevention of crime and disorder licensing objective. A copy of the application for review is attached at **Appendix A** of this Report. The premise has not been subject of any previous premises licence reviews.

## 2. REPORT

- 2.1. The Licensing Authority has a duty to consider the status of premises licences where reviews have been submitted by Responsible Authorities or other relevant parties. This duty has been delegated to the Licensing Sub-Committees of the Full Licensing Act 2003 Committee.
- 2.2. This review is the result of a joint Police and Immigration Officer operation on 15 July 2021 during which a person at the premise was identified as being an illegal entrant to the UK with no permission to work.
- 2.3. The business in question is a restaurant offering alcoholic beverages and late-night refreshment. Mr Altin Bushi has held the premises licence for the business since April 2018. He has also held the Designated Premises Supervisor (DPS) role for the site since that date. His personal licence was granted by this Authority in April 2018.
- 2.4. The premise is currently licensed to undertake the supply of alcohol for consumption on and off the premises. The premises licence also authorises the provision of regulated entertainment. A full extract from the premises licence for the business, which was in force at the time of the submission of the review, can be found at **Appendix B** of this Report.
- 2.5. The application for review did not attract representations from the other Responsible Authorities. No representations were received from other parties (e.g., local residents and businesses).
- 2.6. The review application was accompanied by supporting documentation and evidence. A copy of this evidence pack was forwarded to the Members of the Licensing Sub-Committee under separate cover to this Report.
- 2.7. The review was originally placed before the Sub-Committee on 20 September 2021. At that time the Sub-Committee decided to adjourn the review hearing to a later date in order to allow both parties to submit further supporting evidence and to respond to further enquiries.
- 2.8. Lincolnshire Police and the premises licence holder have taken the period of adjournment as an opportunity to discuss matters and to seek an agreed way forward. Their agreed way forward being the amendment of the licence conditions and a temporary suspension of licensable activities at the premise. The temporary suspension of licensable activities at the premise took place during the period 04 January 2022 to 13 February 2022. The new conditions agreed by both parties, for addition to the premises licence, can be found at **Appendix C** of this Report.
- 2.9. The agreed premises licence conditions relate to:
  - Provision of CCTV at the premises.
  - Provision of a digital HR management system.
  - Right to work checks on all potential employees.
  - Provision of an incident/refusals book at the premises.

- Challenge 25 Proof of Age Policy and staff training.

All of the above are identified as good practice in this Authority's Licensing Policy. The conditions were attached to the premises licence by way of a licence variation application, which was granted on 18 January 2022.

### **3. CONCLUSION**

**3.1.** The Licensing Act 2003 sets out a range of options which the Licensing Authority can utilise in order to promote the licensing objectives following the consideration of a premises licence review. The licensing objectives are:

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

Any step taken by the Licensing Authority must be appropriate for the promotion of the licensing objectives.

#### **EXPECTED BENEFITS TO THE PARTNERSHIP**

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report with no relevance to the South & East Lincolnshire Councils Partnership.

#### **IMPLICATIONS**

##### **SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP**

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

##### **CORPORATE PRIORITIES**

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District's residents, visitors and business community.

##### **STAFFING**

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

##### **CONSTITUTIONAL AND LEGAL IMPLICATIONS**

The power to review a premises licence is designed to provide the Licensing Authority with a suitable mechanism to tackle problems that may subsequently arise once a premise is licensed.

The Sub-Committee must consider the application for review of a premises licence and having regard to the application, take such of the steps mentioned below (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

- To modify the conditions of the licence.
- To exclude a licensable activity from the scope of the licence.

- To remove the Designated Premises Supervisor (DPS).
- To suspend the licence for a period not exceeding three months.
- To revoke the licence.

The Sub-Committee may also consider issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. If none of the above steps is considered appropriate the licence should remain in the form it was granted.

#### **DATA PROTECTION**

There are no specific data protection implications arising from the recommendations of this Report.

#### **FINANCIAL**

This licence application is being processed as part of the normal duties carried out by the Licensing Team with no additional costs involved

#### **RISK MANAGEMENT**

As with all licence applications it is possible that if a Licensing Committee decision is appealed to the Magistrates Court and the appeal is upheld, costs may be awarded against the Council. However, the judgement of the Courts is that costs should not normally be awarded against the Local Authority provided the Authority has acted properly and reasonably.

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

#### **STAKEHOLDER / CONSULTATION / TIMESCALES**

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

#### **REPUTATION**

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

#### **CONTRACTS**

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

#### **CRIME AND DISORDER**

All Local Authorities must fulfil their obligations under Section 17 of the Crime and Disorder Act 1981 when carrying out their functions as Licensing Authorities. Section 17 places a duty on Local Authorities to do all they reasonably can to prevent crime and disorder in their area.

#### **EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING**

Human Rights - The Licensing Authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality, i.e., is the decision / action proportionate to what it wishes to achieve, or colloquially does the end justify the means.

The premises licence holder is entitled to a fair hearing; Article 6 of the European Convention on Human Rights applies.

Article 8, the right to respect for private and family life, also applies as the “licence” is crucial to the livelihood of the premises licence holder. The Human Rights of the wider community are also engaged.

Equality & Diversity - There are no specific equality and diversity implications arising from the recommendations of this Report.

Safeguarding - There are no specific safeguarding implications arising from the recommendations of this Report.

## **HEALTH AND WELL BEING**

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

## **CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

## **ACRONYMS**

Not Applicable.

<b>APPENDICES</b>	
Appendices are listed below and attached to the back of the report: -	
<b>APPENDIX A</b>	Premises Review Application submitted by Lincolnshire Police in respect of San Rufo’s Restaurant, 185 Roman Bank, Skegness, PE25 1SD.
<b>APPENDIX B</b>	Extract from the premises licence for San Rufo’s Restaurant, 185 Roman Bank, Skegness, PE25 1SD.
<b>APPENDIX C</b>	Agreed Amendment to the premises licence for San Rufo’s Restaurant, 185 Roman Bank, Skegness, PE25 1SD.

## **BACKGROUND PAPERS**

The following background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Guidance issued by the Home Office to Licensing Authorities under Section 182 of the Licensing Act 2003

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

The Council’s Statement of Licensing Policy adopted under the Licensing Act 2003.

<https://www.e-lindsey.gov.uk/article/5539/Alcohol-and-Entertainment>

## **CHRONOLOGICAL HISTORY OF THIS REPORT**

A Report on this item was previously considered by the Sub-Committee on 20 September 2021.

<b>REPORT APPROVAL</b>	
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Approved for publication:	Not Applicable.