

Minutes of a Meeting of the Licensing Act 2003 Sub Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Monday, 3rd March, 2025 at 10.30am.

PRESENT

Councillors Sandra Campbell-Wardman, Stephen Evans, Darren Hobson and George Horton.

Councillor Stephen Evans attended the Meeting as a Substitute.

Officers in Attendance:

Neil Brooks	- Senior Licensing Officer
Kia McKenna	- Licensing Officer
Kim Robertson	- Legal Advisor
Lynda Eastwood	- Democratic Services Officer

Also in Attendance:

Sergeant Amy Adams	- Lincolnshire Police
PC Gareth Crabb	- Lincolnshire Police
Mr Balasundaram Balagajendran	- Premises Licence Holder
Mrs Archana Balagajendran	- Wife of Premises Licence Holder
Mr Roy Light	- Barrister
Mr Richard Baker	- RB Retail & Licensing Serviced Ltd

17. ELECTION OF CHAIRMAN:

Councillor Sandra Campbell-Wardman was duly nominated and upon being put to the vote, it was

RESOLVED

That Councillor Sandra Campbell-Wardman be elected Chairman of the Licensing Sub-Committee for this Meeting only.

COUNCILLOR SANDRA CAMPBELL-WARDMAN IN THE CHAIR

18. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the meeting, Members were invited to declare any relevant interests. None were received.

19. APOLOGIES FOR ABSENCE:

Those present were noted.

20. REVIEW OF A PREMISES LICENCE:

The Sub-Committee was presented with a report by the Group Manager, Public Protection which enabled Members to consider an application by Lincolnshire Police for a review of the premises licence held in respect of the premises known as Sairam Alford Convenience Store, 14 Market Place, Alford, LN13 9EB.

The grounds of the application for review related to the prevention of crime licensing objective – the premises had recently been visited by Lincolnshire Police and were found to be employing an illegal worker. The Police were asking the Licensing Authority to consider a revocation of the premises licence.

The application for review had not attracted representations from the other Responsible Authorities (e.g. Lincolnshire Trading Standards, Lincolnshire Fire & Rescue, etc.).

One representation from the public was received and circulated.

The Home Office guidance to Licensing Authorities stated that there were certain criminal activities which should be treated particularly seriously by a Licensing Authority, one of those was knowingly employing a person who was not entitled to work in the UK.

The Authority's licensing policy stressed that in cases when the crime prevention objective was being undermined it could be expected that revocation of the premises licence would be seriously considered.

The Senior Licensing Officer outlined the report detailing the licensing objectives, page 3 to 6 of the report refer and the recommendations available to the Sub-Committee, page 2 of the report refers. The information included the background on the Designated Premises Supervisor (DPS), Mr Balasundaram Balagajendran (Mr Bala).

N.B. Meeting adjourned at 10.45am to allow Members to review the necessary paperwork, which had arrived late.

N.B. Meeting reconvened at 10.50am.

It was confirmed that the hearing would be held in open session. Redacted and unredacted documents were discussed, with a request not to disclose sensitive personal information publicly.

Sergeant Amy Adams, Lincolnshire Police, was invited to make her representation to the Sub-Committee.

Lincolnshire Police presented their case for the review of the premises licence for Sairam Alford Convenience Store, Alford. Members were referred to the police report, pages 25 to 27 of the agenda pack refer and Appendices A to H in the police evidence pack. Key points included:

- Employment of illegal workers on two occasions (October and November 2024.)
- Workers were observed stacking shelves, serving customers, and demonstrating knowledge of store operations.
- A pattern of non-compliance with licence conditions across both premises operated by Mr Bala, including lack of Challenge 25 policy, refusal logs, and staff training.
- No right-to-work checks were conducted.
- Failure to implement improvements after initial warnings.
- Absence of CCTV footage and refusal logs.

Lincolnshire Police requested revocation of the licence due to serious breaches undermining the licensing objective of preventing crime and disorder.

Mr Roy Light, the Barrister for Mr Bala was invited to make his representation to the Sub-Committee and responded with the following points:

- Acknowledged past failings but argued no civil penalties were issued and stated that any compliance issues had been rectified.
- Claimed the two individuals were not employees and were present for personal reasons.
- Proposed new conditions agreed with the police.
- Presented documentation of new compliance measures, including:
 - o Employee checklists
 - o Right-to-work documentation
 - o Contracts and wage slips
 - o CCTV maintenance contracts
- Presented evidence of new staff training.
- Proposed separate DPS appointments for each shop (Mr Bala and Mrs Bala).
- Requested a yellow card approach with conditions and advanced DPS training for both Mr and Mrs Bala.
- Emphasised Mr Bala's community ties and lack of previous issues
- Requested a proportionate response (modification of conditions) rather than revocation.

Following which, Members were invited to put their questions to both parties.

- A Member queried whether Mr Bala had carried out the right-to-work checks on the two employees, paragraph 2.12 on page 5 of the agenda pack refers.
Mr Bala responded that the checks were not carried out on those two individuals as they were not his employees. Mr Light further advised Members that the checks were not carried out previously but that they were now and he referred Members to the Starter Checklist in the evidence pack. He continued to explain that everything was now in

place and Lincolnshire Police had seen the information and were satisfied with it.

- A discussion ensued with regards to how long one of the men had been working at the premises and Mr Bala advised Members that he was not an employee and could not have been working at his store for 12 months, as the Lincolnshire Police had stated, as he had been held by the Home Office during that time.
- When asked when he had met the individual, Mr Bala replied that this was at the Temple, he could not remember the exact date but it was in September 2024.
- A Member queried whether Mr Bala had trained the individual to use the till system in the shop as the police officer had witnessed him serving several customers. Mr Bala responded that the individual was not allowed to serve customers and that he was an unwell man suffering with depression but he had invited him to the shop to keep him company.

At this point, Mr Light clarified that it was only one customer that was served.

- When invited to address questions to Mr Bala, Sergeant Adams queried the omission of key Home Office documentation. Mr Light advised that it had been inadvertently missed out by Mr Baker, the Licensing Agent.
- Sergeant Adams further queried the identity of a second individual present during inspection and Mr Bala responded that he was unaware of the second individual's identity.
- Mr Bala was asked why the improvements to the shops which were requested by Lincolnshire Police were delayed despite prior warnings. Mr Bala explained that the majority of customers were local people and people known to them so there was no need to ask them to produce ID.
- When Mr Bala was asked whether he was still saying that the individual in the shop was not working, he said that he was not.

In summing up, Lincolnshire Police reiterated the seriousness of illegal working and non-compliance of the licence conditions and requested revocation.

In summing up, Mr Light emphasised the remedial actions that had been taken and the lack of civil penalties. He requested the modification of conditions with a yellow card warning and training instead of revocation.

N.B The Sub-Committee retired for their deliberation at 11.55am.

N.B The Sub-Committee re-convened at 12.33pm.

Reason for the Decision:

The Sub-Committee had read all of the paperwork before them. They had heard from Lincolnshire Police and Mr Light, Mr Baker and Mr & Mrs Bala on behalf of the Premises Licence holder.

The Sub-Committee heard evidence in respect of Sairam Alford Convenience Store and Shop Local and the parties confirmed they had provided to the Sub-Committee all the information for the Sub-Committee to make a decision on both Premises.

The Sub-Committee noted the evidence provided by both the police and premises licence holder which had been set out in written paperwork.

The Sub-Committee was advised of suggested conditions for both Licences which had been agreed between the parties. These conditions were detailed on appendix 1 of the notice.

In respect of the illegal worker the Sub-Committee heard that no civil penalty had been issued but the statement of care, noted that they were considered to be working. The premises licence holder disputed that they were working at the premises but did acknowledge they were in the shop and he did not check right-to-work documents. The Sub-Committee determined on the balance of probabilities that it was reasonable to assume from the actions of the person that they were working.

With all of this in mind the Sub-Committee decided it was appropriate for the promotion of the licensing objectives to modify the conditions on the Licence to remove the existing conditions and replace them with those as set out in appendix 1 of the notice.

The Sub-Committee considered removing a Licensable activity but noted it would have the same effect as revocation. They considered removing the DPS but had heard that Mr Bala would remain as DPS at one premises and Mrs Bala would be DPS at the other premises. The Sub-Committee considered two separate DPS would be appropriate to promote the licensing objectives.

The Sub-Committee did however consider it was appropriate to suspend the licence for a period of three months and to require both DPS to undergo further advanced training during that suspension time. They also considered such suspension would enable the premises licence holder to put in place procedures & policies as required. The Sub-Committee also decided to issue a yellow card.

Pending no appeal, suspension commencement date was 25 March 2025, ending at midnight on 24 June 2025.

Following which, it was

RESOLVED

That the conditions of the licence be modified, the licence be suspended for a period of 3 months, both DPS's attend advanced training and a yellow card be issued.

Mr Balagajendran was advised of his Right to Appeal to the Magistrates Court against the above decision.

Any appeal must be made to the Lincoln Magistrates Court, The Court House, 358 High Street, Lincoln, LN5 7QA, (Tel: 01522 528218) within 21 days of the date of the decision notice.

21. REVIEW OF A PREMISES LICENCE:

The Sub-Committee was presented with a report by the Group Manager, Public Protection which enabled Members to consider an application by Lincolnshire Police for a review of the premises licence held in respect of the premises known as Shop Local at 107 West Street, Alford, LN13 9HA.

The grounds of the application for review related to the prevention of crime licensing objective – the premises had recently been visited by Lincolnshire Police and were found to be employing an illegal worker. The Police were asking the Licensing Authority to consider a revocation of the premises licence.

The application for review had not attracted representations from the other Responsible Authorities (e.g. Lincolnshire Trading Standards, Lincolnshire Fire & Rescue, etc.). No representations had been submitted by local residents, local businesses, etc.

The Home Office guidance to Licensing Authorities stated that there were certain criminal activities which should be treated particularly seriously by a Licensing Authority, one of those was knowingly employing a person who was not entitled to work in the UK.

This Authority's licensing policy stressed that in cases when the crime prevention objective was being undermined it could be expected that revocation of the premises licence would be seriously considered.

The Senior Licensing Officer outlined the report detailing the licensing objectives, page 43 to 46 of the report refer and the recommendations available to the Sub-Committee, page 42 of the report refers. The information included the background on the Designated Premises Supervisor (DPS), Mr Balasundaram Balagajendran (Mr Bala).

N.B. Meeting adjourned at 10.45am to allow Members to review the necessary paperwork, which had arrived late.

N.B. Meeting reconvened at 10.50am.

It was confirmed that the hearing would be held in open session. Redacted and unredacted documents were discussed, with a request not to disclose sensitive personal information publicly.

Sergeant Amy Adams, Lincolnshire Police, was invited to make her representation to the Sub-Committee.

Lincolnshire Police presented their case for the review of the premises licence for Shop Local, Alford. Members were referred to the police report, pages 25 to 27 of the agenda pack refer and Appendices A to H in the police evidence pack. Key points included:

- Employment of illegal workers on two occasions (October and November 2024.)
- Workers were observed stacking shelves, serving customers, and demonstrating knowledge of store operations.
- A pattern of non-compliance with licence conditions across both premises operated by Mr Bala, including lack of Challenge 25 policy, refusal logs, and staff training.
- No right right-to-work checks were conducted.
- Failure to implement improvements after initial warnings.
- Absence of CCTV footage and refusal logs.

Lincolnshire Police requested revocation of the licence due to serious breaches undermining the licensing objective of preventing crime and disorder.

Mr Roy Light, the Barrister for Mr Bala was invited to make his representation to the Sub-Committee and responded with the following points:

- Acknowledged past failings but argued no civil penalties were issued and stated that any compliance issues had been rectified.
- Claimed the two individuals were not employees and were present for personal reasons.
- Proposed new conditions agreed with the police.
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Following which, Members were invited to put their questions to both parties.

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- When asked when he had met the individual at the temple, Mr Bala replied this was at the Temple, he could not remember the exact date but it was in September 2024.
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people and people known to them so there was no need to ask them to produce ID.

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The Meeting closed at 12.37pm.