

Report to Licensing Committee
Date of meeting: Monday 18th March 2019

**Subject: Wo Fat 270-272 High Road, Loughton,
IG10 1RB**

**Officer contact for further information: Handan
Ibrahim**

Democratic Services: Jackie Leither



Decision Required:

To determine the application for a review of the Premises Licence

Report:

1. Application for Review

An application has been made by Essex Police to review the premises licence for Wo Fat 270-272 High Road, Loughton IG10 1RB on the grounds of:

- the prevention of crime and disorder,

The grounds for review are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office discovered disqualified persons working illegally on the premises. The statutory crime prevention objective in 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises.

2. A review application has been made by Essex Police Licensing Officer David Colwell 79057 on behalf of the Essex Police, under section 51 of the Licensing Act 2003 and to be determined under section 52 of the Licensing Act. A copy of the application for the review is attached to this report.
3. The premises licence was transferred to Mr Chi Chiu Wu 9th September 2008 and a copy of the Premises Licence is attached to this report.
4. Consultation

The application for review was advertised as required by the Licensing Act 2003 and 6 letters were received opposing the review and in support of Wo Fat Restaurant. Loughton Town Council had no comment, Safeguarding Service family operations stated that there was no safeguarding factors for review pertaining to children.

5. Guidance

The government has issued Guidance pursuant to section 182 of the Licensing Act 2003 that deals with reviews in paragraphs 11.1 – 11.28.

6. Options

Having considered the representations from all parties the Licensing Sub-committee has to determine the application for the review of the premises licence as it considers necessary for the promotion of the licensing objectives which are:

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance.
- Protection of children from

In coming to a view about whether such steps is necessary for the promotion of the licensing objectives, the Licensing Sub-committee would need to take into account the review application, any relevant representations, the evidence given at the hearing, the representations made by the premises licence holder, the Guidance issued by the Secretary of State and the Council's Licensing Policy.

Where it considers it necessary for the promotion of the licensing objectives, the options available to the Licensing Sub-committee are under section 52 (4) of the Licensing Act:

- to modify the conditions of the Licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence;

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

If the sub-committee decides to takes a step mentioned above, it may provided that the modification or exclusion shall take effect for only such period (not exceeding three months) as it may specify.

Any modified conditions should be practical and enforceable.

- Appeal

If any party is aggrieved with the decision on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court. Such appeals are by way of re-hearing. The Appeal period is 21 days from notification of the decision.

Attached documents below

- Application for the review and supporting documents from Essex Police
- Copy of premises license for Wo Fat
- 6 Letters from residents opposing the review/ in favor of Wo Fat
- Map showing the area
- Blue Notice