

MINUTES  
OF A MEETING OF THE  
**LICENSING SUB-COMMITTEE A**

held on 9 August 2023

Present:

Cllr R Leach (Chairman)  
Cllr S Hussain (Vice-Chair)  
Cllr J Morley

**1. ELECTION OF CHAIRMAN**

Councillor Leach was elected Chairman of the Sub-Committee for the remainder of the Municipal Year.

**2. ELECTION OF VICE-CHAIRMAN**

Councillor Hussain was elected Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year.

**3. MINUTES**

RESOLVED

That the minutes of the Sub-Committee held on 14 March 2023 be approved and signed as a true and correct record.

**4. DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**5. URGENT BUSINESS**

There were no items of Urgent Business.

**6. REVIEW OF PREMISES LICENCE - PANDA RESTAURANT, 33 CHERTSEY ROAD, WOKING**

The Sub-Committee had before it a report regarding an application by the Home Office for a Review of the Premises Licence held by Panda Restaurant, 33 Chertsey Road, Woking. Caroline Laird, Immigration Enforcement Officer, and Joshua Anantham attended the meeting to represent the Home Office. Rongsen Yang, attended the meeting to represent Panda Restaurant, along with his wife to assist with any translation needed. Mr Yang was the sole director of Q&Q Hospitality Ltd which was the holder of the Premises Licence

All parties present had a copy of the Licensing Committee's agreed procedure to be followed at Licensing Sub-Committee hearings. The Chairman introduced Members of the Sub-Committee and outlined the order of speaking which would be followed at the hearing.

The Licensing Authority's representative, Matthew Cobb, advised the Sub-Committee that on 14 April 2023, following receipt of intelligence relating to illegal workers in the premises, the Home Office had carried out an inspection of Panda Restaurant. During the visit it was found that three staff members onsite had no right to be working and were served Immigration paperwork accordingly. Since 2006, all businesses had a legal requirement under the Immigration, Asylum and Nationality Act 2006 to carry out right to work checks, ensuring all staff members held a legal right to work in the UK. In January 2019, the Home Office system was improved further with the implementation of an online checking system, allowing employers to carry out a quick and simple check on a potential employee.

Mr Cobb reported that Section 4 of the Licensing Act 2003 states that, in carrying out its functions, a Licensing Authority must have regard to guidance issued by the Secretary of State under the Section 182 Guidance on Illegal Working, in which it was categorised as a serious offence alongside illegal firearms, prostitution, drug dealing and other crimes. Section 11.27 of the Guidance stated that criminal activities with a connection to a licensed premises should be treated seriously, and where reviews arise it is expected that revocation of the Premises Licence, even in the first instance, should be seriously considered. The matter was therefore before the Sub-Committee for determination.

None of the parties present had any questions for Mr Cobb.

The Chairman gave the Home Office the opportunity to address the Sub-Committee. Ms Laird advised the Sub-Committee that during the visit on 14 April 2023, following intelligence received, nine staff had been found to be working at the premises of whom three had been found to be working illegally. Mr Yang was the Designated Premises Supervisor and had admitted that the workers had been undergoing a trial shift and the required right to work checks had not been carried out. Ms Laird stated that easily available guidance on the checks was available on YouTube and that not carrying them out raised issues of tax underpayment, wages being paid below the minimum wage and unfair competition. The Home Office was considering the level of Civil Penalty Referral to be served on the business. Taking into account the premises was not upholding the licensing objective of crime and disorder, Ms Laird asked the Sub-Committee to consider revoking its Premises Licence.

Mr Cobb had no questions for the Home Office.

The representatives from Panda Restaurant had no questions for the Home Office.

Following questions by Members of the Sub-Committee, it was stated that no previous visit had been made to the venue by the Home Office; the staff duty lists had been viewed during the visit; and that the illegal workers being paid with food was an example of exploitative behaviour as would be likely to equate to less than the minimum wage.

The Chairman gave the representatives from Panda Restaurant the opportunity to address the Sub-Committee. Mr Yang outlined how the three illegal workers had come to be working in the store on the day of the visit, and that free food had been offered in return. He stated that it was very busy in the restaurant and the staff worked long hours. He admitted that he had made a mistake in allowing the illegal staff to work and had since updated the restaurant's rules in recruiting staff. He advised the sub-committee that he was trying his best to run the premises and serve local customers, with good reviews having been received, and asked for a chance to correct his mistake.

Mr Cobb and Ms Laird stated they had no questions for Panda Restaurant.

Following questions by Members of the Sub-Committee, Mr Yang stated that the illegal workers had not been staying in the staff accommodation; he had been aware of the right to work checks though had not followed them on this occasion; procedures had been put in place since to prevent further instances of illegal working; all current staff had been documented correctly; the illegal workers had been on a trial shift; the premises employed between seven and ten members of staff; and the Licensing Authority had advised him of the Home Office right to work rules when the premises licence had been granted.

The Chairman gave those present the opportunity to make closing statements.

Mr Cobb stated that it was important to take into account the severity of the case and follow the statutory guidelines, irrespective of any hardship on the business concerned. It was noted that the national guidelines stated that revocation of a premises licence should be seriously considered even in the first instance.

Ms Laird stated that illegal working was a serious issue and in this instance had been allowed by Mr Yang as the Designated Premises Supervisor, who had stated that the checks should have been carried out. She added that it was expected that revocation be considered for such offences.

Mr Yang asked the Sub-Committee for another chance and stated the law would be followed by the business in the future.

The Chairman adjourned the meeting at 3.15pm. The Sub-Committee deliberated in private, requesting that the Council's Solicitor join them for the provision of legal advice, and re-assembled at 3.45pm.

The Chairman stated that the Sub-Committee had decided to revoke the premises licence held by Panda Restaurant. The reasons for the decision were that the current operation of the premises was not promoting the licensing objective for the prevention of crime and disorder, and that revocation of the licence would be necessary in this case as a proportionate response to what had happened; the Sub-Committee was concerned that the licence holder was aware of their legal responsibilities but had deliberately chosen to ignore them; and the Sub-Committee had placed substantial weight on the Home Office evidence.

It was stated that in coming to its decision, the Sub-Committee had taken into account the Licensing Act 2003, particularly sections 52 and 182, the Council's Licensing Policy, and the written and oral evidence presented at the hearing. It was added that any party present would have the Right of Appeal to the Magistrate's Court within 21 days.

**RESOLVED**

That the Premises Licence held by Panda Restaurant be revoked.

The meeting commenced at 2.30 pm  
and ended at 3.45 pm.

Chairman: \_\_\_\_\_

Date: \_\_\_\_\_