

## Determination Notice

### Application to review a Premises Licence Licensing Act 2003, Section 52

██████████  
██████████  
SRSP Ltd t/a  
Chicken Village  
150 Orford Lane  
Warrington  
WA2 7AY

On the 12 March 2014, Warrington Borough Council (“the Council”), being the relevant Licensing Authority, received an application for a review of the Premises Licence from Cheshire Constabulary in respect of premises known as:

Chicken Village  
150 Orford Lane  
Warrington  
WA2 7AY

### **Premises Licence Number: WBC\NA0169**

On the 13 March 2014, the Council advertised the application on the above premises and at the Council’s Office and on its website for a period of 28 consecutive days, which ended on 9 April 2014. During the 28-day representation period, the Council received representations from:

- (a) The Premises Licence Holder
- (b) The Licensing Authority
- (c) Public Health Authority

On the 30 April 2014, a hearing was held to consider the application and any relevant representations. A request was made by the Premises Licence Holder to adjourn the hearing in order to allow his legal representative to attend. The Sub-Committee agreed to an adjournment and the hearing was subsequently held on 8 May 2014.

The Licensing Sub-Committee considered carefully the written and verbal representations submitted by and on behalf of the Premises Licence Holder, Responsible Authorities who submitted written representations and Cheshire Constabulary the applicant for the review.

The Committee was aware of its obligations under the Licensing Act 2003, the guidance issued under Section 182 of the Act and in particular all of the sections in section 11 as directed to by both the Licence Holder’s

representative and Cheshire Constabulary, together with the Council's statement of licensing policy.

The Committee also considered the Human Rights Act implications in Article 8 and Article 1 of the First Protocol. These are not absolute rights but qualified ones and in reaching their decision the Committee considered the proportionality principle.

The Committee was mindful that it had to achieve a balanced approach to those difficult issues it heard throughout the Review.

The Committee took into account the representations from Chicken Village and acknowledged that the Company had put various steps in place to try and resolve the concerns the subject of the review.

The Committee took into account their duty under Section 17 of the Crime and Disorder Act to have due regard to the likely effect of the exercise of the licensing function and the need to prevent Crime and Disorder.

Having examined the evidence and having had the opportunity of hearing the respective parties the Committee considered the merits of the case and in accordance with their duties described above and advised by the legal officer decided as follows:

Based on the evidence put before them, members were not convinced the Licence Holder had knowingly employed illegal immigrants and therefore determined to issue a warning in relation to the seriousness of the issues raised in evidence by Cheshire Constabulary and Responsible Authorities. Members emphasized that the Licensee is to ensure that all relevant checks are carried out regarding the eligibility of any potential employees and to ensure that they meet the requirements of current Employment and Immigration Laws.

Dated: 9 May 2014

Signed: \_\_\_\_\_

A black rectangular box redacting the signature of the Assistant Director.

Designation: Assistant Director – Regulation & Protection

### **Right of Appeal**

There is a right of appeal against this decision to Warrington Magistrates' Court. An appeal must be commenced within 21-days beginning with the day on which you receive notification of the decision.