STATUTORY LICENSING SUB-COMMITTEE

Minutes of a Hybrid meeting held on 27th October 2026.

The meeting papers are available here.

The recording of the meeting is available here.

To view the presentation and subsequent discussion for any Part I agenda item, please click the hyperlink contained in its title below.

Present: Councillors P. Drake, W.A. Hennessy and J.M. Norman.

Also present: R. Hayward (Licence Holder), H. Sinclair (Legal Representative for License Holder), I. Edwards (Legal Representative Trainee for License Holder), A. Romano (Licensing Compliance Officer – Home Office), J. Cass (Operational Manager Legal Services – Vale of Glamorgan Council), W. Lane (Operational Manager Environment Protection and Licensing Vale of Glamorgan Council), C. Western (Democratic and Scrutiny Services Officer – Vale of Glamorgan Council) and L. Whitaker (Democratic and Scrutiny Services Officer – Vale of Glamorgan Council).

(a) Announcement –

Prior to the commencement of the business of the Committee, the Democratic and Scrutiny Services Officer read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

(b) Appointment of Chair –

RESOLVED – T H A T Councillor P. Drake be appointed Chair for the duration of the meeting.

(c) Declarations of Interest –

No declarations of interest were received.

(d) Tutti, Unit 1, The Esplanade, Penarth, Vale of Glamorgan CF64 3AS – Review Application by Home Office Immigration (DEH) –

The purpose of the report was for the Licensing Sub-Committee to determine an application for the review of a premises licence for Tutti, Unit 1, The Esplanade, Penarth, Vale of Glamorgan CF64 3AS.

The Sub-Committee considered the review application submitted by Home Office Immigration Enforcement in relation to the Premises Licence, on the grounds that the licensing objective of the prevention of crime and disorder had been undermined. Detailed evidence was presented by representatives of the Home Office concerning an immigration enforcement operation carried out at the premises on 2nd October 2025. The evidence included the circumstances surrounding the operation, the findings made by Immigration Enforcement officers, and concerns regarding compliance with immigration and employment legislation.

The Premises Licence Holder, Mr. Hayward, accompanied by his legal representative Ms. Sinclair, was given the opportunity to respond to the evidence presented. The Sub-Committee heard submissions regarding the management and operation of the premises, the procedures currently in place to ensure compliance with legal requirements, and the measures that had been introduced following the enforcement action. The Premises Licence Holder acknowledged the seriousness of the matters raised and outlined the steps taken to strengthen management controls and prevent any recurrence of the issues identified.

Members of the Sub-Committee questioned both parties regarding the day-to-day management of the premises, communication arrangements between management and staff, the recruitment and vetting processes in place, and the systems used to verify employees' entitlement to work in the United Kingdom. Consideration was given to the adequacy of right to work checks, record-keeping practices, management oversight, staff training, and the effectiveness of the safeguards proposed to promote the prevention of crime and disorder licensing objective going forward.

The Sub-Committee also explored the extent to which the Premises Licence Holder had engaged with the concerns raised by the Home Office and sought assurances regarding future compliance. Members considered whether the measures proposed were sufficient to mitigate the risks identified and to ensure that the premises would be operated responsibly in accordance with the licensing objectives.

Following the conclusion of the evidence and closing submissions from both parties, all parties withdrew from the meeting. The Sub-Committee then retired to deliberate in private, giving careful consideration to the written and oral representations received, the evidence presented by Home Office Immigration Enforcement, the submissions made on behalf of the Premises Licence Holder Mr. Hayward, and the Council's Statement of Licensing Policy and relevant statutory guidance before reaching its determination.

After deliberation, it was

RESOLVED – T H A T to promote the licensing objective prevention of crime and disorder, the conditions of the license be modified by adding:

'The DPS (if there is no DPS then the License Holder) will undertake right to work checks on all staff employed by them at the premises, and will require that evidence of right to work checks, either physical or digital (e.g. a copy of any document

checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.'

Reasons for the decision

The Sub-Committee considered the review application having regard to the Council's Statement of Licensing Policy, the guidance issued by the Home Office under Section 182 of the Licensing Act 2003, the application, submissions and representations before them.

The Sub-Committee considered the application on its own merits, having regard to the Licensing Report, Skeleton Argument and the representations made at the hearing.

The Sub-Committee had regard to the Licensing Act 2003. In accordance with section 4 of the Licensing Act 2003, the Sub-Committee had exercised its functions with a view to promoting the licensing objectives and had regard to the Revised Guidance issued under section 182 of the Act and the Council's Statement of Licensing Policy. They noted that the Home Office was starting to email Mr. Hayward about attaching conditions to his license but as there was no response the Home Office made an application to review the license. The Sub-Committee noted that the Premises License Holder remained ultimately responsible for ensuring that the business complied with the law. If the DPS leaves, the Premises License Holder must notify the Council and appoint a replacement as alcohol could not be legally sold without a designated DPS in place.

Significant weight was placed on the fact that there were no other objections from any Responsible Authority i.e. the Police. Also, that the Home Office were considering adding conditions to the license.

On this occasion, the Sub-Committee was satisfied that attaching the condition above would not undermine the licensing objectives and would be enforceable. On the evidence they heard it was felt that the additional condition was the appropriate step to take as in paragraph 2.1 of the Report.