

From: [Mark Altman](#)
To: [Bryan Amy](#)
Cc: [Licensing](#); simonwheeler@thamesvalley.pnn.police.uk; licensing@thamesvalley.pnn.police.uk; [French, Richard](#)
Subject: Attendance & Representation at Review Hearing 12th December 2017 - Best Foods 129 Oxford Road Reading RG1 7UU
Date: 07 December 2017 12:57:32

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Please note,

That I will be attending with the premises licence holder for the review hearing. I have attached 4 documents, the first two are:

- Attendance page 1 and
- Attendance page 2

Hard copies of these have also been delivered by hand today.

Once I have received further instructions I will submit some additional information with regard to the alleged licensing offences, and the remedial steps that have been, and will be taken. The premises were requested by the Police/Council to stop selling alcohol, and this has been complied with. No alcohol has been sold since the request was made.

With regard to the "serious crime" element of this review, please note that the premises licence holder is no longer being pursued for this matter. Evidence has been provided that satisfied the Immigration Enforcement services:

Cancellation notice Ref 313015 of the 1st December 2017.

I would be grateful if this is duly noted in the review hearing bundle as it is central to the responsible authorities request for the premises licence to be revoked.

Please attach a copy of this email and the following 2 documents to the bundle as they provide evidence that this matter not being proceeded with:

- **Immigration cancellation notice front**
- **Immigration cancellation notice rear**

I am somewhat bemused as to the reasons why the Home office immigration service have not informed the Police and Council Licensing Teams about this, and would have expected their representation to have been withdrawn.

I will send a separate email to the officer who made the representation - Semhar Mehghis

In the hearings bundle reference is made with regard to the revised guidance and "Reviews arising in connection with crime" It is vital that the licensing sub-committee are not misled and made aware that this section is no longer relevant in light of the information provided. As such it should form no part of their decision making process.

I would appreciate it if the reliance on sections 11.24 - 11.28 are struck from the

papers, and also the judgement in front of Justice Jay (Appendix RF2) As already mentioned they no longer hold relevance for the review hearing and lead to a misinformed decision being made.

Please don't hesitate to contact me if you need clarification on any point I have mentioned.

Regards,

Mark

Mark Altman

ALES Licensing

T: [REDACTED]

M: a [REDACTED]@mail.com

W: www.aleslicensing.com

Click [here](#) to report this email as spam.

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

1. Premises:

Best Foods
129 Oxford Road
Reading
RG1 7UU

2. Applicants Requesting Review:

Reading Borough Council

3. Grounds for Review

Reading Borough Council (Licensing team) as a responsible authority under the Licensing Act 2003 and under the licensing objectives of prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety make application for the review of the premises licence for Best Foods, 129 Oxford Road, Reading RG1 7UU.

A combination of immigration and a whole host of licence condition breaches unearthed during inspections the issues outlined below have led Reading Borough Council's Licensing team to taking this final serious step in reviewing the premises licence.

The premises known as Best Foods currently have a premises licence pursuant to the Licensing Act 2003 which permits the sale of alcohol by retail off the premises from 0700hrs until 2300hrs from Monday to Sunday.

The premises operates as a supermarket with an off licence. The premises licence holder and designated premises supervisor at the time of this submission is stated as Mr Yogarajah Rajmohan.

On 7th September 2017 - the premises were found employing one (1) illegal worker.

On 21st January 2015 - the premises were found employing one (1) illegal worker.

During the visit of 7th September 2017, it was found that the staff did not know who the licence holder or designated premises supervisor were. None of the staff had been authorised in writing or verbally to sell alcohol. The mandatory condition attached to all licences (Annex 1 of the premises licence headed 'Supply of Alcohol') states that every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence. None of the current staff had been authorised in writing. None of the current staff knew who had authorised them to sell alcohol. Therefore, the sales of alcohol were unauthorised and the premises were asked to remove all alcohol from display.

A further six breaches of licensing legislation were found during the inspection of 7th September 2017. A prior visit to the premises on 25th July 2017 also revealed an alarming

LICENSING ACT 2003 & THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
BEST FOODS, 129 OXFORD ROAD, READING RG1 7UU

I (full name) **Mr Yogarajah RAJMOHAN**

of (address) **Yarnton Close Emmer Green RG4 8UW**

I ~~do~~/do not consider a hearing in relation to the matter detailed above to be necessary.

I ~~will~~/will not attend the hearing on **Tuesday 12 December 2017 @ 17.30 hours** in the Civic Centre, Reading.

I ~~do~~/do not wish to verbally address the Licensing Committee.

I ~~do~~/do not wish a representative to address the Licensing Committee on my behalf.

If you would like someone to represent you please state below who will be representing you and if the person is a legal representative please state the company name and address.

Name of representative **Mark Altman**

Company name and address **Ales Licensing Service**

The Coppins Harrow Middlesex HA3 6DT

I ~~do~~/do not wish to bring any other person with me to the hearing to provide information to the Licensing Authority.

If you do wish to bring any other person with you to the hearing to provide information you must request permission for this person/s to attend. Please give the name of any person intending to provide information to the Licensing Authority below.

I request permission for **Mark ALTMAN** to attend the meeting, a brief description of the point or points on which that person may be able to assist the authority in relation to the application is given below.

Description of points to assist the authority **Representation against the allegations.**

Cancellation of Penalty Notice by Immigration Enforcement Ref: 313015

Outline of procedures and steps taken to promote the licensing objectives

(continue on a separate sheet if necessary).

(*please delete as applicable)

Please return to: Licensing Team, Civic Offices, Bridge Street, Reading, RG1 2LU by 07.12.2017



L N R Foods Ltd
129-131 Oxford Road
Reading
Berkshire
RG1 7UU

Objection Outcome Notice (Penalty Cancelled) Illegal Working

**This is an important notice. Do not ignore it.
You are not liable for a civil penalty and your Civil
Penalty Notice has been cancelled.**

This Notice is issued in respect of (a) breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Notice issue date: 29 November 2017
Notice given date: 1 December 2017

Reference: 313015

You objected to your civil penalty

You were issued with a **Civil Penalty Notice** on 17 October 2017 for the value of **20,000** for breaching **section 15 of the Immigration, Asylum and Nationality Act 2006** by employing (an) adult(s) subject to immigration control who has/have a) not been granted leave to enter or remain in the UK, or b) his/their leave to enter or remain in the UK is invalid or has ceased to have effect, or c) who is/are subject to a condition preventing him/them from accepting the employment in question. Your objection to this **Civil Penalty Notice** was received on 14 November 2017.

Outcome: Your penalty has been cancelled

We have considered all the points you raised in your objection to your civil penalty, and reviewed all the information and evidence in your case. We have concluded that you are **no longer liable for a civil penalty**. The details of our consideration are contained in the attached **Statement of Case**.

Workers who this notice refers to and the reason for cancellation

Employee(s) name(s)	Nationality	DOB	Penalty value
1 [REDACTED]	Sri Lanka	[REDACTED]	£ 0

What this means

Your **Civil Penalty Notice** has been cancelled so no penalty action will be taken against you on this occasion. Your civil penalty case has now been closed.

Ensure your future compliance

You should note that the current right to work status of the employees in the UK is shown below.

Employee(s) name(s)	Right to work status
[REDACTED]	No right to work

If you are found employing these individuals to carry out work which they do not have permission to undertake you could be prosecuted for knowingly employing an illegal worker which may result in an unlimited fine and/or imprisonment.

If you need more information

You can call our helpline on **0300 123 4699** if you have any questions.

You can visit our website on **www.GOV.UK** to view our **Code of Practice** on preventing illegal working and guidance for employers, including guidance which sets out how we administer illegal working civil penalties.

You can use our online employers' toolkit to help you understand your responsibilities and how to

Statement of Case

Reference: 313015

We have set out below the types of **evidence** we hold together with the **reasons why** you have breached **section 15** for each illegal worker identified in your case.

Arulanantham Thuraiayah	<p>Evidence types: <input checked="" type="checkbox"/> Witness statements <input checked="" type="checkbox"/> Photographs <input type="checkbox"/> Video footage <input checked="" type="checkbox"/> Other: Pocket Notebooks</p> <p>In response to the Civil Penalty Notice sent to you on 17 October 2017, you have stated that you are not liable for the employment of Arulanantham Thuraiayah. You have further stated that Selva Sea Food Limited is liable for his employment and have provided evidence to support this. The evidence you have submitted has been fully considered and we are satisfied that you are not the owner of the business as claimed.</p>
Other Points	Not applicable
Calculation of your penalty amount	Not applicable

Name of Officer	Richard French
Type of Application	Review of a Premises Licence
Name of Premises	Best Foods
Address	129 Oxford Road
	Reading
Postcode	RG1 7UU

Content of Application:

A review of the licence for the above premises was submitted by the Licensing Team on 25th October 2017.

The Licensing team wish to make the following additional submission in support of the review application submitted on 25th October 2017 for the above premises.

The Licensing team have received communication from a Mark Altman purporting to be a licensing consultant from the company ALES Licensing. This correspondence was received on 7th December 2017 via email. In this correspondence Mr Altman makes a number of points about the review papers in his role as the premises licence holder's representative. He attached a Notice of Cancellation from the Home Office to his correspondence which is a document stating that the Home Office is no longer pursuing the premises licence holder for a fine in relation to the illegal worker found at the premises on 7th September 2017. Mr Altman seems to suggest that because the Home Office are no longer pursuing the premises licence holder for a fine that the matter has therefore been resolved and is no longer relevant to proceedings. He seems to also indicate that reference to Sections 11.27 and 11.28 of the Secretary of State's Guidance should be removed or 'struck' from the review papers as they would mislead the Licensing Committee. He also seems to state that the East Lindsey DC v Abu Hanif case, which was included in the review papers, should also be removed.

To be clear, the Licensing team are not removing reference to any of the material that Mr Altman states should be removed as it remains relevant to the determination of the review application for the following reasons:

The Licensing Sub Committee will have already had sight of page 48 of the papers served by the Licensing Team. This is the plan submitted by the premises licence holder when he applied for a premises licence in 2009. It is noted that the whole premises is included in the licensable area including the butchers counter. Section 17 (3) of the Licensing Act 2003 states what documents must accompany an application for the grant of a premises licence. A plan of the premises is one of

them and it is noted from the plan that an etched line was placed around the whole premises. This plan was submitted in 2009 and remains the licence plan attached to the licence to this day. Regulation 23 of the Licensing Act 2003 (Premises licences and Club Premises Certificates) Regulations 2005 prescribes what should be contained within the plan. Regulation 23 (1) states that the application must be accompanied by a plan and Schedule 12 Part A of the same regulations state that the format of a premises licence has 4 annexes - Annex 1 is the Mandatory Conditions. Annex 2 is Conditions Consistent with the Operating Schedule. Annex 3 is Conditions attached after a Hearing and Annex 4 is the Plan of the premises.

Therefore the plan forms part of the premises licence and therefore the premises licence plan - as it is at this time - relates to the whole entirety of the premises including the butchers counter. Any suggestion otherwise is simply incorrect. No application has ever been received by the Licensing Authority to change or vary this plan. No application has ever been received from the premises licence holder to remove the butchers counter from the licence plan. Therefore, given the plan forms part of the licence and the premises licence holder and DPS is responsible for what goes on at the premises - including compliance with the licence, then under the Licensing Act 2003, the current licence holder is responsible for everything stated on his licence and the area within the licence plan. His sub-letting arrangements are not a concern for the Licensing Authority. The premises licence holder has, in effect, allowed another person to operate on his premises, utilising the licence and has left himself - under the Licensing Act 2003 - with all of the liability. That is a matter for him and not the Licensing Sub Committee.

So, given that it is a fact that the current licence holder under the Licensing Act 2003 is responsible for the entirety of the premises - including the parts he claims to not have any control over - we would like to address the issue Mr Altman raises about continuing to pursue the licence holder under 11.27 and 11.28 of the Secretary of State's Guidance. These are the sections which deal with the most serious offences under the Licensing Act 2003.

Mr Altman seems to be stating that because the Home Office are no longer pursuing the premises licence holder for the immigration penalty, that somehow means that the matter of serious crime has been dealt with. He states that 'he would have expected their representation (Immigration Enforcement) to be withdrawn' and has sent emails to them to that extent. This is also incorrect. The Licensing Act 2003 is concerned with the employment of illegal workers at licensed premises - not the payment of immigration penalties. The fact that illegal workers have been found at the premises on two occasions - once in 2015 and again on 7th September 2017, is the serious crime that the Licensing Act is concerned with. The mere employment of illegal workers is the offence that Sections 11.27 and 11.28 is concerned with. The issuing of fines and whether a licence holder is being asked to pay one is not a relevant consideration under the Licensing Act. The Licensing Act 2003 is concerned with the promotion of the Licensing objectives and whether they have been undermined by activities of a licence holder or at a licensed premises - including the employment of illegal workers and the breaches of licence conditions.

Mr Altman also states that reference to the East Lindsey DC v Abu Hanif case should not be placed before the licensing committee as it could lead to a 'misinformed decision being made'. Given that we have already established that the current named premises licence holder is responsible for the entirety of the premises under

the Licensing Act and that it is the employment of illegal workers which is the serious criminal offence and not the issuing or payment of fines, it would be wholly wrong for us to remove this important case from the paperwork. I refer the committee to the whole case - but most pertinently paragraph 18 where Mr Justice Jay accepted all of East Lindsey Council's arguments. The judge clearly states that it was not a question as to whether the respondent in that case was found guilty of any criminal offences - including the payment of an immigration penalty - but whether revocation (in that case) was appropriate and proportionate in light of promoting the relevant licensing objectives - namely the prevention of crime and disorder. He goes on to say that the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence. I would also point out that Section 11.25 of the guidance also makes similar points and state that the review process is part of the regulatory process and not part of criminal law. It further states that representations need not wait for or be followed by a criminal conviction - it is for the licensing authority to determine whether problems associated with crimes are taking place on the premises and whether they are affecting the promotion of the licensing objectives. Section 11.26 the role of the licensing authority is solely to determine what steps should be taken in connection with the premises licence for the promotion of the crime prevention objective.

We therefore submit that Sections 11.24, 11.25, 11.26, 11.27 and 11.28 are especially pertinent for the sub committee to take into consideration as well as the East Lindsey DC v Abu Hanif case law.

We also reject the statement in Mr Altman's correspondence that the licensing sub-committee are being misled by references to the above sections of the Guidance and case law. We also reject his submission that these paragraphs are somehow irrelevant to this application given that we have already demonstrated that the stated premises licence holder and DPS is responsible for the entire premises under the Licence issued to him under the Licensing Act and not just the bits he claims to be in charge of.

We ask that the Licensing Sub Committee take the matters stated in this submission into account alongside the information contained within the review paperwork as well as the representations received.

DATE SUBMITTED - 7TH DECEMBER 2017



Attendance & Representation at Review Hearing 12th December 2017 - Best Foods 129 Oxford Road Reading RG1 7UU

From: "Mark Altman" [REDACTED]@mail.com>
To: amy.bryan@reading.gov.uk
Cc: licensing@reading.gov.uk, simonwheeler@thamesvalley.pnn.police.uk, licensing@thamesvalley.pnn.police.uk, richard.french@reading.gov.uk
Date: Dec 7, 2017 12:57:15 PM

Please note,

That I will be attending with the premises licence holder for the review hearing. I have attached 4 documents, the first two are:

- Attendance page 1 and
 - Attendance page 2
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I would be grateful if this is duly noted in the review hearing bundle as it is central to the responsible authorities request for the premises licence to be revoked.

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Please don't hesitate to contact me if you need clarification on any point I have mentioned.

Regards,

Mark

Mark Altman

ALES Licensing

T: [REDACTED]

M: [REDACTED]@mail.com

W: www.aleslicensing.com

Attachments

- Attendance Page 1.jpeg
- Attendance Page 2.jpg
- Immigration cancellation notice Front.jpeg
- Immigration cancellation notice Rear.jpeg



RE: BEST FOODS 129 Oxford Road, Reading. Review hearing procedure

From: "Bryan, Amy" <Amy.Bryan@reading.gov.uk>
To: Licensing <[REDACTED]@mail.com>
Cc: Licensing <Licensing@reading.gov.uk>, "Narancic, Peter" <peter.narancic@reading.gov.uk>
Date: Dec 11, 2017 9:59:34 AM

Dear Mr Altman

I have forwarded your email on to Peter Narancic, who you need to liaise with about this meeting.

Kind Regards,

Amy.

Amy Bryan

Committee Administrator & School Appeals Clerk

Committee Services | Corporate Support Services

Reading Borough Council

Civic Offices, Bridge Street, Reading, RG1 2LU

0118 937 2368 (72368)

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



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included in the send field. Secure email will also be used as an additional control measure where applicable for OFFICIAL and OFFICIAL-SENSITIVE external emails.

From: Licensing [mailto:██████████@mail.com]
Sent: 11 December 2017 09:49
To: Committee Services; Bryan, Amy
Cc: Licensing
Subject: Re: BEST FOODS 129 Oxford Road, Reading. Review hearing procedure

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Amy and Peter,

As per my previous emails, I have been engaged by the owners of Best Food to represent them at the review hearing on the 12th December.

Please could provide full details of your review hearing procedure for this matter.

In particular the order that the sub committee will hear evidence from the parties, if there is any time limit imposed for presenting the case, and which party appears last to present their summary.

I would also be grateful if a request to speak with your legal adviser to the committee is made, and recorded on the files. I wish to raise a point of law and procedure prior to the hearing commencing.

These requests are made to ensure that the client is not disadvantaged and that they receive a fair hearing.

This will go a long way to avoid an appeal to the magistrates court and the likelihood of costs being awarded.

Regards,

Mark

On 8 Dec 2017, at 09:58, Narancic, Peter <peter.narancic@reading.gov.uk> wrote:

Dear Sir,

Please find attached additional information relating to BEST FOODS 129 Oxford Road, Reading.

Regards

Peter Narancic

Peter Narancic

Senior Licensing and Enforcement Officer

Licensing and Enforcement | Regulatory Services | Directorate of Environment & Neighbourhood Services

Reading Borough Council

Licensing Team, Floor 2, Civic Offices, Bridge Street, Reading RG1 2LU

0118 937 2269 (72269)

07715168070

Are you thinking about applying for a new licence or varying your current one? Take advantage of our pre-application consultation:

Licensed Driver: <http://www.reading.gov.uk/taxilicences>

Licensed Premises: <http://www.reading.gov.uk/alcohol-premises-licence>

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

<image001.jpg>

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<BEST FOOD XTRAINFO.pdf>

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Attachments

- image003.jpg

Outline Statement for Review Hearing

Best Foods 129 Oxford Road, Reading RG1 7UU.

Mr Yogarajah Rajmohan is the premises licence holder, designated premises supervisor and owner of Best Foods located at 129 Oxford Road, Reading RG1 7UU.

He is an experienced licensee and has owned licensed premises since 2002.

He has held a personal licence issued by Reading borough council since 2005.

Prior to this he had been granted a justice's licence under the previous licensing act of 1964.

The premises have not conducted any licensable activity since being directed by the Police to cover up the alcohol. As such no sales of alcohol have been made.

Best Foods is not a crime generator, there are no sales of alcohol to children, no significant incidents of crime, or disorder, reported to, or being investigated by the Police. The premises have no history of selling counterfeit or non-duty paid alcohol.

We are mindful that some of the procedures and due diligence required by the Licensing Act 2003, and the conditions contained within the premises licence, may have been incorrectly interpreted and applied.

These are all matters that are simply and speedily rectified. They are certainly not as stated in the licensing officers report. "some of the most serious offences outlined in the licensing act 2003"

In relation to the reviews claim, of serious crime, and that Mr Yogarajah Rajmohan had employed an illegal worker.

Evidence has been provided to the satisfaction of the Immigration Enforcement Team that there is no case to answer, and that Mr Yogarajah Rajmohan did not employ an illegal worker.

The penalty was cancelled on the 1st December 2017 ref: Ref 313015 and no further action is being taken.

It is quite clear that this illegal worker was employed by an entirely separate company Selva sea food ltd who are registered at companies house (Reg No – 08712855)

We ask that no weight is given to this matter when determining the outcome of the review. The offence explicitly uses the term "employing" and this is also used throughout the review application.

Mr Yogarajah Rajmohan, as the premises licence holder, **did not employ** an illegal worker. (Please note the legislation at Appendix - A)

It would also be an unsafe decision, and one that would most likely be challenged on appeal, if the licensing sub-committee allowed themselves to be directed by their own licensing officer re his insistence that the case stated before **Mr Justice Jay re East Lindsey district council v abu hanif 14th April 2016** is materially the same as this case.

We make the following points to highlight that Mr Justice Jay's decision was based on a completely different set of reasons under different circumstances:

- This case relates to the issue and payment of a penalty notice whereby the employer has admitted to employing an illegal worker
- The employer has paid less than the minimum wage to the illegal worker
- The employer has deducted income tax from thee illegal worker but has not made any payment to HMRC
- The employer was involved in tax evasion

It was for these additional reasons that Mr Justice Jay overturned the decision of the District Judge, saying that where there was evidence of defrauding HMRC, exploitation of vulnerable workers and a failure to pay the minimum wage, then in those circumstances, albeit being dealt with by way of a civil penalty, the crime and disorder licensing objective was clearly engaged.

There has been no intentional or deliberate act by the premises licence holder to undermine the licensing objectives. More importantly there has not been a breach under section 136(1) of the Licensing Act 2003, of any of the 6 conditions, as claimed by Richard French on page 18 of the application for review. Where he states:

“This is a breach of section 136(1) of the Licensing Act 2003”

There is no actual offence contained anywhere within the act for a breach of conditions.

The offence under section 136(1) is specific to unauthorised licensable activities e.g. when a sale or supply of alcohol has been made without an authorisation being in place. **No evidence of any unlicensed activity under section 136(1) has been provided.**

136 Unauthorised licensable activities

(1)A person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

(5)In this Part “authorisation” means—

- (a) a premises licence,
- (b) a club premises certificate, or
- (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

Request for premises licence to continue

We say that for the reasons mentioned above that the Licensing Sub Committee should be mindful to accept the following robust conditions as an alternative to revocation or suspension of the premises licence. Together with the improvements that have already been put in place with regard to staff training, record keeping and signage, and the ongoing involvement of an external trainer.

These measures are a proportionate, reasonable and appropriate response of ensuring that the four licensing objectives are fully promoted:

1. The Premises Licence holder will operate a full digital HR management system where all relevant documents are stored for each individual member of staff.
2. The Premises Licence holder will work with People Force International or another similar agency and carry out checks on the Home Office website to verify identification, Visa and right to work documents.
3. No new member of staff will be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and right to work.
4. All documents for members of staff will be retained for a period of 12 months post termination of employment and will be made available to police, immigration or licensing officers on request.
5. The premises licence holder will ensure that any business, which occupies any part of the licensed premises, conducts the relevant home office checks for each member of staff they employ. This information together with copies of the documents proving each individual member of staff's entitlement to work within the UK will be checked and retained by the premises licence holder.

Appendix - A

(Immigration Act 2016 revised the 2006 Immigration, Asylum and Nationality Act 2006)

Immigration, Asylum and Nationality Act 2006

21 Offence

(1) A person commits an offence if he employs another ("the employee") knowing that the employee is **[F1]** disqualified from employment by reason of the employee's immigration status. **]**

[F2](1A) A person commits an offence if the person—

(a) employs another person ("the employee") who is disqualified from employment by reason of the employee's immigration status, and

(b) has reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status.

(1B) For the purposes of subsections (1) and (1A) a person is disqualified from employment by reason of the person's immigration status if the person is an adult subject to immigration control and—

(a) the person has not been granted leave to enter or remain in the United Kingdom, or

(b) the person's leave to enter or remain in the United Kingdom—

(i) is invalid,

(ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or

(iii) is subject to a condition preventing the person from accepting the employment. **]**