

Report

Licensing Sub Committee Report.

Part 1

Date: 4 February 2020

Subject **Review of Premises Licence under Section 51 Licensing Act 2003, Sanremo, 131 Caerleon Road, Newport, NP19 7BZ**

Purpose The consideration and decision in respect of a review application under Licensing Act 2003.

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Ward St Julians

Summary An application for a review of the premises licence was made by Home Office Immigration Enforcement on 20th December 2019 on the basis that the premises is undermining the prevention of crime and disorder.

Proposal To make a decision on the application to review the Premises Licence issued in respect of Sanremo, 131 Caerleon Road, Newport, NP19 7BZ.

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed

1. Review Application

A review application under Section 51 of the Licensing Act 2003 was received on the 20th December 2019 from Home Office Immigration Enforcement department to review the Premises Licence issued in respect of Sanremo, 131 Caerleon Road, Newport, NP19 7BZ.

The application for review relates to the following Licensing objective(s):

The prevention of crime and disorder

A copy of the review paperwork and supporting documents can be found in **Appendix A** of this report.

The application was received by the Licensing Authority on 20th December 2019 and in accordance with section 51(3)(a) of the Licensing Act 2003 a copy of the application was served on the holder of the Premises Licence and on all Responsible Authorities.

Following receipt of the application, the Licensing Authority advertised the application in accordance with the regulations of the Act, thereby inviting representations to be made by interested parties. Any representation in respect of this application made by a responsible authority or an interested party had to be received by the Licensing Authority by 17th January 2020.

2. Licensable Activities

The current premises licence holder is:

Mr Ardian Matmuja of 131 Caerleon Road, Newport, NP19 7BZ.

The Premises Licence relates to:

Sale by retail of Alcohol

Monday to Thursday inclusive 12:00 - 14:30

Monday to Thursday inclusive 18:00 - 23:30

Friday 18:00 - 23:30

Saturday 12:00 - 14:30

Saturday 18:00 - 23:30

Sunday 18:00 - 23:30

Playing of Recorded Music

Monday to Thursday inclusive 12:00 - 14:30

Monday to Thursday inclusive 18:00 - 23:30

Friday 18:00 - 23:30

Saturday 12:00 - 14:30

Saturday 18:00 - 23:30

Sunday 18:00 - 23:30

Late Night Refreshment

Monday to Sunday inclusive 23:00 - Midnight

A copy of the premises licence can be found in **Appendix B** of this report

3. Representations

The Licensing Authority received no further representations during the consultation period from either a Responsible Authority or "Other person"

4. Background/Premises Licence History

The Premises was formerly an Indian restaurant and was converted to an Italian restaurant when the current premises licence holder, Mr Matmuja, transferred the premises licence in March 2018. The premises is located at 131 Caerleon Road, Newport, NP19 7BZ and is on a stretch of Caerleon Road that has a mixture of both business and residential properties. The location of the premises can be found in **Appendix C** of this report; The Licensing Authority has received no complaints regarding the premises or has any outstanding issues.

5. Legal Considerations, Guidance, Policy Consideration.

The decision must be taken following consideration of the representation received with a view to promoting the licensing objectives which are:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In each case the Sub-Committee may make the following determination

- To modify the conditions of the Premises licence
- To exclude a licensable activity from the scope of the premises licence
- To remove the designated premises supervisor from the licence
- To suspend the premises license for a period not exceeding 3 months
- To revoke the premises licence
- Take No Action in respect of the Premises Licence.

6. Guidance

Paragraph 9.5 of the Revised Guidance issued under section 182 of the Licensing Act 2003 states:

“The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State’s behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly”.

Paragraph 2.6 of the guidance clearly stipulates:

“The prevention of crime includes the prevention of immigration crime including illegal working on licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises”.

Paragraph 11.19 of the guidance states:

“Where the licensing authority considers that action under its statutory powers is

appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.”

Paragraphs 11.25 to 11.28 of the guidance cover the review process in further depth:-

“11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective.

It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority’s duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises....

• For employing a person who is disqualified from that work by reason of their immigration status in the UK;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

7. Issues for discussion

- The content of the application made by Home Office Immigration Enforcement for a review of the Premises Licence.
- Any evidence and mitigation provided by Licence Holder

8. Financial Summary

- The costs and financial implications: You must discuss financial implications with the Head of Finance and the report must identify from where your proposals will be funded, together with any impact on budgets or any opportunity costs

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					
Net Costs (Savings)					
Net Impact on Budget					

9. Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

In this section, you should consider the key risks facing the proposals in your report, particularly those which would impact on delivery or sustainability of the project or projected outcomes. You will need to include details of how risks will be managed. If your proposals rely on short or medium term grant aid or funding streams you will need to outline your exit or continuation policy here.

You will need to complete the following Risk table

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Making a unlawful decision	High	Low	The Committee will consult with the Legal Officer and Licensing Officer to determine if any decision is lawful and proportionate. Members training.	Chairperson. Legal Officer.
The licensing committee departing from the licensing policy.	Medium	Low	If the Committee wishes to depart from the Councils policy they must give good reason for this and obtain advice from the Legal Officer when departing from the Policies to ensure the decision is lawful. Members training.	Chairperson. Legal Officer.

The applicant does not have a fair hearing	High	Low	A Licensing Committee procedure should be followed by the committee. The Legal Officer alongside the Democratic Service Officer will advise the committee if at any stage an unfair hearing is taking place. Members training.	Democratic Service Officer. Chairperson. Legal Officer.
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* Taking account of proposed mitigation measures

10. Links to Council Policies and Priorities

This report has been prepared in accordance with The Licensing Act 2003 and with regard to Newport City Council Statement of Licensing Policies 2015.

APPENDIX A

Application for Review of a Premises Licence under the Licensing Act 2003
From the Home Office Immigration.

Licensing Authority: Newport City Council
Address: info@newport.gov.uk

Our Reference: ARS

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Home Office (Immigration Enforcement)

apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Sanremo Italian Restaurant,
131 - 133 Caerleon Road

Post town
Newport

Post code (if known)
NP19 7BZ

Name of premises licence holder or club holding club premises certificate (if known)

Mr Ardian Matmuja

Number of premises licence or club premises certificate (if known)

Part 2 – Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

Version 1.0

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

This application to review relates to the following licensing objective(s)

- | | | |
|---|-------------------------------------|---------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> | Please tick one or more boxes ✓ |
| 2) public safety | <input type="checkbox"/> | |
| 3) the prevention of public nuisance | <input type="checkbox"/> | |
| 4) the protection of children from harm | <input type="checkbox"/> | |

Please state the ground(s) for review (please read guidance note 2)

We have grounds that the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at these premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working

Please provide as much information as possible to support the application (please read guidance note 3)

On THURSDAY 6th JUNE 2019, an intelligence-led Enforcement visit was conducted to 'SANREMO ITALIAN RESTAURANT, 131-133 CAERLEON ROAD, NEWPORT, NP19 7BZ', as we had received an allegation that there were person(s) being employed illegally at the address.

The team entered the premises at approximately 2032 hours under Section 179 of The Licensing Act 2003 as amended, as Newport Licensing officers had confirmed the premises held a licence to sell alcohol.

On entering the restaurant, an employee present in the kitchen area attempted to leave the premises from the rear. He was arrested immediately and confirmed to be illegally present in the United Kingdom. Subsequently, two additional employees were also found to be illegally present in the United Kingdom with no permission to work. A fourth member of staff fled the scene prior to his details being obtained. A thorough search of the premises and the surrounding area by Police failed to find him. He could have potentially been an additional Immigration offender.

In total, 3 persons were arrested, all 3 denied being employed at the restaurant, however, there were no other employees present and those arrested had recently finished serving a table of approximately 8 customers. All were conveyed to local custody.

At 2203 hours, the mobile telephone number provided by Newport Licensing for the Premises Licence holder, Mr Ardian MATMUJA was called. However, the person who answered denied being Ardian MATMUJA or having any link to SANREMO ITALIAN RESTAURANT. In fact, when asked to clarify their identity, they promptly ended the call and the number was then unobtainable on subsequent attempts made. Consequently, it was not possible to ask questions regarding illegal working.

Newport Licensing Officers were informed and a visit was made by them to the premises on Monday 10th JUNE 2019. Mr ARDIAN MATMUJA was present and confirmed he remained the Premises Licence holder and confirmed his mobile number to be that used on the evening on 6th JUNE 2019 to contact him.

A Referral Notice for potential Civil Penalty action was sent by registered post to the business address on 18/06/19.

The premises has failed to meet the licensing objective of 'the prevention of crime and disorder' as they were employing 3 (possibly 4) person/s illegally at the time of the visit. Also, the conditions of the Licence were not being adhered to as the Premises Licence holder could not be contacted at the time of our visit.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature P. Thomas

Date 20/12/2019

Capacity Responsible Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Alcohol Licensing Team
Lunar House
40 Wellesley Road

Post town Croydon	Post Code CR9 2BY
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) IE. Alcoholreviews@homeoffice.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Please tick ✓ yes:

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them



Home Office

Premises Licence Review

Mr Ardian Matmuja

**Sanremo Italian Restaurant
131-133, Caerleon Road
Newport
Wales
NP19 7BZ**

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Outline of the Circumstances leading to the Review Application

Summary

- 1.1 On Thursday 6th June 2019 at approximately 20:32 an intelligence-led enforcement visit was made to SANREMO ITALIAN RESTAURANT, 131-133, CAERLEON ROAD, NEWPORT, NP19 7BZ, by Immigration Compliance & Enforcement (ICE) officers, as they had received an allegation that there were person(s) being employed illegally at the address.
 - 1.2 During the visit a total of 3 persons were arrested, all 3 denied being employed at the restaurant however, there were no other employees present and those arrested had recently finished serving a table of approximately 8 customers.
 - 1.3 At 22:03 the Officer in Charge (OIC) called the mobile telephone number provided by Newport Licensing for the Premises License holder, Mr Ardian MATMUJA. However, the person that answered denied being Ardian MATMUJA or having any links to SANREMO ITALIAN RESTAURANT. In fact, when asked to clarify their identity, they promptly ended the call and the number was then unobtainable on subsequent attempts made. Consequently, it was not possible to ask questions regarding illegal working.
 - 1.4 Newport Licensing Officers were informed, and a visit was made by them to the premises on Monday 10th June 2019. Mr ARDIAN MATMUJA was present and confirmed he remained the Premises Licence holder and confirmed his mobile number to be that used on the evening of 6th June 2019 to contact him.
 - 1.5 A Referral Notice for potential Civil Penalty action was sent by registered post to the business address on 18/06/2019.
 - 1.6 Succeeding parts of this application explore relevant legislation and the statutory guidance and Home Office (Immigration Enforcement) ask the sub-committee to revoke the premises licence as a deterrent to others and the management/owner of this premises in particular.
 - 1.7 Copies of all the witness statements or pocket notebook (PNB) entries made by relevant immigration officers are appended; should the sub-committee wish to read these.
-

Occurrence

- 1.8 On Thursday 6th June 2019 at approximately 20:32 an intelligence-led enforcement visit was made to SANREMO ITALIAN RESTAURANT, 131-133, CAERLEON ROAD, NEWPORT, NP19 7BZ, by Immigration Compliance & Enforcement (ICE) officers, as we had received an allegation that there were person(s) being employed illegally at the address.
 - 1.9 The operation was conducted by a number of Immigration Compliance & Enforcement (ICE) officers. The team was led by Officer in Charge (OIC) [REDACTED] in company with Chief Immigration Officer (CIO) [REDACTED] and Immigration Officers (IO's), [REDACTED] and [REDACTED] and Assistant Immigration Officer (AIO) [REDACTED].
 - 1.10 Entry to the premises was gained under Section 179 of the Licensing Act 2003 as amended, as Newport Licensing officers had confirmed the premises held a licence to sell alcohol.
 - 1.11 On entering the restaurant, an employee present in the kitchen area attempted to leave the premises from the rear. He was arrested immediately and confirmed to be illegally present in the United Kingdom. Subsequently, two additional employees were also found to be illegally present in the United Kingdom with no permission to work. A forth member of staff fled the scene prior to his details being obtained. A thorough search of the premises and the surrounding area by Police failed to find him. He could have potentially been an additional Immigration offender.
-

1.12 IO [REDACTED] conducted the following interview in [REDACTED] using BIG WORD INTERVIEWER.

1.13 The interview proceeded as follows:

IO [REDACTED]: How long have you been working here?

[REDACTED]: Working in car wash down in London but today is my first day, working on car wash was very hard.

IO [REDACTED]: What is your job role/what are your duties?

[REDACTED]: I was just learning things today and preps as today is my first day.

[REDACTED]: What days/hours do you work each week?

[REDACTED]: I don't know how many as this is my first day.

IO [REDACTED]: Who gave you this job (name and role in business)?

[REDACTED]: Friend of friend, I don't know name.

IO [REDACTED]: Who tells you what days/hours to work?

[REDACTED]: I didn't talk about hours as this was trial.

IO [REDACTED]: Who tells you what tasks/duties to do each day?

[REDACTED]: I don't know the name of the person; the person is not here today.

[REDACTED]: How are you paid (money, accommodation, food?)

[REDACTED]: Not getting paid.

IO [REDACTED]: How are you paid (money, accommodation, food?)

[REDACTED]: Boss said he is trying to get him accommodation.

IO [REDACTED]: What name does the employer know you as?

[REDACTED]: [REDACTED]

IO [REDACTED]: Did you show documents before being offered the job? If so, what?

[REDACTED]: I didn't give any documentation, I just came and asked can I work and have a try.

IO [REDACTED]: Does your employer know you're not allowed to work in the UK?

[REDACTED]: No, he didn't know.

IO [REDACTED]: Who else works here?

[REDACTED]: [REDACTED]

1.14 IO [REDACTED] conducted the following interview in English.

1.15 The interview proceeded as follows:

IO [REDACTED]: How long have you been working here?
[REDACTED]: Just today.
IO [REDACTED]: What is your job role/what are your duties?
[REDACTED]: Front of house.
IO [REDACTED]: What days/hours do you work each week?
[REDACTED]: Don't know.
IO [REDACTED]: Why are you working here today, what's the reason.
[REDACTED]: Favour for a friend, they called me.
IO [REDACTED]: What was the name of the person that called you?
[REDACTED]: I don't want to give his name.
IO [REDACTED]: Who gave you this job (name and role in business).
[REDACTED]: Don't want to give his name.
IO [REDACTED]: Who tells you what tasks/duties to do each day.
[REDACTED]: Don't want to tell you his name.
IO [REDACTED]: How are you paid (money, accommodation, food)?
[REDACTED]: Cash
IO [REDACTED]: If money, how much and how do you receive it?
[REDACTED]: Don't know he might not pay me at all.
IO [REDACTED]: Do you pay income tax or have a National Insurance Card?
[REDACTED]: No
IO [REDACTED]: Where did you sleep last night?
[REDACTED]: Home.
IO [REDACTED]: What name does the employer know you as?
[REDACTED]: [REDACTED]
IO [REDACTED]: Did you show documents before being offered the job? If so, What?
[REDACTED]: None.
IO [REDACTED]: Does your employer know you're not allowed to work in the UK?
[REDACTED]: Don't know.
IO [REDACTED]: Who else works here?
[REDACTED]: I have no idea.

1.16 AIO [REDACTED] conducted the following interview in English.

1.17 The interview proceeded as follows:

AIO [REDACTED]: How long have you been working here?

[REDACTED]: I don't work here, I was visiting friends to play football.

AIO [REDACTED]: How long have you been working here?

[REDACTED]: I'm not working here.

Checks on Home Office records were conducted confirming that [REDACTED]
[REDACTED], [REDACTED] male born [REDACTED] has no permission to work in the
UK.

Reasons for Review

- 2.1 Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person is allowed to work. It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.
 - 2.2 The case of *East Lindsey District Council v Hanif* (see 8.11) determined that in such circumstances, even without a prosecution, the crime prevention objective is engaged. The statutory Guidance issued under the Licensing Act provides that certain criminal activity (in particular employing illegal workers) should be treated particularly seriously and it is envisaged that the police will use the review procedures effectively to deter such activities and crime.
 - 2.3 Home Office (Immigration Enforcement) submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of a review is inappropriate; this is why Home Office (Immigration Enforcement) has proceeded straight to review.
-

Outcome Sought

- 3.1 Home Office (Immigration Enforcement) asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally.
- 3.2 This submission and appended documents provide the licensing subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.
- 3.3 It is in such circumstances as this review application that a respondent may suggest that conditions are imposed which would prevent a reoccurrence of the employment of illegal workers in the future; an argument that the subcommittee should take remedial and not punitive action.
- 3.4 However, since 2006 (with the introduction of the Immigration, Asylum and Nationality Act 2006) employers have had a duty to conduct checks to ensure employees and potential employees are not disqualified from working. Only by completing the required checks and maintaining records of such checks can an employer demonstrate a 'statutory excuse' and evade liability for a civil penalty issued by Home Office (Immigration Enforcement). In order to protect themselves, reputable employers have been conducting these checks since 1996 when it first became a criminal offence to employ illegal workers.
- 3.5 The 2006 Act already imposes duties and responsibilities on a company or individual seeking to employ a person—whether in the licensed trade or otherwise - to conduct right to work checks
- 3.6 In seeking revocation, Home Office (Immigration Enforcement) has considered and rejected conditions as an alternative, in part because this is specifically addressed paragraph 1.16 of the Guidance, viz: "(...) Licence conditions should not duplicate other statutory requirements or other duties, or responsibilities placed on the employer (my emphasis) by other legislation".
- 3.7 Conditions requiring an employer (or its agent) to undertake checks that are already mandated and where advice is readily available and clearly set out for employers, keep copies of documentation and to restrict employment until these checks are made etc. replicate the requirements of the 2006 Act and should be discounted.
-

- 3.8 Home Office (Immigration Enforcement) contends that a licence holder who has himself or through his agents negligently or deliberately failed to conduct right to work checks which have been a requirement since 2006 should not be afforded an opportunity to do so until caught and then merely be asked to do what they should have been doing already. Deterrence and not mere remedy is appropriate and is supported by case law (as set out within section 8 of this submission).
- 3.9 Respondents who fail to convince a subcommittee that the imposition of conditions to undertake proper right to work checks is a suitable alternative to a deterrent outcome often point to the option of suspension of a licence; pointing out that this may be a suitable punitive response instead which will deter others.
- 3.10 Often this will include claims that the business has 'learnt its lesson' and that since its criminal activity has been discovered it has reconsidered its position, brought in new procedures, 'parachuted in' consultants and new managers etc. On occasion it is hinted that the respondent will 'accept' a suspension as an alternative to revocation, assuaging an authority's concern that an appeal may otherwise be launched. This is not a deterrent - a suspension merely warns other potential perpetrators that they may trade illegally until caught and then suffer only a brief hiatus in carrying out licensable activity before continuing with it. The risk of being caught is low so the consequence of being caught must be stiff in order to qualify as deterrence.
- 3.11 Home Office (Immigration Enforcement) would counter such claims and point to the continuing changes made to both immigration law and the Guidance (paragraphs 11.26 — 11.28) which point to a requirement to send a clear message to potential illegal immigrants that UK authorities will do all they can to prevent them finding illegal employment and a similar message to employers that those employing illegal workers will face severe disruption and penalties. There are simple processes (set out in section 5 of this submission) to avoid the hire of illegal workers and the legislative thrust is in avoiding the occurrence in the first place—not remedying the situation once discovered.
- 3.12 If it were not for criminally minded or complicit employers; illegal workers would not be able to obtain a settled lifestyle and deprive legitimate workers of employment. The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.
-

- 3.13 A firm response to this criminal behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and (unlawfully) inflate their profits to the expense of others.

Immigration Offences

- 3.14 Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or their vocation/suspension of their premises licence.
- 3.15 Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document checks, i.e. that they were duped by fake or forged documents.
-
- 3.16 The Immigration Act 2016 came into force in July 2016 and its explanatory notes state that *"these offences were broadened to capture, in particular, employers who deliberately did not undertake right to work checks in order that they could not have the specific intent required to 'knowingly' employ an illegal worker"*.
- 3.17 Since 2016 an employer may be prosecuted not only if they knew their employee was disqualified from working but also if they had reasonable cause to believe that an employee did not have the right to work: what might be described as wilful ignorance where either no documents are requested, or none are presented despite a request. This means an offence is committed when an employer 'ought to have known' the person did not have the right to work.
- 3.18 Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant employer, an illegal worker cannot work. Such an employer facilitates a criminal offence and Home Office (Immigration Enforcement) highlights this as relevant irrespective of whether a civil penalty is imposed, or a prosecution launched for employing an illegal worker.
-

- 3.19 In this context, under section 3(1)(C)(i) Immigration Act 1971 (as amended by the 2016 Act) restrictions are not limited simply to employment (i.e. paid work) but now includes all work.
- 3.20 Thus, an individual with no right to work in the UK commits offences if they undertake paid or unpaid work, paid or unpaid work placements undertaken as part of a course etc. are self-employed or engage in business or professional activity. For instance, undertaking an unpaid work trial or working in exchange for a nonmonetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the 'employer'.

Steps to Avoid the Employment of an Illegal Worker

- 3.21 It is a straightforward process for any employer, no matter how small, to prevent themselves employing an illegal worker. If an employer has failed to take even the most basic steps then Home Office (Immigration Enforcement) contends they have chosen to remain ignorant of the immigration status of their workforce and no amount of potential imposed conditions is sufficient, in our opinion, to avoid the legitimacy of revocation in proving a deterrent to others to the employment of illegal workers.
- 3.22 The Home Office has made checklists widely available which set out what a responsible employer should ask for ahead of employing any person in order to demonstrate 'due diligence' and avoid liability for inadvertently employing an illegal worker.
- 3.23 Since April 2017 these checklists have been embedded in the statutory applications for personal licences and premises licences, the transfer of premises licences and designated premises supervisor variations.
- 3.24 The first 4 'hits' on a Google search for "right to work" are links to employer checklists and information on the GOV.UK website.
- 3.25 The first link (<https://www.gov.uk/check-job-applicant-right-to-work>) details general advice, checking the documents, taking a copy of the documents, what if the job applicant can't show their documents and provides details of an employers' telephone helpline. This page has a direct link to what documents are acceptable proofs of a right to work in the UK and also allows an employer to fill out an online enquiry about a named individual they are considering offering employment to.
- 3.26 Appendix A sets the above out in some detail.
-

Relevance/irrelevance of a Civil Penalty or Prosecution

- 3.27 An employer found to have 'employed' an illegal worker may, dependent on culpability and the evidence available, be issued with a civil penalty or prosecuted or indeed neither.
- 3.28 Where an illegal worker is detected a civil penalty maybe issued against the employer in accordance with the Home Office Code of Practice on Preventing Illegal Working (May 2014). In the case of a civil penalty the balance of probabilities test applies where as a prosecution requires a higher burden of proof.
- 3.29 However, to issue a civil penalty under section 15 Immigration, Asylum and Nationality Act 2006 the Home Office Code of Practice requires some proof that not only was an illegal worker working at the premises, but they were 'employed'. Usually this is taken as meaning the illegal worker was under a contract of service or apprenticeship, whether express or implied and whether oral or written.
-
- 3.30 But where an employee has not bothered with the basics of return to work checks, placed an employee on 'the books', paid the minimum wage or paid employer national insurance contributions - it becomes difficult to 'prove' the employment statement where the only evidence maybe the word of an illegal worker who has since been detained or who has 'moved on'.
-
- 3.31 In such cases where paid employment cannot be demonstrated, a civil penalty may not be issued even where the premises licence holder or his agent has facilitated a disqualified person committing an offence under section 24B Immigration Act 1971 (as amended by Immigration Act 2016) of working illegally.
- 3.32 This does not however prevent the crime prevention objective being engaged with as the premises licence holder has none the less facilitated a criminal offence taking place and the lack of checks suggests that in the past (and is likely in the future) has employed illegal workers. In drawing its conclusion, the subcommittee is entitled to exercise common sense and its own judgment based on the life experience so fits members. The East Lindsey case (see section 8) provides that action (revocation) to prevent what is likely to happen in the future is legitimate.
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Appendix A – Right to Work checks

The first 4 'hits' on a Google search for "right to work" are links to employer check lists and information on the GOV.UK website.

The second link is to the Home Office document; "An Employer's Guide to Right to Work Checks" (published 16th May 2014 last updated 16th August 2017).

Another link provides a site (<https://www.gov.uk/employee-immigration-employment-status>) which guides an employer through the process AND allows an employer to make an online submission to the Home Office to check if the proposed employee is prohibited from working as well as providing a telephone helpline.

Specifically, the first link (<https://www.gov.uk/check-job-applicant-right-to-work>) provides as follows:

General Advice

- You must see the applicant's original documents;
- You must check that the documents are valid with the applicant present; and
- You must make and keep copies of the documents and record the date you made the check.

Checking the Documents

In relation to checking the documents it also adds that an employer needs to check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you;
- The dates for the applicant's right to work in the UK haven't expired;
- Photos are the same across all documents and look like the applicant;
- Dates of birth are the same across all documents;
- The applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work);
- For students you see evidence of their study and vacation times; and
- If 2 documents give different names, the applicant has supporting documents showing why they're different, e.g. a marriage certificate or divorce decree

Taking a copy of the documents

When you copy the documents:

- Make a copy that can't be changed, e.g. a photocopy
-

- for passports, copy any page with the expiry date and applicant's details (e.g. nationality, date of birth and photograph) including endorsements, e.g. a work visa
- for biometric residence permits and residence cards (biometric format), copy both sides
- for all other documents you must make a complete copy
- keep copies during the applicant's employment and for 2 years after they stop working for you
- record the date the check was made

If the job applicant can't show their documents

You must ask the Home Office to check your employee or potential employee's immigration employment status if one of the following applies:

- you're reasonably satisfied that they can't show you their documents because of an outstanding appeal, administrative review or application with the Home Office;
 - they have an Application Registration Card; or
 - they have a Certificate of Application that is less than 6 months old
- Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents don't allow the person to work.

The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

Acceptable Documents

A list of acceptable documents can be found via the link to

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441957/employers_guide_to_acceptable_right_to_work_documents_v5.pdf

Appendix B – Statutory Guidance & Caselaw

Statutory Guidance (s182 LA 2003) and the Authority's Licensing Policy

- 3.33 In order to avoid punitive action, respondents to review hearings sometimes refer to both the statutory guidance issued under section 182 Licensing Act 2003 and those parts of the Authority's own policy which replicate paragraph 11.10 of that Guidance, viz:

Where authorised persons and responsible authorities have concerns about problems identified at premises, it's good practice for them to give licence holder's early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns.

- 3.34 Home Office (Immigration Enforcement) submits that in the particular circumstances of cases where Immigration Compliance and Enforcement receive intelligence concerning the employment of illegal workers and act upon it; such warnings are inappropriate.
- 3.35 Not only would advance warning of enforcement activity prevent the detention of persons committing crimes and the securing of evidence; a warning after the event to comply with immigration legislation serves as no deterrent.
- 3.36 In particular; Home Office (Immigration Enforcement) submits that paragraph 11.10 of the Guidance must be read in conjunction with the more specific paragraphs relating to reviews arising in connection with crime (paras. 11.24 — 11.29).
- 3.37 Paragraph 77.26

Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. (...). The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the

interests of the wider community and not those of the individual licence holder.

3.38 Thus the financial hardship occasioned by the suspension or revocation of the premises licence should not sway the sub-committee but instead it should look at what is appropriate to promote the objective within the wider business and local community given "illegal labour exploits workers, denies work to UK citizens and legal migrants and drives down wages" (Rt. Hon James Brokenshire, Immigration Minister on the introduction of the 2016 Act).

3.39 In particular, the sub-committee are asked to consider (below) the cases of R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D)

350 and East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway), [2076] EWHC1265 (Admin) where in both cases the High Court stated remedy of the harm or potential harm is not the only consideration and that deterrence is an appropriate consideration in dealing with reviews where there has been activity in connection with crime.

3.40 Paragraph 11.27 of the Guidance states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises(...)for employing a person who is disqualified from that work by reason of their immigration status in the UK.

Home Office (Immigration Enforcement) would draw the sub-committee's attention to the change in wording of this paragraph following the April 2017 revision of the guidance, where the previous reference to 'knowingly employing' was removed.

3.41 Paragraph 11.28 of the Guidance states:

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise, and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance - should be seriously considered.

Home Office (Immigration Enforcement) considers this paragraph self-explanatory; where an enterprise employs illegal workers, it is the duty of Home Office (Immigration Enforcement) to bring forward reviews and for the authority to consider revocation in the first instance.

- 3.42 In support of this statement; Home Office (Immigration Enforcement) would draw the subcommittee's attention to the "Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England and Wales" (Home Office) [April 2017] where at section 4.1 it states;

"It is envisaged that licensing authorities, the police, Home Office (Immigration Enforcement) and other law enforcement agencies will use the review procedures effectively to deter illegal working".

- 3.43 Since the main draw for illegal migration is work, and since low-skilled migrants are increasingly vulnerable to exploitation at the hand of criminal enterprises, the government has strengthened enforcement measures and the statutory Guidance to deter illegal workers and those that employ them.
- 3.44 Deterrence is a key element of the UK government's strategy to reduce illegal working and is supported by both the Guidance and Case Law.

Case Law

- 3.45 Deterrence as a legitimate consideration by a licensing sub-committee has been considered before the High Court where remedial measures (such as the imposition of additional conditions) were distinguished from legitimate deterrent (punitive) measures such as revocation.
- 3.46 *R (Bassetlaw District Council) v Worksop Magistrates' Court*; [2008] WLR (D) 350.

This was a case where a premises had sold alcohol to under age persons and subsequently the licensing authority suspended the licence. This was overturned on appeal to the Magistrates' Court and subsequently appealed to the High Court by the authority. The premises licence holder argued that they had a policy in place for checking the age of customers, but this was not a perfect policy and had not been adhered to and that rather than revoke the licence, instead stringent conditions on proof of age should instead be imposed on the licence.

- 3.47 Issues relevant to the case before today's sub-committee which were considered in the *Bassetlaw* judgement included whether a licensing authority was restricted to remedial action (as opposed to punitive action such as revocation); and the precedence of wider considerations than those relating to an individual holder of a premises licence when certain criminal activities (as specified in the Guidance) took place.
- 3.48 It specifically examined (and set aside in the case of 'certain activities') those parts of the Guidance now contained within paragraph 11.20 and 11.23, viz:

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises.

- 3.49 In her judgement, Mrs Justice Slade stated (at 32.1 & 33.1 of the citation):

"Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State. (...) However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable."

- 3.50 Having confirmed the legitimacy of punitive measures (suspension/revocation) for offences listed in what is now contained within paragraph 11.27 of the Guidance, Mrs Justice Slade concerned herself with another aspect of the appeal—namely the imposition of conditions which were already present but not properly implemented (paragraph 34.1). In this case the appellant was suggesting that proof of age conditions (rather than revocation) could be imposed to ensure that the legal requirement not to sell alcohol to those under 18 years of age was met by him and his staff.
- 3.51 This has some similarity with any argument that may be put forward in the case before the subcommittee today that the imposition of conditions to check immigration status either directly or through an agency (*essentially a requirement since 2006 under the Immigration, Asylum and Immigration Act 2006*) would serve as sufficient remedy for the employment of illegal workers
-

and negate a deterrent (suspension/revocation) being imposed by the subcommittee despite the wording of the Guidance at paragraph 11.28.

- 3.52 Mrs Justice Slade stated: *"The sixth new provision was acceptable identification to establish the age of a purchaser shall be a driving licence with photographs, passport or proof of age scheme card recognised by or acceptable by the licensing authority. I am told these provisions were already in place, but not properly implemented. No doubt those are perfectly sensible and appropriate provisions to be included on a licence. However, it is said that the action taken on appeal being confined in effect to reiterating existing practice with a minimal addition was entirely inappropriate to meet the situation where there have been sales of alcohol to 14-year-old girls"*.
- 3.53 Home Office (Immigration Enforcement) contends that in the case before the subcommittee the facts are similar. In the cited case straight forward, sensible enquiries could have been made as to the age of the children and the imposition of additional conditions as a form of remedy was considered in appropriate by Mrs Justice Slade for 'those serious cases' set out in the Guidance.
- 3.54 In the case before the subcommittee, simple steps (set out at Appendix A) were available to prevent the employment of illegal workers -none were taken; the imposition of conditions to remedy this situation is inconsistent with the section 182 Guidance and this case citation. A negligent employer should expect revocation in the first instance.
- 3.55 *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway)*, [2016] EWHC 7265 (Admin)
This is a recent High Court decision (published April 2016) which has similarities with the one before the sub-committee in that it related to the employment of an illegal worker and where a prosecution for such had not been instigated.
Amongst other matters it had been argued for the premises licence holder that the crime prevention objective was not engaged where a prosecution or conviction for the employment of an illegal worker was not in place. Whilst the initial hearing may have suggested several illegal workers being employed, the High Court appeal and decision related to the employment of one individual and is therefore, Home Office (Immigration Enforcement) would argue, indistinguishable from the matter before the subcommittee today.
- 3.56 The case reaffirms the principle that responsible authorities need not wait for the licensing objectives to actually be undermined; that crucially in considering whether the crime prevention objective has been engaged a prospective consideration (i.e. what is likely to happen in the future) of what is warranted is a key factor. It also reaffirmed the case of *Bassetlaw* in concluding that deterrence is a legitimate consideration of a sub-committee. Mr Justice Jay stated: *"The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether*
-

revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder.

This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly 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. In any event, I agree with Mr Kolvin that criminal convictions are not required." (Paragraph 18)

Mr Justice Jay added: "Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked." (Paragraph 23)

Appendix C – Supporting Evidence

Witness Statement IO [REDACTED]	22-24
Witness Statement IO [REDACTED]	25
Exhibit SH01 IO [REDACTED]	26
Witness Statement IO [REDACTED]	27-28
Exhibit CC06/06/19 IO [REDACTED] Pages 1-10	29-38
Witness Statement AIO [REDACTED]	39

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s.9: Magistrates' Court Act 1980, s.5B

URN

Statement of:

Age if under 18 – over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date 20th November 2019Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by the Home Office as an Immigration Officer at the Immigration Compliance and Enforcement (ICE) Team, Floor 2, 31-33 Newport Road, Cardiff, CF24 0AB.

On THURSDAY 6th June 2019, I, along with colleagues from the Cardiff ICE Team, attended SANREMO ITALIAN RESTAURANT, 131 -133 CAERLEON ROAD, NEWPORT, NP19 7BZ.

My role on this particular visit was as Officer in Charge (OIC). Entry was gained at 2032 hours under Section 179 of The Licensing Act 2003.

As I entered the premises, I noted two males working behind the bar. Both were preparing drinks and a table of approximately 8 people were present in the restaurant. They appeared to have finished their meals. I introduced myself to the two males behind the bar, showed my warrant card and asked who was the person in Charge. I served the Notice to Occupier to the male who initially identified himself to be in charge, Mr

I requested access to the kitchen area by fully informed consent. He was hesitant to agree.

At this point, IO informed me via airwave radio, that a person had attempted to flee from the rear door and had been arrested as a person liable to be detained. Officers, therefore entered the kitchen area under Paragraph 25A, Schedule 2 of The Immigration Act 1971 as amended in order to search for identification of the arrested male. I was informed via radio that another male was present in the kitchen and support was requested. The arrest 1 pairing, went through to the kitchen to assist. I remained in the restaurant area with Mr and one other male.

Signature:.....

Signature witnessed by:.....

I recall Mr . asking to speak to me in a quieter area, he invited me in to the kitchen. I asked CIO . to cover the restaurant area whilst I spoke with Mr

Mr informed me that he had entered the United Kingdom illegally, he currently had a marriage application submitted with the Home Office, he is married to a national, has no children and reports regularly to Immigration at the Cardiff Office.

Home Office checks confirmed that Mr had been served with form RED0001 on 16/04/19, identifying him as an illegal entrant to the United Kingdom who was liable to be detained. He was set up to report on a monthly basis, with his next reporting event scheduled for 11/06/19 and his application for an EEA Residency Card was rejected on 29/05/19.

At 2055 hours, I arrested Mr as a person liable to be detained and removed from the United Kingdom as his application for an EEA residency Card had been rejected and he had no outstanding applications with the Home Office.

I then asked Mr the following question;

Q How long have you worked here?

A I am not working, I am only here for today.

At approximately 2120 hours I declared a critical incident with CIO as it had become apparent that the male I had left in the restaurant area with CIO had disappeared, most likely through a window on 1st floor leading onto a flat roof balcony area. At 2125 hours, I contacted the Police for assistance enquiries were made at the flat next door, number 133A and neighbouring properties, unfortunately nobody had seen or heard anything. A thorough search of the premises and the surrounding area was conducted by Police, Police dispatched officers to the address given by in case the missing male who it transpired lived at the same address was present but no one was at the address.

Satisfied that if male had escaped, he was not in the near vicinity and was not injured, I made a call made to the number held for the License holder. However, the person who answered the phone denied being Ardian MATMUJA or having any link to Sanremo Restaurant. I requested their details so that I could inform licensing that details held were incorrect, the male then asked if he could call me back as he was driving and promptly ended the call. He did not call back and the number was then unobtainable on subsequent attempts made. Using Keys found on the premises, I secured the premises, ensured appliances in the kitchen were

Signature:..... Signature witnessed by:.....

switched off, lights turned off and the sign on door switched to closed.

In total, 3 males were arrested at the scene having been identified as illegal entrants to the United Kingdom. 1 male escaped and could not be located. All were helping with the running of the business that evening. The person in Charge could not be confirmed on the night in question as all denied being employed at the premises and the contact details held for the Licence holder led to a person who denied being the Licence holder. Consequently, a referral notice was served by post.

Signature:.....

.....Signature witnessed by:.....

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of:

Age if under 18: over 18

(if over 18 insert 'over 18')

Occupation: Immigration Officer

This statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

Date: 24-10-2019

I am an Immigration Officer, warrant number 7472, with the Home Office Immigration Enforcement Team, based at GENERAL BUILDINGS, 31-33 NEWPORT ROAD, CARDIFF. On Thursday 6th JUNE 2019 I was on duty with officers from the Cardiff Arrest Team when we attended SANREMO ITALIAN RESTAURANT, 131-133 CAERLEON ROAD, NEWPORT, NP19 7BZ. The Officer in Charge of the visit was Immigration Officer . Entry to the premises was intended to be under Section 179 of Licensing Act 2003 as amended by Immigration Act 2016. I was allocated the role of rear cover Officer with Officer

At approximately 20.34 hours I arrived at the premises and made my way to the rear lane running behind the premises with Officer . I heard Officer speak to a male who had tried to leave the rear of the premises. At 20.38 hours I witnessed Officer arrest the male I now know as male, born

At approximately 20.38 hours I entered the premises through the rear door with Officer and under Immigration Act 1971(as amended) Power Schedule 2 Paragraph 25A. Whilst in the premises I took a photograph of the Employers Liability Certificate which I attach as Exhibit SH01. The Employers Liability Certificate was hanging on the wall behind the bar. I also went to the first floor of the premises with Officer to try and locate an unknown male who had been witnessed by Officer going upstairs in the restaurant. Both myself and Officer were unable to locate the male. At 22.11 hours I departed the premises.

Signature

Signature witnessed by N/A

MG11

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Exhibit

SH01



CERTIFICATE OF EMPLOYERS' LIABILITY INSURANCE(a)

(Where required by regulation 5 of the Employers' Liability (Compulsory Insurance) Regulations 1996 (the Regulations) (and as amended) one or more copies of this certificate must be displayed at each place of business at which the policy holder employs any relevant employee of the class or description to which such certificate relates. These requirements will be satisfied if the certificate is made available in electronic form and each relevant employee to whom it relates has reasonable access to it in that form)

Policy Number: SJL2/4744629

1. NAME OF POLICY HOLDER : Mr Adrian Matmugg Vs S4NFM9
2. DATE OF COMMENCEMENT OF INSURANCE: 24 December 2018
3. DATE OF EXPIRY OF INSURANCE : 23 December 2019

We hereby certify that subject to paragraph 2 -

1. the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Jersey, the Island of Guernsey and the Island of Alderney, or to offshore installations in any waters outside the United Kingdom to the Employers' Liability (Compulsory Insurance) Act 1989 or any amending primary legislation applies (b); and
2. (a) the minimum amount of cover provided by this policy is no less than £5,000,000(c);

Signed on behalf of Accelerant Agency (UK) Ltd on behalf of HDI Global SE - UK

Frank O'Neill

Notes:

- a) Where the employer is a company to which regulation 5 (2) of the Regulations applies, the certificate shall state in a prominent place, either that the policy covers the holding company and all its subsidiaries or that the policy covers the holding company and all its subsidiaries except any specifically excluded by name, or that the policy covers the holding company and all its subsidiaries.
- b) Section 1(1) of the Regulations applies to companies to which regulation 5 (1) of the Regulations applies.
- c) Section 1(1) of the Regulations applies to companies to which regulation 5 (1) of the Regulations applies.

HDI

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Incorporated in Germany

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.6B

URN

Statement of: [REDACTED]

Age if under 18: over 18

(If over 18 insert lower 18)

Occupation: Immigration Officer

This statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

Date: 04-11-2019

I am an Immigration Officer, warrant number 18109, with the Home Office Immigration Enforcement Team, based at GENERAL BUILDINGS, 31-33 NEWPORT ROAD, CARDIFF. On Thursday 6th JUNE 2019 I was on duty with officers from the CARDIFF Arrest Team when we attended SANREMO ITALIAN RESTAURANT, 131-133 CAERLEON ROAD, NEWPORT, NP19 7BZ. On enforcement visits I wear full P.P.E and am clearly identified as HOME OFFICE IMMIGRATION ENFORCEMENT personnel. I identify myself to all persons I encounter with my warrant identity card and badge prior to speaking with them. The Officer in Charge of the visit was Immigration Officer [REDACTED]. Entry to the premises was intended to be under Section 179 of Licensing Act 2003 as amended by Immigration Act 2016. I was allocated the role of Arrest Officer. At approximately 20.33 hours I arrived at the premises and made my way into the premises with the OIC [REDACTED]. I went to the back of the kitchen and I encountered a gentleman at 20:35. In the kitchen prepping food, I asked him to could I ask him a few questions using BIG WORD INTREPETER using language interpreter code P0097031, his name was [REDACTED] male.

After a few questions please see exhibit CC06/06/19 the subject told me that he came into the UK on the back of a lorry, I completed checks and there was no trace on home office systems or CRS systems. As the subject told me that he came into the UK on the back of a lorry and there were no trace I established that the subject was an illegal entrant in the UNITED KINGDOM I therefore arrested the subject as being an illegal entrant in the UNITED KINGDOM using the administration caution and informed him that he is under arrest under Paragraph 2 Schedule 17.1 of the Immigration Act 1971 (as amended). Mr [REDACTED] was advised that he had entered the UNITED KINGDOM without valid leave, an offence under 24 (1) (a) of the Immigration Act 1971 (as amended). Mr [REDACTED] confirmed that he understood the administrative caution.

Official Sensitive

MG11T

I conducted a full mitigating circumstance interview please see exhibit number CC06/06/19. I then went through some illegal working questions with him please see EXHIBIT CC06/06/19 for the questions that I asked. The subject claimed that this was his first day at working at the SANREMO ITALIAN RESTAURANT as he previously worked at the car wash in London and it was hard work. At 21:09 [redacted] was then Searched by my male cover officer and no objects were found. At 21:37 I was asked by the OIC [redacted] to conduct illegal working questions on the subject that was encountered and arrested by OIC [redacted] at 21:00. He was encountered at front of the house his name was [redacted] male [redacted], please see EXHIBIT REF CC06/06/19 for the questions that were conducted with the subject. The subject stated that this was also his first day and he was working front of house, he also told me that he did not want to tell me the individuals name that contacted him and asked to help out but it was a friend of a friend. After conducting the questions, I escorted the subject using the correct use of force an escort position. I approximately left the premises at 22:13 hrs on 06/06/2019. The subject was then transported to BRIDGEND police station and served with an Illegal Entrant and detention paperwork by myself. I exhibit CC06/06/19 which is a 10 page print out of my electrical notes which I made at the time of the immigration enforcement visit.

Signature: [redacted]

Signature witnessed by [redacted]

MG11

Official Sensitive

OFFICIAL SENSITIVE

Arrival		
Officer		
Date/Time	06-06-2019 20:33.29	
Geolocation	Easting	331985
	Northing	109003
Visit reference	EV24-16,201	

OFFICIAL SENSITIVE

Encounter	
Details	
Type of work	Visit
Visit reference	EV24-16,201
Created by	.
ProntolID	.
Time	20:35
Created at geolocation	<div>Easting 331972</div> <div>Northing 188987</div>
Creation date	06-05-2019 20:35:33
Chosen Identity	
Identity source/type	Declared
Name	
DOB	
Gender	Male
Nationality	.
Languages	
Languages spoken	None specified
Interpreter used?	Yes
Interpreter details	Interpreter code - p0097031
Encounter	
Type of encounter	Subject
Encountering officer	
Declared immigration status	Illegal entrant
How and when did the subject last enter the UK?	Came last year on back of lorry
Is this person the subject of the visit?	No
Justification for questioning someone who is not the subject of the visit	Intel stated possible illegal workers on premises subject was working in kitchen
Where in the premises was the subject located?	Kitchen prepping food
Do you know the subject's CID Person ID?	No
Details of vulnerabilities/ safeguarding issues	

OFFICIAL SENSITIVE

Section 55 Issues?	No						
Referral to social services?	No						
Referral to NRM (National Referral Mechanism)?	No						
Duty to Notify/MS1 referral made?							
References (Person ID, HO Ref, Port Ref, BRP)							
Biographic search results	<table><tr><td>Systems checked</td><td>CID</td></tr><tr><td>Result of checks</td><td>No trace</td></tr><tr><td>Status returned by system checks</td><td>No trace</td></tr></table>	Systems checked	CID	Result of checks	No trace	Status returned by system checks	No trace
Systems checked	CID						
Result of checks	No trace						
Status returned by system checks	No trace						
Identity Documentation							
No documentation provided.							
Notes							
Spoke to Interpreter and confirmed							

OFFICIAL SENSITIVE

Illegal Working - Employee	
Details	
Type of work	Visit
Visit reference	EV24-16,201
Created by	
ProntoID	
Subject CID Person ID	Unknown
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Time	21:13
Created at geolocation	<div>Easting 331965</div> <div>Northing 188986</div>
Creation date	06-06-2019 21:13:49
Language of Interview	
What language is the interview carried out in?	
Interpreter used?	Yes
Details of interpreter	P0083110
Obligation	
How long have you been working here?	Working in a car wash down in London but today is my first day working on car wash was very hard
What is your job role/ what are your duties?	I was just learning things today and preps as today is my first day
What days/ hours do you work each week?	I don't know how many as this is my first day
Control	
Who gave you this job (name and role in business)?	Friend of friend I don't know name
Who tells you what days/ hours to work?	I didn't talk about hours as this was a trial
Who tells you what tasks/ duties to do each day?	I don't know the name of the person the person is not here today

OFFICIAL SENSITIVE

Remuneration	
How are you paid (money, accommodation, food)?	Not getting paid
How are you paid (money, accommodation, food)?	Boss said he is trying to get him accommodation
where did you sleep last night	London I came by train today
Pre-employment Checks	
What name does the employer know you as?	
Did you show documents before being offered the job? If so, what?	I didn't give any documentation I just came and asked can I work and have a try
Does your employer know you're not allowed to work in the UK?	No he didn't know
Additional Questions	
Who else works here?	
Photographs	
No photographs	
Declaration	
Interviewee signature ()	
Observations	
Observations	Interpreter confirmed that he understood all the questions and was happy to sign for me.

OFFICIAL SENSITIVE

Mitigating Circumstances	
Details	
Type of work	Visit
Visit reference	EV24-16,201
Created by	
ProntoID	
Subject CID Person ID	Unknown
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Created at geolocation	<div>Easting 331963</div> <div>Northing 188983</div>
Creation date	06-06-2019 21:09:17
Medical	
Currently taking any medication	Yes
Length of time medication taken	More than 5 years
Details of medication/ dosage	Pain relief not prescribed
Medication prescribed by	Not prescribed
Registered with a GP surgery	No
Hospital treatment or consultations received in the past 3 years?	No
Currently awaiting NHS treatment	No
Pregnant	No
Notes	
Partner and Dependents in UK	
No partner or dependants in the UK	
Criminal History	
Criminal history in the UK	No
Criminal history in another country	No
Notes	
Armed Forces	
Subject/ dependant is a member of Armed Forces?	No

OFFICIAL SENSITIVE

Declaration	
Notes	
Interviewee signature	

OFFICIAL SENSITIVE

Illegal Working - Employee	
Details	
Type of work	Visit
Visit reference	EV24-16,201
Created by	
ProntoID	
Subject CID Person ID	13360951
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Time	21:37
Created at geolocation	<div>Easting 331965</div> <div>Northing 188994</div>
Creation date	06-06-2019 21:37:25
Language of Interview	
What language is the interview carried out in?	English
Interpreter used?	No
Obligation	
How long have you been working here?	Just today
What is your job role/ what are your duties?	Front of house
What days/ hours do you work each week?	Don't know
why are you working here today what's the reason	Favour of a friend they called me
what was the name of the person that called you	I don't want to give his name
Control	
Who gave you this job (name and role in business)?	Don't want to give his name
Who tells you what tasks/ duties to do each day?	Don't want to tell you his name

Page 2 of 2

OFFICIAL SENSITIVE

Departure	
Officer	
Date/Time	06-06-2019 22:13:13
Geolocation	No geolocation available
Visit reference	EV24-16,201

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s.9: Magistrates' Court Act 1980, s.5B

URN

Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Assistant Immigration Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date 03.12.2019

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by the Home Office as an Immigration Officer at the Immigration and Compliance and Enforcement Team at General Buildings, Floor 2, 31-33 Newport Road, Cardiff. CF24 0AB.

On THURSDAY 6th JUNE 2019 I attended SANREMO ITALIAN RESTAURANT, 131-133 CAERLEON ROAD, NEWPORT, NP19 7BZ on information there was an immigration offender on the premises.

I arrived at the premises at approximately 20:36 in full PPE. I was rear cover officer for the enforcement visit. Shortly after the team entered through the main front door of the business, I observed a male attempting to leave the premises from the rear door. I had reasonable belief that the subject attempted to leave the premises on sight of officers entering the premise through the front door, giving me reasonable grounds to believe that the male was an immigration offender. The male, who I now know [REDACTED], [REDACTED] male born [REDACTED], was arrested under Paragraph 17(1) of Schedule 2 of the 1971 Immigration Act (as amended) as I suspected they were persons liable to be detained and removed from the UK. At approximately 21:25 I then began to question [REDACTED], [REDACTED] male born [REDACTED] in relation to his employment at the restaurant. The questions were conducted in ENGLISH which he was happy to continue with. My questions and Mr [REDACTED] answers were recorded in my notebook and below as follows:

Q. How long have you been working here?

A. I don't work here I was visiting friends to play football.

Q. How long have you been working here?

A. I'm not working here

Checks on Home office records were conducted confirming that [REDACTED], [REDACTED] male born [REDACTED] [REDACTED] has no permission to work in the UK. [REDACTED]

APPENDIX B

Premises Licence Sanremo, 131 Caerleon Road, Newport, NP19 7BZ.

Schedule 12

Part A

(THIS PART OF THE LICENCE
MUST BE KEPT AT THE
PREMISES AT ALL TIMES AND
PRODUCED UPON REQUEST OF
AN AUTHORISED OFFICER)

Premises Licence City of Newport



Premises Licence Number	18/00556/LAPVPT
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code
Sanremo 131 Caerleon Road Newport South Wales NP19 7BZ
Telephone number

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale by retail of Alcohol Playing of Recorded Music Late Night Refreshment

Times the licence authorises the carrying out of licensable activities
Sale by retail of Alcohol Monday to Thursday inclusive 12:00 - 14:30 Monday to Thursday inclusive 18:00 - 23:30 Friday 18:00 - 23:30 Saturday 12:00 - 14:30 Saturday 18:00 - 23:30 Sunday 18:00 - 23:30 Playing of Recorded Music Monday to Thursday inclusive 12:00 - 14:30 Monday to Thursday inclusive 18:00 - 23:30 Friday 18:00 - 23:30

Saturday 12:00 - 14:30
Saturday 18:00 - 23:30
Sunday 18:00 - 23:30

Late Night Refreshment
Monday to Sunday inclusive 23:00 - Midnight

The opening hours of the premises

Monday to Thursday 12:00 - 15:00 and 18:00 - 00:00
Friday 18:00 - 00:00
Saturday 12:00 - 15:00 and 18:00 - 00:00
Sunday 18:00 - 00:00

Where non-standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Ardian Matmuja
131 Caerleon Road
Newport
South Wales
NP19 7BZ
E Mail megard1@live.co.uk

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Rifan Zoku
44 North Road
Bristol
BS35 1EB

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: SGC/107208

Licensing Authority: South Gloucester Council

This Premises Licence is issued by Newport City Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 14th March 2018



Helen Wilkie
Public Protection Manager

Mandatory conditions

1 No supply of alcohol may be made under the premises licence:

- i) at a time when there is no designated premises supervisor in respect of the premises licence; or
- ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 Where at specified times one or more individuals may be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority.

For the purposes of this section:

- i) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies; and
- ii) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

4 The admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or in the absence of a recommendation from the BBFC, the Licensing Authority.

For the purposes of this section:

- i) "children" means persons aged under 18 years of age.

5 The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

6 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7 (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either :

- (a) a holographic mark, or
- (b) an ultraviolet feature

8 The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

New Mandatory condition for on and off sales from 28 May 2014

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the Operating Schedule

1. No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children, (including, but not exclusively, nudity or semi nudity), regardless of whether children are present on the premises, are permitted within the premises at any time when the premises is open to the public
2. All incidents of crime and disorder shall be reported to Heddlu Gwent Police and recorded in an incident log book
3. All staff shall receive suitable training in respect of health & safety and fire safety and shall be aware of what action is to be taken in the event of an emergency
4. No new customers will be permitted to enter the premises after 23:30hrs other than for take-away orders

Conditions attached after a hearing by the licensing authority

NIL.

Plans

Please see attached plans

Appendix C

Location of premises





