

Licensing Act 2003 Sub-Committee

Wednesday, 15th March 2023, 6.30 pm Council Chamber, Town Hall, Chorley and YouTube

Agenda

Apologies

1 Declarations of Any Interests

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

2 Procedure (Pages 3 - 4)

General procedure points and hearing procedure for the meeting.

Determination of Application for the review of a Premises Licence, Daisy Tandoori 44 Steeley Lane, Chorley

(Pages 5 - 28)

Report of the Chief Executive attached.

Chris Sinnott Chief Executive

Electronic agendas sent to Members of the Licensing Act 2003 Sub-Committee .

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LICENSING ACT 2003 SUB-COMMITTEE HEARING PROCEDURE REVIEW OF CLUB PREMISES CERTIFICATE / PREMISES LICENCE

- 1. CHAIR OF SUB-COMMITTEE:
 - · opens meeting
 - · introduces Members and Officers
 - · confirms details of all parties in attendance
 - · outlines procedure to be followed
- 2. SUB-COMMITTEE TO DECIDE WHETHER TO ALLOW PERSON SPECIFIED ON REGULATION 8 NOTICE PERMISSION TO SPEAK
 - Members should note that permission should not be unduly withheld
- 3. LICENSING OFFICER OUTLINES THE APPLICATION AND RELEVANT REPRESENTATIONS
- 4. QUESTIONS TO THE LICENSING OFFICER FOR CLARIFICATION FROM:
 - Sub-Committee
 - The Applicant and/or Legal Representative
 - Responsible Authorities/Other Persons
 - The Licence Holder
- 5. THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE MAKES REPRESENTATIONS REGARDING THEIR APPLICATION
- 6. QUESTIONS TO THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE FROM:
 - Sub-Committee
 - Responsible Authorities/Other Persons
 - The Licence Holder
- 6. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES
- 7. QUESTIONS TO RESPONSIBLE AUTHORITIES FROM:
 - Sub-Committee
 - The Applicant and/or Legal Representative
 - Other Persons
 - The Licence Holder

8. REPRESENTATIONS FROM OTHER PERSONS

9. QUESTIONS TO OTHER PERSONS FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities
- The Licence Holder

10. REPRESENTATION FROM LICENCE HOLDER

11. QUESTIONS TO LICENCE HOLDER FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other persons
- 12. APPLICANT INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)
- 13. RESPONSIBLE AUTHORITIES INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)
- 14. OTHER PERSONS INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)
- 15. LICENCE HOLDER INVITED TO SUM UP (IF THEY WISH)
- 16. DECISION MAKING

All parties retire whilst Sub-Committee makes decision

17. NOTICE OF DECISION

Parties re-admitted and Chair announces decision and reasons



Report of	Meeting	Date
Chief Executive	Licensing Act 2003 Sub Committee	15 March 2023

Confidential report	Yes	No
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LICENCE HOLDER'S DETAILS

Licence Holder	ence Holder: Mr. Monir UDDIN		Premises Name:	Daisy Tandoori
Address:	Address: 44 Steeley Lane, Chorley PR6 0RD			
Application:	Application for the Review of a Premises Licence under the Licensing Act 2003			

Reason for referral

- 1. To advise members of an application for the review of a premises licence which has been served by Nathan Howson for and on behalf of the Licensing Authority, acting in their role as a Responsible Authority, in respect of the premises detailed above.
- 2. To request that members give due consideration to the application and any relevant representations and take such steps as are considered appropriate for the promotion of the licensing objectives.

Corporate priorities

3. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all				A strong local economy				
Clean, commun	safe ities	and	healthy	homes	and	Х	An ambitious council that does more to meet the needs of residents and the local area	

Licensing objectives

- 4. Members are reminded of the Licensing Objectives, as follows:
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 5. Members are reminded that the duty of the licensing authority is to take steps necessary to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

Appeals

6. An appeal against the decision of the Council may be made to the Magistrates' Court within 21 days of receipt of the determination notice which will be delivered to all relevant parties.

Any decision made does not have effect until the end of this period or, if the decision is appealed, until the appeal is disposed of.

Legal considerations

- 7. Members must have regard to the following:
 - The Guidance issued under Section 182 of the Licensing Act 2003. In particular, Section 9.31 to 9.44, Section 11.16 to 11.23 and 11.24 to 11.28 may guide members
 - The Council's Statement of Licensing Policy effective from 2021.
 - The Licensing Act 2003.

8. **Background**

The premises have been licenced in the name of the current premises licence holders name since November 2005. A copy of the current premises licence is appended at Appendix 1.

Application for review of a premises licence 9.

On 24th January 2023, an application for the review of the premises licence was received from Mr Nathan Howson, Licensing Enforcement Team Leader for an on behalf of the Licensing Authority of Chorley Council. A copy of the application is appended at Appendix 2a and is concerned with the Prevention of Crime and Disorder objective being undermined at the premises.

10. The grounds for the review are as follows:

The licensing objective of The Prevention of Crime and Disorder is being undermined at the premises in that a person who was not permitted to work in the United Kingdom by reason of his immigration status was found to be working on the premises. There was another person found to be working who was working in breach of his immigration bail conditions.

Copies of information received in relation to the visit undertaken by the Home Office Border Agency officers and a previously issued Caution by Chorley Council is appended at Appendix 2b and 2c.

Advertisement of the application and relevant representations

- The application was advertised in accordance with the regulations in that a notice was displayed at the premises, at the Council Offices and a copy of the application was published on the Council's website for the whole 28-day consultation period.
- In response to the consultation with the Responsible Authorities, Home Office Immigration Enforcement made a representation to the review application. A copy of the representation is appended at Appendix 3.

Implication of report

This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	Χ	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

Comments of the Statutory Finance Officer

15. There are no comments from the Statutory Finance Officer.

Comments of the Monitoring Officer

The licensing objectives which members must have regard to are referred to in the body of the report as well as other considerations such as the national section 182 guidance and the Council's local licensing policy. The premises licence holder enjoys a right of appeal against any decision to revoke, suspend for up to three months or attach conditions to the premises licence as well as other adverse decisions such as removal of the DPS. The Licensing

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Authority which sought the review also has a right of appeal to the magistrates' court.

Conclusions

- 17. The decision should be based on the individual merits of the application and the representation. In accordance with Regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within the period of 5 working days beginning with the day or the last day on which the hearing was held.
- 18. In accordance with Section 52 of the Act the Authority must, having regard to the representation made, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:
 - a) To modify the conditions of the licence,
 - b) To exclude a licensable activity from the scope of the licence,
 - c) To remove the designated premises supervisor,
 - d) To suspend the licence for a period not exceeding three months,
 - e) To revoke the licence.
- 19. For the purposes of the previous paragraph, a condition of the licence is modified if any of them are altered, or omitted, or any new condition is imposed.

Chris Sinnott Chief Executive

Appendices

Appendix	Description
Appendix 1	Current Premises Licence
Appendix 2a	Application for the Review of a Premises Licence-Daisy Tandoori
Appendix 2b	Email from ICE
Appendix 2c	Copy of the Caution
Appendix 3	Copy of Home Office Immigration Enforcement Representation

Background papers

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2021 - 2026	The Council's Statement of Licensing Policy
Secretary of State Section 182 Guidance	April 2018	Secretary of State Section 182 Guidance

Report Author	Ext	Date
Usman Gazra		23.2.2023





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PO Box 13
Chorley
PR7 1AR
www.chorley.gov.uk
01257 515151
contact@chorley.gov.uk

Licensing Act 2003

Premises Licence

PLN0212

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Daisy Tandoori

44 Steeley Lane Chorley PR6 0RD

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and area if applicable)

Days and times

Late Night Refreshment (Indoors)

Friday to Saturday 23:00 - 01:00 Sunday to Thursday 23:00 - 00:00

THE OPENING HOURS OF THE PREMISES

Friday to Saturday 17:00-01:00 Sunday to Thursday 17:00-00:00

WHERE THE LICENCE AUTHORISES THE SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mr Monir Uddin

44 Steeley Lane Chorley PR6 0RD Telephone number: 01257 262242/412163

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

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Licensing Act 2003

Premises Licence

PLN0212

AME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES

ERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR

ANNEXES

ANNEX 1 – MANDATORY CONDITIONS

None.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

There will be a minimum of three staff on duty at all times.

There is ample car parking.

The kitchen is fitted with a modern filtration system.

No loud music or excessive noise.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

none

ANNEX 4 - PLANS





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Licensing Act 2003

Premises Licence

PLN0212

Summary of Licence

Premises Details

POSTAL ADDESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Daisy Tandoori

44 Steeley Lane Chorley PR6 0RD

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and area if applicable)

Days and times

Late Night Refreshment (Indoors)

Friday to Saturday 23:00 - 01:00

Sunday to Thursday 23:00 - 00:00

THE OPENING HOURS OF THE PREMISES

Friday to Saturday 17:00-01:00 Sunday to Thursday 17:00-00:00

WHERE THE LICENCE AUTHORISES THE SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

Part 2

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mr Monir Uddin

44 Steeley Lane Chorley PR6 0RD

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

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PO Box 13
Chorley
PR7 1AR
www.chorley.gov.uk
01257 515151
contact@chorley.gov.uk

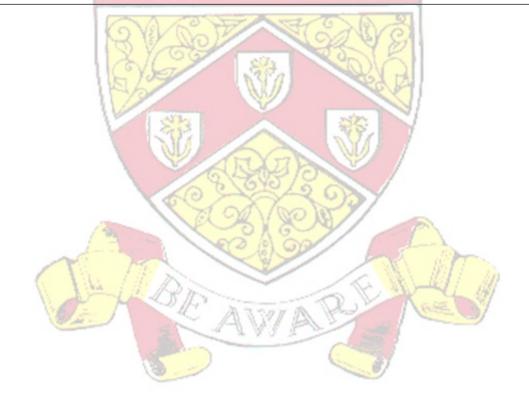
Licensing Act 2003

Premises Licence

PLN0212

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED





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 Mr Nathan Howson, for and on behalf of the Licensing Authority of Chorley Council			
(Insert name of applicant) apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)			
Part 1 – Premises or club premises details	3		
Postal address of premises or, if none, or description	dnance survey map reference or		
Daisy Tandoori 44 Steeley Lane			
Post town Chorley	Post code (if known) PR6 0RD		
Name of premises licence holder or club h	nolding club premises certificate (if		
Mr Monir UDDIN			
Number of premises licence or club premi	ses certificate (if known)		
PLN0212			
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) X			
3) a member of the club to which this application relates (please complete (A) below)			

(A) DETAIL	S OF INC	DIVIDUAL APPLICA	.NT (1	fill in as applica	ble)	
Please tick	□ yes					
Mr	Mrs	Miss	Ms	S	Other t	title ample, Rev)
Surname				First names		
I am 18 yea	ars old or	over			Pl	lease tick □ yes
Current po- address if different fro premises address						
Post town				Post Code		
Daytime co	ontact tele	ephone number				
E-mail add (optional)	ress					
(B) DETAIL	LS OF 01	THER APPLICANT				
Name and a	address					
Telephone i	number (i	f any)				
E-mail addr	ess (optic	nal)				

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Mr Nathan Howson For and on behalf of the Licensing Authority Chorley Council Civic Offices Union Street Chorley Lancashire PR7 1AL
Telephone number (if any) 01257 515665
E-mail address (optional) Nathan.howson@chorley.co.uk

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

Please tick one	or more boxes [
	Χ

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)
This application for the review of a premises licence is being submitted by the Licensing Authority, acting as a responsible authority.
The licensing objective of The Prevention of Crime and Disorder is being undermined at the premises in that a person who was not permitted to work in the United Kingdom by reason of his immigration status was found to be working on the premises. There was another person found to be working who was working in breach of his immigration bail conditions.

Please provide as much information as possible to support the application

On 21/10/22, Immigration Enforcement conducted a visit to the premises known as Daisy Tandoori, 44 Steeley Lane, Chorley, PR6 0RD. This was following receiving intelligence that the "employer was hiring illegal workers" and that "the employer is also paying the illegal workers below minimum wage cash in hand and evade paying taxes".

On entering the premises, immigration officers witnessed two males behind the counter wearing aprons. Whilst officers were explaining to the manager why they were there, the second male went into the back. Officers followed this person into the back of the kitchen and found the male in the garden with his apron off and holding it in his hands. The male was unable to tell the officers his name and correct date of birth but was later identified. This male was identified as a Section 10 Overstayer, was arrested and taken to a detention centre.

In addition to this individual, officers found another person at the premises. This person had an outstanding application with the Home Office however, as he was working at the premises, was in breach of his immigration bail conditions. This individual was interviewed and then walked off the premises.

Immigration Enforcement have records of a previous enforcement visit in 2013 whereby another Overstayer was arrested. An email from ICE is appended at Appendix 1.

In addition to immigration offences, the premises licence holder was issued with a simple caution by Licensing Officers on 03/02/20 for an offence contrary to Section 136 of the Licensing Act 2003, Carrying on unauthorised licensable activity, in that he held himself out as willing to supply hot food or drink from the premises others than under an authorisation as the premises licence had been suspended for failing to make payment of the premises licence annual fee. A copy of this caution is appended at Appendix 2.

Although over a relatively long period of time, this shows a number of instances where the premises has been associated with crime and disorder, with the premises licence holder being the person in the centre of each instance.

The Section 182 Guidance states:

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 the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;

- · for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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.

Relevant Legislation:

Immigration, Asylum and Nationality 2006

Section 15 (1)(b) and (2)

It is a breach of this section to employ an adult whose leave to remain in the UK has ceased to have effect and/ or if that person is subject to a condition preventing him from accepting the employment and such an employer may be given a penalty notice, requiring them to pay a prescribed amount.

Immigration Act 1971

Section 24 (1)(b)

Makes it an offence for a person who is not a British Citizen and has a limited leave to remain, to knowingly remain beyond that time.

Licensing Act 2003

Section 136 (1)(a)

Makes it offence for a person to carry on licensable activities otherwise than in accordance with an authorisation.

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	Please tick □ yes
Have you made an application for review relating to the premises before	N/A
If yes please state the date of that application	Day Month Year
If you have made representations before relating to they were and when you made them	he premises please state what
N/A	

	Please tick □ ye	e s	
 I have sent copies of this form and enauthorities and the premises licence premises certificate, as appropriate I understand that if I do not comply wapplication will be rejected 	holder or club holding the club X		
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 solid (please read guidance note 5). If signing on what capacity.			
Signature			
N. Howson			
Date Tuesday 24 th January 2023			
Capacity Enforcement Team Leader (Licensing), Authorised Officer of Licensing Authority			
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)			
Post town	Post Code		
	Post Gode		
Telephone number (if any)			
If you would prefer us to correspond with address (optional)	you using an e-mail address your e-mai		

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Agenda Item 3

Nathan Howson

From:

Sent: 09 December 2022 12:20

To: Nathan Howson

Subject: RE: Immigration visit

CAUTION! This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Nathan,

Sorry this has taken a while.

So, we conducted an immigration enforcement visit to Daisy Take away 44 Steely Lane, Chorley, Lancashire, PR6 ORD on 21/10/2022 after receiving intelligence that the "employer hiring illegal workers located at business address 44 Steely Lane PR60RN t01257262242. The employer is also paying the illegal workers below minimum wage cash in hand and evade paying taxes".

Upon entering the premises under Section 179 licensing Act 2003, officers witnessed 2 males behind the counter wearing aprons. Whilst explaining to the person in charge why we were there, the second male went to the back. Officers entered the back of the kitchen and found the male in the garden with his apron off and holding it in his hands. This male was later found to be **REDACTED** after he was unable to tell us his name and correct date of birth. This male was arrested under *Paragraph 17(1) Schedule 2 Immigration Act 1971 as a Section 10 Overstayer. He was later taken to a police station whilst we waited for him to be taken to a detention centre. When officers went to the back of the kitchen another male was also encountered, however he was not arrested due to having an outstanding application with the Home Office. He was however, working in breach of his immigration bail conditions. He was interviewed and walked off of the premises. This case has been referred to the illegal working civil penalty team, no outcome as of yet.*

There is also a record from June 2013 where another male was arrested as an Overstayer during a previous enforcement visit to the premises.

Please let me know if you need any more information.

Regards

1

CHORLEY BOROUGH COUNCIL



Г	ORIVIAL CAUTION		
OFFENDER'S SURNAME:	UDDIN		
FORENAME(S):	Monir		
ADDRESS:			
DATE OF BIRTH:			
DATE OF OFFENCE:	09/01/2020		
PLACE OF OFFENCE:	Daisy Takeaway, 44 Steeley Lane, Chorley, PR6 ORD		
	out as willing to supply hot food or hot drink on a premises, name Y LANE, CHORLEY, otherwise than under an authorisation a) and (4) of the Licensing Act 2003.		
CONTRARY TO Section			
I hereby declare that I admit the of I understand that a record will be criminal legal proceedings should	offence described above and agree to accept a Caution in this ca kept of this Caution and that it may influence a decision to institu d I be found to be contravening relevant legislation in the future ution may be cited should I subsequently be found guilty of		
Signed:	Date:		
Offender			
Signed:			
	Asim Khan		
Director (Customer	and Digital) Officer		

03.02.2020

For Chorley Borough Council



Immigration representation in support of an application for the review of a premises licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
Premises Licence Holder:			
Mr Monir Uddin			
Name and Address of Premises:			
Daisy Tandoori, 44, Steeley Lane			
Post Town:	Chorley	Post Code:	PR6 0RD

Representations are being made for the following reasons:

Immigration Enforcement conducted a visit to the above premises on 21st October 2022 following an allegation that the employer was hiring illegal workers. It was also alleged that the employer was paying the illegal workers below the minimum wage cash in hand to evade paying taxes.

During the visit two individuals were encountered that had no right to work in the United Kingdom.

A referral was made to the Civil Penalties Team for the employment of 2 illegal workers.

After consideration of all available information an initial No Action Notice was issued.

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Signatures			
Signature of Responsible Authority			
Home Office Immigration Enforcement			
Date:	26/01/2022	Capacity:	Responsible Authority

Details of Responsib	le Authority		
Name and Address:			
Home Office Immigra The Alcohol and LNF 40 Wellesley Road Croydon CR9 2BY			
		Email address (optional):	alcohol@homeoffice.gov.uk

