



Licensing of Alcohol and Gambling Sub- Committee

WEDNESDAY 19 JUNE 2024 AT 10.00 AM

Conference Room 2 - The Forum

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Deacon
Councillor Durrant

Councillor Gale (Chair)

For further information, please contact Corporate and Democratic Support on 01442 228209 or email member.support@dacorum.gov.uk.

AGENDA

1. **MINUTES** (Pages 2 - 3)
To confirm the minutes of the previous meeting
2. **APOLOGIES FOR ABSENCE**
To receive any apologies for absence
3. **DECLARATIONS OF INTEREST**
To receive any declarations of interest
4. **PROCEDURE OF THE HEARING** (Pages 4 - 5)
5. **PREMISES LICENCE REVIEW APPLICATION UNDER THE LICENSING ACT 2003**
(Pages 6 - 57)

Agenda Item 1

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

19 APRIL 2024

Present –

MEMBERS:

Councillors: Pringle (Chair), B Link and A Williams

OFFICERS:

Nargis Sultan	Legal Governance Manager
Jodie Edwards	Litigation Lawyer
Kim Knight	Licensing Lead Officer
Phil Nolan	Licensing Compliance Officer
Kayley Johnston	Democratic Support Officer

OTHER PERSONS PRESENT:

Mr Jonathan Hammond (Applicant)
Louise Hammond (Applicants Wife)
Mr Roger Williams (Objector)

The meeting began at 10.00 am

1. MINUTES

The Chair opened the meeting and introductions were made.

The minutes of the previous meeting were agreed by the members present and then signed by the Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003

The Sub-Committee were required to consider an application to review a premises licence for the following premises:

The Chipperfield Boot
Tower Hill
Chipperfield
Kings Langley
Hertfordshire
WD4 9LN

Decision

The Sub-Committee notes that a consultation took place between 7 March and 4 April 2024, during which 15 representations were received. These were from residents citing concerns about the potential public nuisance created by the proposed later opening hours.

Amongst the representations received, the following comments were noted:

- The Premises are close to a large number of houses and, if granted, this license will cause a significant disturbance. Chipperfield is a quiet village so the amount of noise will be significant and not in keeping with this. Additionally, increased licensing hours could lead to increased crime and disorder.
- The granting of the licence would impact the community and nearby residents. Allowing alcohol sales and late-night events at the Premises, situated close to residential properties, would present a significant infringement on their right to enjoy their property peacefully.
- The license would place an excessive burden upon residents to tolerate the noise from customers using the garden late at night, and noise from customers leaving the premises in the early hours 7 days a week.
- There are no outside sound barriers to control the noise levels in such a sensitive rural area etc. The representations continued.

The Sub-Committee also heard from Mr Roger Williams in person, on behalf of the Objectors, who echoed much of what the residents had said, and reconfirmed that public nuisance may occur if the license was to be granted. When asked by the Sub-Committee whether there was any history of ASB in the same location, none was cited, save for reports of burglary.

The Sub-Committee notes that, whilst these were genuine concerns, there was no evidence to suggest that the granting of the licensing would seriously undermine one or, all of the licensing objectives as no such evidence had been put before the licensing Sub-Committee. Furthermore, there were no objections raised by the Responsible Authorises. In conclusion then these concerns are merely speculative.

The Sub-Committee also took the view that the applicant is a responsible businessman, and it considered the character references that were submitted. He is also a resident and lives in close proximity with his family, and has therefore a vested interest. He said that the plan is not to operate as a late-night drinking venue, but as a simple village pub with a safe environment for both children and families. He was also prepared to voluntarily limit the opening times to 11 pm/7 days a week. He stated that he would also make efforts to include the local community/residents and start a dialogue leading to frequent meetings to discuss any issues that may arise.

Furthermore, the Applicant had confirmed that staff would be appropriately trained, the business would have CCTV (night vision), and incident logs would be kept.

In light of all the submissions and considering all relevant legal provisions, the Sub-Committee has resolved to grant the application for a premises licence to The Chipperfield Boot however, the following hours will apply: Sunday - Thursday until 2300; Fri and Saturday until 0030.

The meeting ended at 11:33 am

Agenda Item 4

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

The procedure of the Sub-Committee will be as follows:

1. The Chair will open the meeting by:
 - (a) Introducing the Members of the Sub-Committee (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
 - (c) explaining the procedure to be followed.
2. The Chair will ask those present to introduce themselves and:
 - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
 - (b) if any party is unaccompanied, the Chair will clarify whether that party understood it was permissible to have a representative;
 - (c) the Chair will establish whether it is proposed anyone speak as a spokesperson;
 - (d) the Sub-Committee will consider:
 - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
 - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chair will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.
4. The Chair will establish whether all Members of the Sub-Committee have read the papers before them, and then announce the order of speakers.
5. The Chair will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chair will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (or representative, if applicable), any other party who has made relevant representations (in that order).
9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.

10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chair will invite any person who has addressed the Sub-Committee, or those representing them, to summarise their points if they wish.
12. The Chair will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chair may request that the applicant or licence holder, other persons, representatives (if any) and any Officer present (with the exception of the Legal Officer and Corporate and Democratic Services Officer) withdraw during this process – if any further clarification or information is required from any person, all parties will be recalled.
14. The Chair will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted).
15. The Sub-Committee's decision will be confirmed in writing by the Assistant Director (Legal and Democratic Services).

Please Note:

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.
- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.

Agenda Item 5



AGENDA ITEM: 5

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	19 June 2024
PART:	I
If Part II, reason:	-

Title of report:	Premises Licence Review application under the Licensing Act 2003
Contact:	Sally McDonald, Licensing Manager, Legal and Democratic Services
Purpose of report:	This report sets out details of an application in respect of a review of a premises licence, which requires consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and representations made in respect of the application, and determine the application in accordance with the options set out below.
Corporate objectives:	<p>A clean, safe and enjoyable environment</p> <ul style="list-style-type: none"> • Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. <p>Ensuring efficient, effective and modern service delivery</p> <ul style="list-style-type: none"> • Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out below.

Background papers:	Licensing Act 2003, and associated regulations DBC Statement of Licensing Policy 2021-2026 Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, December 2022)
Glossary of acronyms and any other abbreviations used in this report:	

1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, will require a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.
- 1.3. Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

2. Applications

- 2.1. The application detailed in part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant and persons making representations have been given notice of the hearing in accordance with statutory requirements.

3. General principles to be followed when determining applications

- 3.1. When considering applications, the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:

- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 3.2. The licensing authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.
- 3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
- 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
- 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

4. Options available to the Sub-Committee

- 4.1. When determining an application for the review of a premises licence (under section 51), the Sub-Committee must, having regard to the application and any relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) take no action;

- (b) modify the conditions of the licence (by way of alteration, omission or addition);
- (c) exclude a licensable activity from the scope of the licence;
- (d) remove the designated premises supervisor;
- (e) suspend the licence for a period not exceeding three months;
- (f) revoke the licence.

5. Details of application

5.1. The following applications require consideration and determination by the Sub-Committee. Further details on each application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	Per Tutti, 222 High Street, Berkhamsted Hertfordshire HP4 1AG	Review of Premises licence (s.51 Licensing Act 2003)

APPENDIX A

Applicants name	Home Office Immigration Enforcement
Name and address of premises	Per Tutti 222 High Street Berkhamsted Hertfordshire HP4 1AG
Ward	Berkhamsted Castle

1. **Current Licence**

1.1 The premises has a premises licence, granted on 3 May 2018.

1.2 The premises licence authorises the sale by retail of alcohol for consumption on the premises as follows:

Mondays	10:00 hours until 00:00 hours
Tuesdays	10:00 hours until 00:00 hours
Wednesdays	10:00 hours until 00:00 hours
Thursdays	10:00 hours until 00:00 hours
Fridays	10:00 hours until 00:00 hours
Saturdays	10:00 hours until 00:00 hours
Sundays	12:00 hours until 23:30 hours

2. **Application**

2.1 An application to review the premises licence was received on 29th April 2024 on the grounds of failing to promote the crime and disorder objective as illegal working had been identified at the premises.

A copy of the premises licence is set out at Annex A.

A copy of the Review application is set out at Annex B.

3. **Details of Representations**

3.1 Consultation took place between 30 April 2024 and 27 May 2024. No representations, either in support of, or against the application have been received.

3.2 Comments and responses were received from responsible authorities as follows:

Hertfordshire Constabulary – comments, no representations.
Hertfordshire Fire & Rescue – No representations.

NHS Herts – no representations.
Environmental and Community Protection – confirmed nature of review is not within their remit.
Planning – no representations.
Trading Standards – no response.
Local Safeguarding Children’s Board – no response.
Licensing authority – no response.

4. Local Policy and Statutory Home Office guidance

4.1 Local policy and relevant Statutory Section 182 Guidance is set out at Annex C.

ANNEX A
PREMISE LICENCE: PER TUTTI



Licensing Act 2003
Premises Licence

Premises Licence Number:

DAC 45335

Version reference:

045335

Date issued:

3 May 2018

Part 1 – Premises Details

Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description 222 High Street Berkhamsted Hertfordshire HP4 1AG
Telephone number
Where the licence is time limited the dates Not applicable
Licensable activities authorised by the licence Sale by retail of alcohol
The times the licence authorises the carrying out of licensable activities Sale by retail of alcohol For consumption on the premises Mondays 10:00 hours until 00:00 hours Tuesdays 10:00 hours until 00:00 hours Wednesdays 10:00 hours until 00:00 hours Thursdays 10:00 hours until 00:00 hours Fridays 10:00 hours until 00:00 hours Saturdays 10:00 hours until 00:00 hours Sundays 12:00 hours until 23:30 hours Good Friday, Easter Sunday and Christmas Day: 12:00 hours until 23:30 hours New Year's Eve: In addition to the permitted hours for that day the period between the <u>end</u> of permitted hours on that day and the beginning of permitted hours the following day.

The opening hours of the premises

Mondays	10:00 hours until 00:15 hours
Tuesdays	10:00 hours until 00:15 hours
Wednesdays	10:00 hours until 00:15 hours
Thursdays	10:00 hours until 00:15 hours
Fridays	10:00 hours until 00:15 hours
Saturdays	10:00 hours until 00:30 hours
Sundays	10:00 hours until 23:45 hours

Christmas Day 10:00 hours until 00:30 hours

New Year's Eve: In addition to permitted hours for that day, the period between the end of permitted hours on that day and the beginning of permitted hours the following day.

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

Alcohol may be supplied for consumption ON the premises only

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Miss Olga Sipcenoka
145 Crawley Green Road
Luton
Bedfordshire
LU2 0QN

Telephone number: 01727 839991
Email address: olga.sipcenoka@hotmail.com

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 the supply of alcohol**

Telephone number:

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

Licence number:
Issuing authority:

Signed:

Nathan March – Licensing Team Leader

Date issued:

3 May 2018

On behalf of: **Mark Brookes**
Solicitor to the Council

NOTES

This licence is issued subject to the provisions of the Licensing Act 2003 and is subject to compliance with the conditions in the following Annexes.

Possession of this document does not guarantee that the licence remains in force, nor does it imply that the premises are fit for use. Validity and current status of the licence may be confirmed by reference to the Council's Licensing officers.

Annex 1: Mandatory Conditions

Condition A1.

No supply of alcohol may be made under this licence:

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

Condition A2.

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

Condition A3.

- (1) 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.
- (2) 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).

Condition A4.

- (1) The premises licence holder or club premises certificate 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.

Condition A5.

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

Condition A6.

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.

Condition A7.

- (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.

In the above conditions, ‘responsible person’ means the holder of the Premises Licence, the Designated Premises Supervisor, or any other person over the age of 18 years who has been authorised to sell alcohol at the licensed premises.

Annex 2: Conditions consistent with the Operating Schedule

GENERAL - ALL LICENSING OBJECTIVES

The premises shall operate a management policy, and full staff training shall be provided, with particular attention to:

- Ensuring no sales of alcohol to underage persons;
- Prevention of drunk, disorderly, violent or anti-social behaviour on the premises; and
- The safety of children attending the premises.

THE PREVENTION OF CRIME AND DISORDER

No alcohol shall be sold to drunk or intoxicated customers.

As well as the Designated Premises Supervisor, a further floor supervisor shall be present at the the premises at all times.

The design and layout of the premises shall be such that it shall promote a calm atmosphere.

PUBLIC SAFETY

The Licence holder shall promote customer safety by providing a taxi ordering service.

Staff shall be provided with training in respect of environmental health requirements.

The fixtures and fittings at the premises shall undergo maintenance checks to ensure they are kept in a good and safe condition.

The Licence holder shall comply with all required fire safety regulations.

THE PREVENTION OF PUBLIC NUISANCE

Deliveries of goods will be carried out at a reasonable time of day, and in such a way that shall not disturb nearby residents.

Movement of bins and refuse collection will be kept to a minimum after 23:00 hours.

Customers shall be encouraged to both use the premises in a respectful manner and leave quietly.

There shall be no bright lights outside the premises.

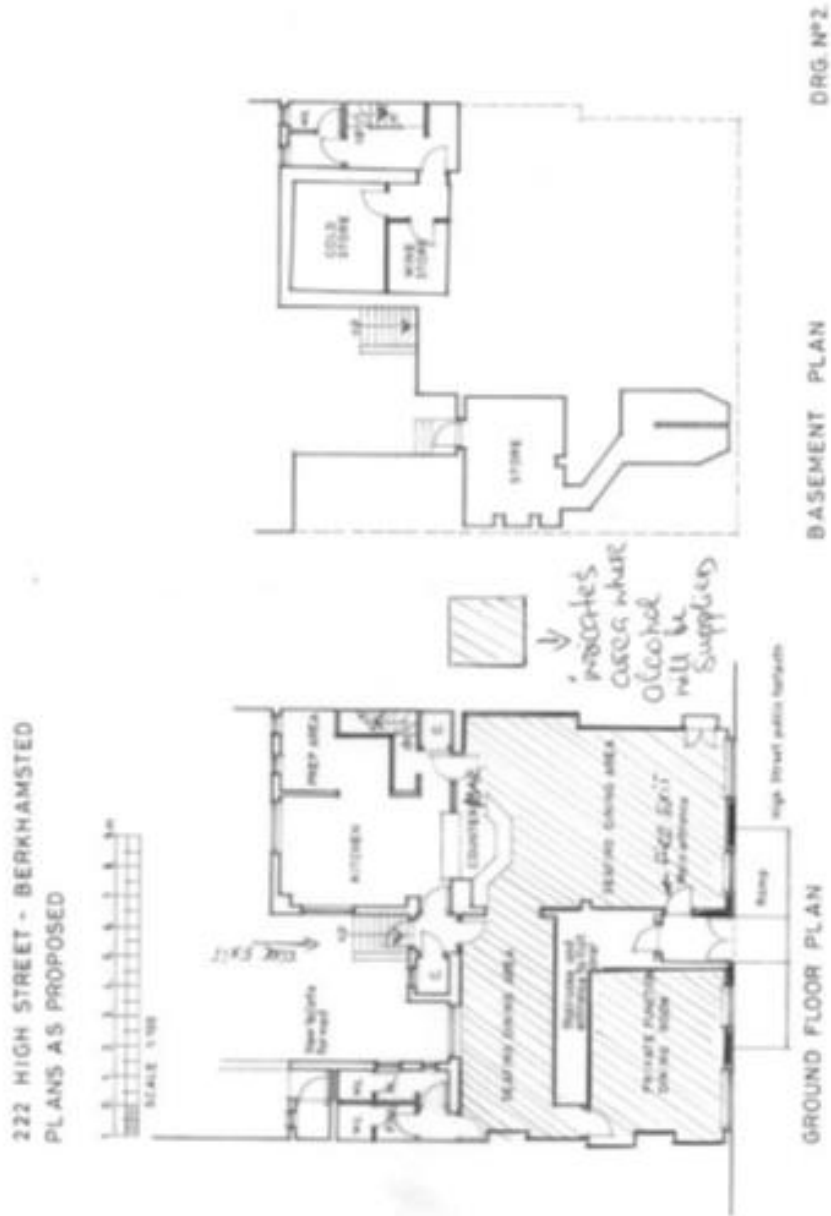
THE PROTECTION OF CHILDREN FROM HARM

The Licence holder shall operate a policy whereby ID shall be requested from any customer that looks underage and is wishing to purchase alcohol. Staff shall receive training in respect of challenging potential underage persons.

Annex 3: Conditions attached after a hearing by the licensing authority

N/A

Annex 4: Plans



Licensing Authority: Dacorum Borough Council
By email: licensing@dacorum.gov.uk

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 Per Tutti 222 High Street	
Post town Berkhamsted	Post code (if known) HP4 1AG

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

Number of premises licence or club premises certificate (if known) DAC 045335
--

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)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 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)

Grounds for review:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this 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)

Please refer to accompanied review pack for detailed information.

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

yes

Please tick ✓

- 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 K Sooriyaarachchi

Date 29 April 2024

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.



Home Office

Premises Licence Review

Per Tutti
222 High Street
Berkhamsted
HP4 1AG

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Case Summary

On 11 December 2023, East of England Immigration Compliance and Enforcement (ICE) team visited Per Tutti Restaurant, 222 High Street, Berkhamsted HP4 1AJ, after intelligence was received that the business was employing illegal workers. Entry was gained to the premises under Section 179 Licensing Act 2003.

Four Albanian males were encountered with no right to work in the United Kingdom.

A referral has been made to the Civil Penalty Compliance Team in relation to the illegal working.

Licensed Premises History

The premises licence number is DAC 045335 issued by Dacorum Borough Council on 03 May 2018 and is held by Miss Olga SIPCENOKA who is also the Designated Premises Supervisor.

The premises is licenced for the sale of alcohol for consumption on the premises until midnight Monday to Saturday and 23:30hrs on Sunday.

The company registration number for Per Tutti is 11573770 under the name of Il Patio Limited. Companies House shows that it was incorporated on 18 September 2018, is currently active and Olga SIPCENOKA was appointed director on 18 September 2018.

Enforcement Visit: 11 December 2023

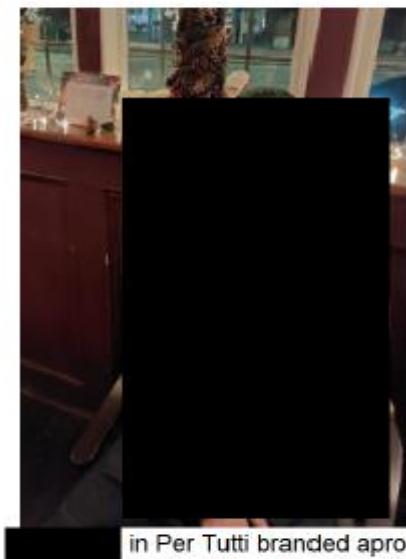
Upon entering the premises at 18:01hrs, immigration officers encountered four individuals present at the premises who did not have the right to work in the United Kingdom.

The person in charge was the assistant manager [REDACTED]. Olga SIPCENOKA was not present.

[REDACTED]

[REDACTED] was encountered by officers who observed him taking an order from a customer whilst wearing a Per Tutti apron. Home Office checks revealed that [REDACTED] entered the UK clandestinely in September 2022 and has an outstanding claim. [REDACTED] has no permission to work in the UK.

During the illegal working interview [REDACTED] stated that he had worked at the restaurant for three months as a waiter. He works Monday to Friday 11:00 - 23:00hrs with a two hour break, and works occasional weekends. 'Olga' (the DPS) pays him on average £500 in cash per week, he can also have free food when he is working. [REDACTED] stated that SIPCENOKA gave him the job and that [REDACTED] does the rota. [REDACTED] claimed he does not receive a pay slip and stated that SIPCENOKA only checked his is Albanian ID card and was not asked to provide any right to work documentation. [REDACTED] also stated that SIPCENOKA aware he does not have permission to work.



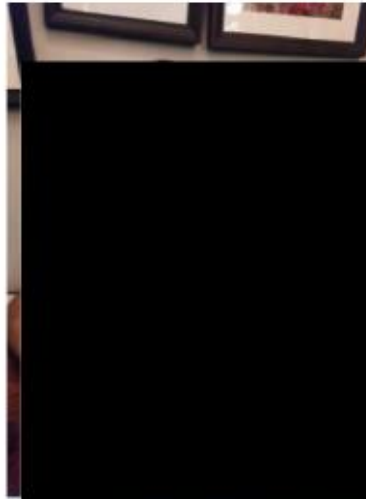
[REDACTED] in Per Tutti branded apron

[REDACTED]

[REDACTED] was encountered by officers whilst preparing food in the kitchen in chef's whites. Home Office checks revealed that [REDACTED] entered the UK clandestinely in September 2022. [REDACTED] application for leave was withdrawn in April 2023 as he absconded. He does not have permission to live or work in the UK.

When questioned by immigration officers [REDACTED] claimed that he only came that morning for a trial and had been asked to make pizzas. He claimed a male named [REDACTED] had brought him there and it was [REDACTED] who would be paying him. He confirmed that no right to work checks were conducted prior to commencing work and that the employer is aware he has no right to work in the UK.

Despite alleging he was there for a trial for that day, two sets of restaurant keys were found in [REDACTED] possession in his coat pocket – one for the restaurant's front door and one for the side emergency door.



[REDACTED] encountered wearing chef whites

When the assistant manager, [REDACTED] was questioned in relation to [REDACTED] she confirmed that he had been working at the restaurant for a couple of weeks as a chef and that he worked 4-5 hours a day on varied days and times. She stated that SIPCENOKA gave him the job and SIPCENOKA decides when he is required to work.

[REDACTED]

[REDACTED] was encountered by officers whilst working in the kitchen. Home Office checks revealed that [REDACTED] entered the UK clandestinely in December 2021. [REDACTED] application for leave was withdrawn in May 2023 as he absconded. He does not hold the right to work in the UK.

During the illegal working interview [REDACTED] stated that he had been working at the restaurant as a pot washer for one and a half months and worked 20 hours per week over four days. He claimed the job was advertised on the internet and the job was given to him by [REDACTED]. He stated that he is paid up to £200 in cash in hand per week. [REDACTED] stated that no immigration checks were conducted and he informed the employer that he did not have the right to work, but he was offered the job regardless.



[REDACTED] encountered wearing chef whites

[REDACTED]

[REDACTED] was encountered by officers in the kitchen wearing an apron. Home Office checks revealed that [REDACTED] entered the UK illegally in 2022. He submitted an application for leave which was refused in March 2023. [REDACTED] does not hold the right to work in the UK.

When questioned by immigration officers [REDACTED] claimed that he had spoken to 'Olga' previously about working at the restaurant, and that today was his first day. His duties were to make salads. He said he was expecting to receive approximately £50 for a day's work. [REDACTED] confirmed that that he did not provide any documentation proving his right to work and SIPCENOKA had asked him to bring his papers. However, he was allowed to work without the relevant right to work checks being conducted.



[REDACTED] encountered wearing apron

Employer/licence holder – Olga SIPCENOKA

Olga SIPCENOKA was not on the premises when officers entered. [REDACTED] identified herself as the assistant manager. [REDACTED] stated that she also works at two other restaurants located in St Albans and Radlett.

[REDACTED] stated that SIPCENOKA employs the staff and dictates their duties and hours. She said she did not know where the employee records were kept and was unsure how the employees were paid. She stated that it was not her duty to conduct employee checks and was unaware that those encountered working illegally today did not have permission to work. This is contrary to information provided by [REDACTED] who stated that Izabela employed him.

Immigration officers served [REDACTED] with a Civil Penalty Referral Notice for four employees.

Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

There were four illegal workers encountered at the premises in Berkhamsted. The licence holder and manager, Olga SIPCENOKA was not present throughout the visit but officers spoke to the assistant manager [REDACTED].

Interviews were conducted with the four employees and [REDACTED] where it was established that SIPCENOKA was predominantly in charge of employment and that right to work checks were not conducted. Two employees stated that SIPCENOKA was aware they did not have the right to work.

Furthermore, Miss SIPCENOKA is the company director of two other restaurants:

Per Tutti, 30 Holywell Hill, St. Albans, Hertfordshire, England, AL11BZ; and
Per Tutti, 102-104 Watling Street, Radlett WD7 7AB

East of England ICE team subsequently visited the Radlett restaurant in February 2024 and encountered three illegal workers, and the St Albans restaurant in March 2024 where one illegal worker was encountered. Three separate Civil Penalty Referral Notices have now been served and the business faces significant penalties which have yet to be paid.

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 can work. All employers are dutybound by law to conduct these checks, and guidance can be found on the GOV.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page.

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.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers. Miss SIPCENOKA is clearly the primary party involved in the running of the business, being the licensee, a

director and the DPS. She was not present at the business, which further compounds the suggestion that the existing management are unable or unwilling to have due regard or diligence toward legislation and responsibilities in the running of the business and the comments regarding payment and checks undertaken suggest a level of willing complicity and are an aggravating factor of concern.

Despite being served a Civil Penalty Referral Notice in December 2023, in February 2024 the business failed to demonstrate compliance by continuing to employ a further three employees without the right to work. Astonishingly in March 2024 another employee without the right to work was encountered. A warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded straight to review.

Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

The license holder would have been aware of her responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

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 illicit activity by employing illegal workers and facilitating disqualified immigrants to work illegally.

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.

Annex – Supporting Documents

Illegal Working-Employee [REDACTED]

Illegal Working-Employee [REDACTED]

Freetext Keys for emergency side exit [REDACTED]

Illegal Working-Employee [REDACTED]


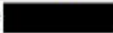

Illegal Working-Employee [REDACTED]

Illegal Working-Employer [REDACTED]

Illegal Working - Employee					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED] Albania				
Subject CIDPID/CEPR	[REDACTED]				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Albania				
Subject gender	Male				
Time	18:21				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>499068</td> </tr> <tr> <td>Northing</td> <td>207882</td> </tr> </table>	Easting	499068	Northing	207882
Easting	499068				
Northing	207882				
Creation date	11-12-2023 18:21:27				
Language of Interview					
What language is the interview carried out in?	English				
Interpreter used?	No				
Obligation					
How long have you been working at this business?	3 months				
What is your job role/ what are your duties?	Waiter				
What days/ hours do you work each week?	Monday to Friday 11am to 11pm with 2 hour break				
Do you work the same hours/ days every week?	Sometimes it changes				
do you work any other times	Sometimes work weekends, sometimes start later				
did the manager ask if you had permission to work	No				
Control					
Who gave you this job (name and role in business)?	One of my friends suggested trying here. The boss is Olga, she is the one who said I could work here				

OFFICIAL SENSITIVE

Who tells you what days/ hours to work?	Olga tells the manager who is [REDACTED] she does the rota
Remuneration	
How are you paid (money, accommodation, food)?	Cash, plus free food when I work
If money, how much and how do you receive it?	£500 a week on average.
If money, how much and how do you receive it?	Give me cash in an envelope every week
Who pays you?	Olga
Do you pay income tax or have a National Insurance number?	I don't know what that is
do you get a payslip?	No
Pre-employment Checks	
What name does the employer know you as?	[REDACTED]
Did the employer check your right to work or immigration status before they offered you the job?	She checked my ID - NOTE - The ID checked was an ALB ID Card
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	No
Does your employer know you're not allowed to work in the UK?	Yes
Additional Questions	
is your accommodation linked to this restaurant	No

Photographs	
photo	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature 	 11-12-2023 18:35:29
Observations	
Observations	He was taking an order when I walked in. I observed.
Do you suspect this person of illegal working?	Yes

Management Checks Complete	
Date management checks complete	03-01-2024 12:53:28
Reviewer(s)	[REDACTED]

Illegal Working - Employee

Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED] - Albania				
Subject CIDPID/CEPR	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Albania				
Subject gender	Male				
Time	18:45				
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Easting	499071				
Northing	207891				
Creation date	11-12-2023 18:45:41				

Language of Interview


What language is the interview carried out in?	Albanian
Interpreter used?	Yes
Details of interpreter	[REDACTED]
Does the individual understand the interpreter?	Yes

Obligation

How long have you been working at this business?	I came here for a test this morning at 10 am
What is your job role/ what are your duties?	Making pizza
What days/ hours do you work each week?	I only came this morning

Control

Who gave you this job (name and role in business)?	I don't know their name and they are no longer here it was a male he doesn't work here he just brought me here
Who tells you what tasks/ duties to do each day?	The man who brought me here, I have been working at other places for a month here a month there, it's the same person who has given me the other jobs. I only know his name is [REDACTED]

Remuneration	
How are you paid (money, accommodation, food)?	They will pay me into my bank
Who pays you?	█
Do you pay income tax or have a National Insurance number?	No
Pre-employment Checks	
Did the employer check your right to work or immigration status before they offered you the job?	No
Did you show documents or share a code with the employer to prove your right to work before being offered the job?	No
Does your employer know you're not allowed to work in the UK?	Yes
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature █	 <p>11-12-2023 19:03:48</p>
Observations	
Observations	Was wearing chef whites
Do you suspect this person of illegal working?	Yes

Freetext					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	PER TUTTI RESTAURANT., 222 High Street, Berkhamstead, Hertfordshire, HP4 1AG (Visit Address)				
Subject CIDPID/CEPR	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Albania				
Subject gender	Male				
Time	19:31				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>507694</td> </tr> <tr> <td>Northing</td> <td>201434</td> </tr> </table>	Easting	507694	Northing	201434
Easting	507694				
Northing	201434				
Creation date	11-12-2023 19:31:30				
Is this entry related to a Critical Incident?	No				
Entry					
Title	Keys for emergency side exit				
Text	The keys in subjects coat pocket also contained a key for the restaurant side emergency door				
Photographs					
No photographs.					

Illegal Working - Employee

Details

Type of work	Visit	
Visit reference	[REDACTED]	
Created by	[REDACTED]	
ProntoID	[REDACTED] - Albania	
Subject CIDPID/CEPR	[REDACTED]	
Subject name	[REDACTED]	
Subject DOB	[REDACTED]	
Subject nationality	Albania	
Subject gender	Male	
Time	18:32	
Created at geolocation	Easting	499067
	Northing	207889
Creation date	11-12-2023 18:32:07	

Language of Interview

What language is the interview carried out in?	Albanian
Interpreter used?	Yes
Details of interpreter	[REDACTED]
Does the individual understand the interpreter?	Yes

Obligation

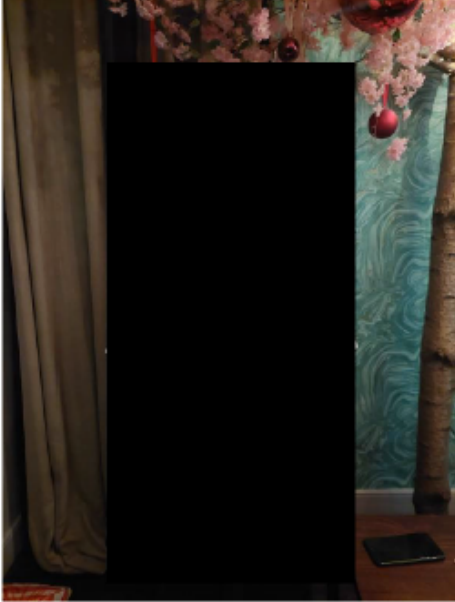


How long have you been working at this business?	one and a half months
What is your job role/ what are your duties?	washing up , pot wash
What days/ hours do you work each week?	4 days a week
how many houemrs does this equat to	about 20 hrs a week
Do you work the same hours/ days every week?	yes

Control

Who gave you this job (name and role in business)?	I saw on the Internet that they wanted worders so I made an application and they excepted it
--	--

OFFICIAL SENSITIVE

so when you arrived here how said you can have the job	the manager
what is there name	██████ and she is female
are they here tonight	yes
Who tells you what tasks/ duties to do each day?	no the chief tells me what to do
do you have keys for this premises	no I just come at the right time and then leave
Remuneration	
How are you paid (money, accommodation, food)?	I get paid cash in hand upto 200 pounds a week
Who pays you?	the chief gives me the money in my hand
any accommodation with the job	no
Pre-employment Checks	
What name does the employer know you as?	no
Did the employer check your right to work or immigration status before they offered you the job?	no they didn't say anything
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	I just told them that I don't have any papers but I need to work
Does your employer know you're not allowed to work in the UK?	yes
Additional Questions	
Who else works here? that is illegally here	only the people you have stopped

Photographs	
Individual in working kitchen uniform	 <p>Exhibit Ref PP001</p>
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature 	 <p>11-12-2023 18:47:17</p>
Observations	
Observations	found working in the kitchen in full kitchen uniform
Do you suspect this person of illegal working?	Yes

OFFICIAL SENSITIVE

Management Checks Complete	
Date management checks complete	21-12-2023 10:12:01
Reviewer(s)	[REDACTED]

Illegal Working - Employee					
Details					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████████████				
ProntoID	██████████████████ - Albania				
Subject CIDPID/CEPR	Unknown				
Subject name	██████████				
Subject DOB	██████████				
Subject nationality	Albania				
Subject gender	Male				
Time	18:59				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>499060</td> </tr> <tr> <td>Northing</td> <td>207891</td> </tr> </table>	Easting	499060	Northing	207891
Easting	499060				
Northing	207891				
Creation date	11-12-2023 18:51:58				
Language of Interview					
What language is the interview carried out in?	English				
Interpreter used?	No				
Obligation					
How long have you been working at this business?	I just came, today.				
What is your job role/ what are your duties?	Making salads.				
What time did you start?	At 17.00				
Control					
Who gave you this job (name and role in business)?	I just came and asked to try out.				
When did you go, for the first time?	To eat before, to work, first time today.				
Who was it you spoke?	The manager, I think she was Polish. I think it sounded like ██████████. I think Polish. She was there today.				
Was it the lady on the premises today?	No Olga, she was not there.				

OFFICIAL SENSITIVE

But you said you only came today, and you started at 17.00 and we arrived soon after?	No, we spoke before today about coming today.
What did Olga say you would be doing?	She said I would be practising for Chef, I have done a bit in Albanian.
Do you know Olga's surname?	No, I think it is long. She is the owner.
Remuneration	
How were you are going to be paid?	I think today around £50, then when bring papers continue working.
Pre-employment Checks	
What name does the employer know you as?	██████████
Did the employer check your right to work or immigration status before they offered you the job?	She asked me to bring papers, I said yes.
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	No
Does your employer know you're not allowed to work in the UK?	No
Why did she let you work without confirming Immigration status?	She said bring the papers.
Who gave you the apron?	The chef on tonight.
When had you arranged to return?	I wasn't planning to return.


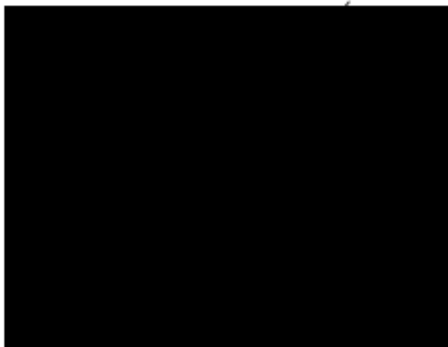
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature 	 11-12-2023 20:35:43
Observations	
Observations	He appeared familiar with the premises and layout, in public and private areas, though had said eaten here before. He is adamant only started today, no evidence gathered so far to contradict.
Do you suspect this person of illegal working?	Yes

Photo 1



Caption

In kitchen apron

Exhibit Ref

DFN01

Illegal Working - Employer

Details

Type of work	Visit		
Visit reference	[REDACTED]		
Created by	[REDACTED]		
ProntoID	Other		
Subject CIDPID/CEPR	Unknown		
Employer	[REDACTED]		
Time	18:44		
Created at geolocation	Easting	499070	
	Northing	207892	
Creation date	11-12-2023 18:44:19		

Language of Interview

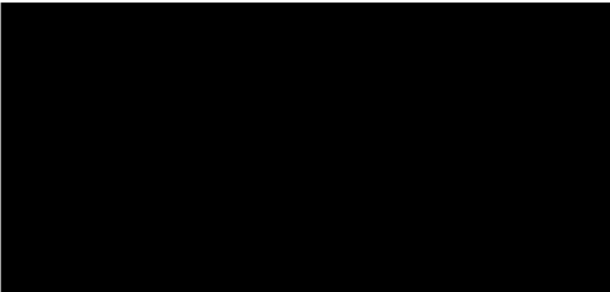
What language is the interview carried out in?	English
Interpreter used?	No

Employer Details

What is the name of the business?	Il patio
What is your position here?	I work as an assistant manager
so you said you work at other restaurants	Yes I work at other restaurants in St albans and in Radlett

Declaration by Employer

I confirm that I have understood all the questions and that the details are true and correct.

Signed by [REDACTED]	 11-12-2023 19:05:55
----------------------	---

OFFICIAL SENSITIVE

Employee - [REDACTED]	
Known to employer as	[REDACTED]
Obligation	
How long has the employee been working at this business?	He has been working here a couple of weeks
What is their job role/ duties?	He is working in the kitchen as a chef
What days/ hours do they work each week?	Sometimes morning and Sometimes evening
how long is his shift	11 to 15.00, 5 to 10.30
Are their days/ hours the same every week?	They change
Control	
Who gave the employee this job?	The owner
who is the owner	Olga sipcenoka
Who tells them what days and hours to work?	The owner says when they work
Who tells them what tasks or duties to perform each day?	He knows what to do
Where are the employee records?	No idea
Remuneration	
What is the employee given in return for their tasks and duties?	I believe money but I am not sure
Who pays this employee?	The owner
How is this employee paid – cash, bank transfer?	No idea
Does HMRC know that this employee works at your business?	No idea
Pre-employment Checks	
Did you check the right to work or immigration status before you offered the employee the job?	No I did not
Did the employee share a digital code with you to enable you to check their right to work in the UK?	No
Did you ask to see any documents from the employee to demonstrate their right to work in the UK?	No I did not that is not my duty

OFFICIAL SENSITIVE

When did you last check the employee's employment status?	No that is not my duties
Did you know that the employee was not allowed to work in the UK?	Of course not
are the answers to the questions i have asked about [REDACTED] the same for [REDACTED]	Yes
Observations	
Observations	
Management Checks Complete	
Date management checks complete	30-12-2023 15:29:21
Reviewer(s)	[REDACTED]

LOCAL POLICY

8. REPRESENTATIONS AND REVIEWS

- 8.4. Applications for the review of a premises licence or club premises certificate may only be made in the prescribed form, and following the procedure set out in the Act. Licensing officers are able to offer further advice on this procedure to any party considering making an application for review of a licence.
- 8.5. The Licensing Authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. This means that it will usually need to see evidence which substantiates the grounds cited in representations or review applications if it is to act upon those grounds. Speculative grounds which cannot be substantiated have previously been found by the courts to carry little weight in the decision-making process, and it is therefore likely that the Licensing Authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

NATIONAL GUIDANCE

2. THE LICENSING OBJECTIVES

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in 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 evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

8. APPLICATIONS FOR PREMISES LICENCES

- 8.6 Where an immigration officer has reason to believe that any premises are being used for a licensable activity, the officer may enter the premises with a view to seeing whether an offence under any of the Immigration Acts is being committed in connection with the licensable activity.

11. REVIEWS

- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example,

closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 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)¹⁰;
- 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.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. 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. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.