

LICENSING HEARING PANEL

9 JULY 2019

LICENSING ACT 2003 APPLICATIONS TO TRANSFER PREMISES LICENCE AND FOR VARIATION OF DESIGNATED PREMISES SUPERVISOR BAS BAR, 14 CLIFFE ROAD, STROOD, KENT ME2 3DS

Report from: Perry Holmes, Chief Legal Officer

Author: Mandy Francis, Licensing Manager

Summary

In accordance with Sections 42 and 37 of the Licensing Act 2003, the Council has received applications to transfer the existing premises licence and vary the Designated Premises Supervisor in respect of Bas Bar, 14 Cliffe Road, Strood, Kent ME2 3DS.

Kent Police has been consulted in line with the Licensing Act 2003.

Kent Police served Medway Council with a notice stating granting the application would undermine the crime prevention objective.

1. Budget and Policy Framework

- 1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003.

2. Background to the application and relevant representations

- 2.1 Applications to transfer the existing premises licence and vary the Designated Premises Supervisor in respect of Bas Bar, 14 Cliffe Road, Strood, Kent ME2 3DS were received on 10 June 2019 and 5 June 2019 respectively. Copies of the applications are attached at Appendix A.
- 2.2 Kent Police have been consulted in line with the Licensing Act 2003.

- 2.3 Where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reason why he is so satisfied.
- 2.4 On 13 June 2019 Kent Police submitted notices in relation to the applications to transfer the premises licence and vary the Designated Premises Supervisor stating the reasons. Copies of these are attached at Appendix B.

3. Advice and analysis on determination of applications

- 3.1 At the hearing, Panel members must, having regard to the applications and the notices received from the Police, determine to either grant or refuse the applications.

4. Risk Management

- 4.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

5. Financial and legal implications

- 5.1 There are no direct financial implications at this time.
- 5.2 This hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 5.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objector. Legal advice will be given to Members as appropriate at the hearing. However, whatever the decision of the Panel, this must be based on the evidence placed before it and the Panel must decide what weight to attribute to this information.

6. Recommendation

- 6.1 That the Licensing Hearing Panel, having regard to Licensing Act 2003, the statutory guidance issued under S182, the Council's Statement of Licensing Policy and all matters before it, both written and oral, considers and determines to grant or refuse the applications.

Lead officer contact:

Mandy Francis, Licensing Manager
Email: mandy.francis@medway.gov.uk

Appendices:

Appendix A – Applications to transfer the premises licence and vary the Designated Premises Supervisor.

Appendix B – Notices from Kent Police and supplementary information

Background documents:

None

06 JUN 2019

Appendix A



Medway Council, Licensing Unit, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Application to transfer premises licence to be granted 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/we HARJOT - SINGH

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

MEDWAY - 05 - PAEM - 0507

Part 1 – Premises details

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

14, CLIFFE ROAD
STROOD

Post town ROCHESTER

Post code ME2 3DS

Telephone number at premises (if any)

01634 727606

Please give a brief description of the premises

PUB BAR, SPORTS BAR AND RESTAURANT

Name of current premises licence holder

SUKHABIR - SINGH

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ☒ yes

a) an individual or individuals*

☒ please complete section (A)

b) a person other than an individual *

i. as a limited company

☐ please complete section (B)

ii. as a partnership

☐ please complete section (B)

iii. as an unincorporated association or

☐ please complete section (B)

iv. other (for example a statutory corporation)

☐ please complete section (B)

c) a recognised club

☐ please complete section (B)

- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick ☒ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

SINGH

First names

HARJOT

Please tick ☒ yes

I am 18 years old or over

☒

Current postal address if different from premises address

Post town

ROCHESTER

Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

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) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick ☒ yes

Are you the holder of the premises licence under an interim authority notice? ☐

Do you wish the transfer to have immediate effect? ☐

If not when would you like the transfer to take effect?

Day Month Year ☐
04 06 2019

Please tick ☒ yes

I have enclosed the consent form signed by the existing premises licence holder ☒

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☒ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003) ☒

Please tick ☒ yes

I have enclosed the premises licence ☒

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee ☒
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I have sent a copy of this application to the chief officer of police today ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE , UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

04-08-2019

Capacity

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

10 JUN 2019



Medway Council, Licensing Unit, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Consent of premises licence holder to transfer

I/we SUKHDIR - SINGH

[full name of premises licence holder(s)]

the premises licence holder of premises licence number Medway - 05 - PREM - 0507

[insert premises licence number]

relating to

BAS BAR, 14 CLIFFE ROAD, STROOD, ME23DS

[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

Medway - 05 - PREM - 0507

[insert premises licence number]

to

HARJOT - SINGH

[full name of transferee]

signed

name
(please print)

Sukhdir Singh

dated

06-6-2019

Medway Council, Licensing Unit, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Application to vary a premises licence to specify an individual as designated premises supervisor 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/we ^{SUKHDEB} ~~HARJOT~~ SINGH
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

MEDWAY - OS - PREM - 0507

Part 1 – Premises details

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

BAS BAR
14 CLIFFE ROAD
STROOD, ROCHESTER, KENT

Post town

ROCHESTER, KENT

Post code (if known)

ME2 3DS

Telephone number (if any)

01634 7328 727606

Description of premises (please read guidance note 1)

BAR - Restaurant

Part 2

Full name of proposed designated premises supervisor

Nationality BRITISH

Place of birth 07/03/1984

Date of birth INDIA

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

MEDWAY -17-00882-PERS

Full name of existing designated premises supervisor (if any)

SUKHBIR SINGH

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature



Date 5-6-2019

Capacity

Premises Licence Holder

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

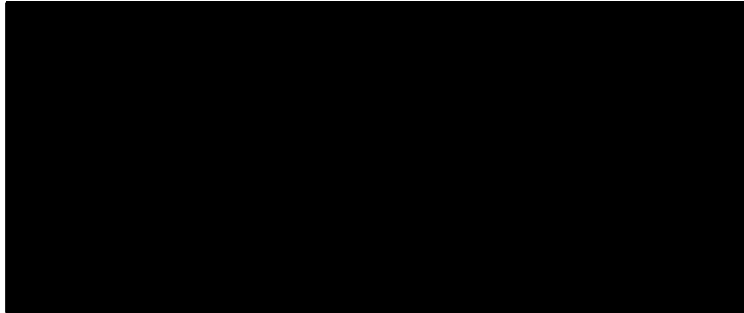
Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I HARJOT SINGH
[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

DPS
[type of application]

by

HARJOT SINGH
[name of applicant]

relating to a premises licence Medway-05-prem-0507
[number of existing licence, if any]

for

Bas bar
14 Cliffe Road
Strood, Rochester
Kent, ME2 3DS

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

HARJOT SINGH
[name of applicant]

concerning the supply of alcohol at

BAS BAR
14 CLIFFE Road
Strood, Rochester
Kent, ME2 3DS
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

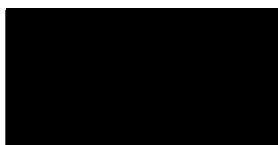
Personal licence number

Medway-17-00882-PERS
[insert personal licence number, if any]

Personal licence issuing authority

Medway Council
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

HARJOT SINGH

Date

05/06/2019

Chief Officer of Police Objection notice in relation to an application for **transfer** of premises licence made under Part 3 **Section 42** Licensing Act 2003 (S42 Licensing Act 2003)

Details of person making representation

Name of Chief Officer of Police	Chief Superintendent McDermott
Postal Address: (Area Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	licensing.north.division@kent.pnn.police.uk
Telephone Number:	01634 792388

Details of premises representation is about

Name of Premises:	Bas Bar
Address of premises:	14 Cliffe Road Rochester Kent ME23DS
Date application received by police	6 th June 2019 Must be received on the same day as the day application given to Licensing Authority.
Date representation given to Licensing Authority	13 th June 2019 Must be within 14 days of receipt. S42(7) Licensing Act 2003

The Chief Officer of Police has received an application for the transfer of a premises licence made under the provisions of Section 42 Licensing Act 2003, and under Section 42(6) of that Act asks the Licensing Authority to consider this objection in respect of the prevention of crime and disorder objective.

Complete the following statement: -

Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the crime prevention objective because

On 5th June 2019 Kent Police submitted an application for review in relation to the premises for which this premises licence transfer applies. Kent police are seeking revocation of the premises licence. The application to review the premises was submitted after 3 persons were found to be working at the premises illegally by immigration officers on Thursday 2nd May 2019. The proposed new premises licence holder, Harjot Singh was responsible for the employment of these illegal workers. Please find the attached documents which provide supporting evidence that this premises licence transfer would undermine the crime prevention objective.

Please use separate sheets where necessary

Signed:

Date: 13/06/2019...

Print name: PC Daniel Hunt

Force Number: 11044.....

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation must be made **within the period of 14 days** beginning with the day on which the Chief Officer of Police is notified of the application under s 42(5) Licensing Act 2003.
Please return this form along with any additional sheets to the Licensing Authority.
This form must be returned within the Statutory Period.

Details of person making objection

Name of Chief Officer of Police	Chief Superintendent McDermott
Postal Address: (Area Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	licensing.north.division@kent.pnn.police.uk
Telephone Number:	01634 792388

Details of premises representation is about

Name of Premises:	Bas Bar
Address of premises:	14 Cliffe Road Rochester Kent ME23DS
Date application received by police	6 th June 2019
Date representation sent to Licensing Authority	13 th June 2019

Must be within 14 days of receipt - S.37(6) Licensing Act 2003

The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 37 Licensing Act 2003. The relevant representations within the meaning of S.37(5) of the Licensing Act satisfy the requirements of S.37 (6) of that Act and are as follows:

Is this a representation regarding the specification of a Premises Supervisor under S37 (5) Licensing Act 2003? **YES**

If yes, complete the following statement: -
Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the crime prevention objective because
On 5th June 2019 Kent Police submitted an application for review in relation to the premises for which this DPS variation applies. Kent police are seeking revocation of the premises licence. The application to review the premises was submitted after 3 persons were found to be working at the premises illegally by immigration officers on Thursday 2nd May 2019. The proposed new DPS, Harjot Singh was responsible for the employment of these illegal workers. Please find the attached documents which provide supporting evidence that this DPS variation would undermine the crime prevention objective.

Please use separate sheets where necessary

Signed:

Date: 13/06/19

Print name: PC Daniel Hunt.....

Force Number: 11044.....

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation must be made **within the period of 14 days** beginning with the day on which the Chief Officer of Police is notified of the application to vary to specify an individual as premises supervisor. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

Supplementary information to support Kent Police objection to the premises licence transfer and designated premises supervisor variation at Bas Bar, Cliffe Road in Rochester.

This premises has been granted a premises licence by Medway Council and is authorised to conduct the following licensable activities:

Live music, recorded music and dancing: Monday - Sunday 11:00 to 00:00 (midnight)
Sale of alcohol: Sunday - Thursday 11:00 to 00:30, Friday - Saturday 11:00 to 01:00
Late night refreshment: Sunday - Thursday 23:00 to 00:00 (midnight), Friday - Saturday 23:00 to 01:00
Films: Sunday - Thursday 11:00 to 00:00 (midnight), Friday - Saturday 11:00 to 01:00
Indoor sporting events: Sunday - Thursday 11:00 to 00:00 (midnight), Friday - Saturday 11:00 to 01:00

The opening hours of the premises as authorised by the licence are:

Sunday - Thursday 11:00 to 00:30
Friday - Saturday 10:00 to 01:30

The premises has two clearly defined areas on its floor plan and operates as both a public house and as a restaurant providing Indian cuisine. The premises licence holder and designated premises supervisor is Sukhbir Singh, positions he has held since December 2017. The business owners are Sukhbir Singh and Harjot Singh.

Bas Bar was visited by Home Office Immigration Officers executing a warrant at approximately 17:30 hours on Thursday 2nd May 2019. Also in attendance was licensing officer PC Hunt from Kent Police. Upon entry, immigration officers took up strategic positions within the premises covering key areas in order to best monitor those inside the premises. Sukhbir Singh was not present at this time, but business partner Harjot Singh was working at the premises. Immigration officers found that three persons were working at the premises illegally. These three workers were detained by immigration officers and were interviewed at scene.

Person one stated that he had worked at the premises for only one day. He stated that he had enquired about obtaining a job at the premises three weeks ago. He stated he was working from 17:00 to 21:00 and that any future employment would depend upon his performance today. He named his employer as Harja and stated he was to be paid £35 plus receive food from the kitchen. He stated that prior to his employment he had shown Harja a photocopy of his passport and photocopy of a settlement visa for which he had paid £20 in London. Person one stated his job was washing up.

Person two stated that he had worked at the premises for one week. He described his job role as a washer. Person two stated that he works four hours a day each Thursday, Friday and Saturday. He named his employer as Harjot. He stated that he is yet to receive any payment but states he has agreed to be paid £5 per hour and receives food and accommodation. Person two stated that he did not show any documents prior to his employment. Person two was happy with his living conditions.

Person three stated that he has worked at the premises for one and half weeks. He described his job role as a chef working from 12:00 to 15:00 five days a week. Person three stated that his employer was called Harj. He stated that he has not shown his employer any documentation prior to working and stated that he told his employer he would bring in his documentation next week. Person three stated that he is paid £450 each week and is paid cash in hand. He confirmed that he does not pay tax and national insurance.

Harjot Singh explained to immigration officers that both he and Sukhbir Singh are jointly responsible for the hiring of staff. As such immigration officers interviewed Harjot Singh at scene. During this time, Sukhbir Singh attended the premises.

In interview Harjot Singh stated that person 1 had worked at the premises for three to four weeks. He stated that prior to his employment person one had supplied a copy of his passport and had advised him that his immigration status is "indefinite leave to remain". Harjot Singh stated that person 1 works as a Tandoori chef and is paid £280 a week cash in hand, working six days a week from 17:00 to 23:00. To date person 1 has received one week pay.

In interview Harjot Singh stated that person 2 has worked at the premises for 2 weeks, working as a Tandoori chef. He stated that person 2 works six days a week from 17:00 to 23:00 and has agreed to pay person 2 £400 a week. Harjot Singh explained that person 2 is yet to receive any wages as to date person 2 has failed to provide any documentation showing an entitlement to work. He stated that person 2 had advised him that his immigration status is "indefinite leave to remain".

In interview Harjot Singh stated that person 3 had worked at the premises for no more than two weeks, working as a chef. He stated that person 3 did not provide any documentation prior to employment. He explained that person three had advised him that his immigration status is "indefinite leave to remain". Harjot Singh admitted that he had conducted no checks to verify the alleged immigration status. He advised that person 3 works six days a week from 17:00 to 23:00 and is due to be paid £400 a week cash in hand. He stated that person 3 is yet to receive any wages as to date person 3 has failed to provide any documentation showing an entitlement to work.

In addition to the immigration issues discovered on 2nd May 2019, Kent Police have concerns regarding the premises failing to adhere to their premises licence conditions. Whilst a full premises licence compliance check was not completed during this visit, a cursory check was conducted. CCTV was found to be recording but the hard drive was only storing data for 8 days. There were no staff training records on site and the premises do not have or use an incident recording book. These amount to a breach of the premises licence which clearly states:

Condition 9

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police on demand. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand. The recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer immediately (licensing.north.division@kent.pnn.police.uk).

Condition 13

All persons that sell or supply alcohol to customers must have licensing training. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation. Training records must be kept on the premises and shall contain the nature, content and frequency of all training. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority on demand either electronically or hard copy.

Condition 18

The premises licence holder or designated premises supervisor must keep an incident register. Staff to be trained to complete an incident book/records immediately after the incident but no later than the end of their shift. The register must be kept on the premises and will detail (a) Day, date and time of incident (b) Nature of incident (c) Resolution. Each entry is to be checked and signed by the

DPS/Licensee no later than 1 week after the entry has been made. The register must be made available to Police, Police Licensing Officers and authorised officers from the Local Authority on demand either electronically or hard copy.

In separate conversations with PC Hunt, both Sukhbir Singh and Harjot Singh explained that they had known the CCTV was not storing the required amount of data for a period of weeks and months and have seemingly taken no action to rectify the issue. It became apparent to PC Hunt that neither Sukhbir Singh or Harjot Singh had much of an understanding of licensing or indeed of the premises licence.

The Licensing Act 2003 is clearly intended to prevent crime and disorder from occurring in relation to licensed premises but also to deter and prevent criminals from operating under the auspices of a Premise Licence granted by the local authority.

Section 11.24 of the Guidance to the Licensing Act states that reviews do not have to be directly linked or connected with the licensable activities at any premise, although in this case the offences are directly linked to the operation of the premises as a restaurant, selling alcohol and providing late night refreshment and the staff actively involved in these activities.

Section 11.27 states that there is certain criminal activity which should be treated particularly seriously, one of these being knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that persons leave to enter. (It is pertinent to note that the inclusion of this in the statutory guidance indicates the offence has now become a particular concern).

Section 11.28 states that where 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.

By paying wages to illegal workers off the record and with no tax or national insurance deductions which are then potentially omitted from an employer's tax report to the HMRC, multiple offences will be committed and become a concern of HMRC.

There are potentially many criminal offences which apply to the employment of illegal workers at this establishment.

It is a legal requirement that employers do not employ illegal workers and do take such measures as are required to prevent it. Employers should demonstrate responsibility and due diligence in determining that the persons they employ are entitled to work. It is clear from the immigration warrant conducted at the premises on Thursday 2nd May 2019 and from the interview of Harjot Singh that the premises have failed to conduct these necessary checks. Kent Police do not feel that this is a case of mistake or lack of knowledge.

Illegal workers are prone to exploitation by employers. Illegal workers are unable to declare themselves to local authorities and are unable to claim any form of benefits or financial support because in doing so they would render themselves liable to detention. It is often the case that they are poorly paid and work long hours, receiving wages below the minimum wage or restricted hours as prescribed in law. They are not afforded the benefit of the protections of United Kingdom employment legislation. In relation to this premises, Harjot Singh has made admissions to allowing persons two and three to work at this premises without seeing documentation and has then withheld paying wages to these persons until such documentation is produced.

The employing of illegal workers also raises concern with regards to the licensing objective of public safety. Licence holders have a clear responsibility to ensure the safety of all persons using their premises. Employing illegal workers raises potential concerns in areas such as competency and training levels, for example with regards to food preparation levels or hygiene which could have a direct effect on those dining at the location. As illegal workers may not have been subjected to the appropriate

immigration checks such persons could pose a risk to the public by means of historical criminal activity which potentially could have been a bar to their lawful entry.