

# LC1

## 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, **PC1572 Grahame Robinson, Police Licensing Officer for Cambridgeshire Constabulary** apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in **Part 1** below:

#### Part 1 – Premises or club premises details

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>  'Bollywood Tiger' 124-126 Main Street Yaxley	
<b>Post town</b> Peterborough	<b>Post code (if known)</b> PE7 3LP

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Thahir Uddin
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<b>Number of premises licence or club premises certificate (if known)</b> HDC/PRE00627
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## Part 2 - Applicant details

Please tick ✓ yes

I am

1. an interested party (please complete (A) or (B) below)
2. a person living in the vicinity of the premises
3. a body representing persons living in the vicinity of the premises
4. a person involved in business in the vicinity of the premises
5. a body representing persons involved in business in the vicinity of the premises
6. a responsible authority (please complete (C) below)
7. a member of the club to which this application relates  
(please complete (A) below)

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

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

**Surname**

**First names**

Please tick ✓ yes

I am 18 years old or over

**Current address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address  
(optional)**

### (B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)
E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  CAMBRIDGESHIRE CONSTABULARY Police Licensing (Northern) Partnership & Operational Support Unit Thorpewood Police Station Peterborough PE3 6SD
Telephone number (if any) 01733 424438
E-mail (optional) licensingnorth@cambs.pnn.police.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"/>            |

<p><b>Please state the ground(s) for review</b> (please read guidance note1)</p> <p>This application to review the premises license for Bollywood Tiger is based on evidence which shows a breaches to the licensing objective of:</p> <ul style="list-style-type: none"> <li>• Crime &amp; Disorder – for knowingly employing persons who are unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person’s leave to enter /remain in the UK.</li> </ul>
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**Please provide as much information as possible to support the application** (please read guidance note 2).

Bollywood Tiger is described as a Cocktail Bar and Indian Restaurant and operates under a full premises license reference HDC/PRE00627 issued by Huntingdon District Council in June 2013. The premises is located on Main Street, Yaxley and the license allows for the sale of alcohol daily from 11:00hrs to 23:00hrs. The premises License holder is Thahir Uddin. The current designated premises supervisor (DPS) is Paramveer Singh who holds

an alcohol personal license reference 066769 issued by Peterborough City Council.

Police Licensing was informed by PS1573 Basford of his concerns involving Bollywood Tiger in relation to anti-social behaviour and crime and the impact it was having on the local community.

Notably, Sgt1573 Basford conducted a visit to Bollywood Tiger on 21 August 2018. He liaised with Mr Uddin to discuss current issues involving the premises. He carried out an inspection of the ladies and gents toilets using 'Narc II' Cocaine ID wipes. These wipes are designed to presumptively identify trace amounts of cocaine Hydrochloride (powder) or Cocaine Base (crack or freebase). Both toilets provided a positive indications. See Annex A for images of cocaine wipes used at Bollywood Tiger on 21<sup>st</sup> August 2018 and his supporting statement.

A further identified issue involved a video posted on a social media site in May 2018 allegedly portraying a person identified as 'Tahir Jaks' snorting an unknown substance off the back of a mobile phone on top of a toilet cistern in the restaurant toilet. Police Licensing have a copy of this video and can produce it to the Licensing Sub-Committee if required. Incidents and crimes were collated from Police systems and a full compliance visit was deemed necessary.

On Friday 14<sup>th</sup> September 2018 at 17:35hrs Cambridgeshire Constabulary Licensing Officers PC1572 Robinson and PC0446 Metcalfe, in the company of Immigration Officers 8082 Wright-Lakin and 6810 Whyman attended Bollywood Tiger. The visit was conducted in accordance with S.179 of the Licensing Act 2003. A full Licensing compliance inspection and immigration check was carried out.

The premises license holder, Uddin, was formally identified at the restaurant and the reason for the visit explained by PC Robinson. The DPS was not present. PC Metcalfe and Immigration Officers observed other males in the premises and immediately intervened to identify them.

It was established that 4 Bangladeshi males were present working within the premises namely [REDACTED] & [REDACTED] who are illegal over stayers with no permission to work; [REDACTED] an illegal over stayer and failed asylum seeker with no permission to work; and [REDACTED] a failed asylum seeker with no permission to work. At 1819hrs IO 8082 arrested nominal [REDACTED] and [REDACTED] under Schedule 2, Para 17(1) of the Immigration Act 1971 as amended, as persons liable to be detained. [REDACTED] and [REDACTED] were asked to stop working and leave the premises. See Annex B - Evidential Statement of IO8082 Wright-Lakin for further details. See Annex C - Evidential Statement of PC0446 Metcalfe is a supporting statement.

Immigration Enforcement have notified Cambridgeshire Police Licensing Officers that this is the second incident involving this premises whereby illegal immigrants have been found working under Uddin's management. A visit was

conducted in March 2014 where 3 immigration offenders were identified at the scene. A substantial civil penalty was issued and settled following appeal. UKBA document TS30CZU1021 refers.

PC Robinson carried out a full compliance inspection with Mr Uddin, whilst customers were arriving for a large birthday party. It was established that CCTV at the premises, a condition within the operating schedule -

*“Annex 2 – Conditions Consistent with the operating schedule*

- 1. CCTV installed at the premises shall be maintained and operational at all times the premises is open to the public”.*

- was switched off and not working. When it was switched on it was found to be of poor quality, with a number of cameras not working and it could not be established if the system could download historic images. I formed the impression the CCTV had not been used in a while and was not suitable.

It is the contention of Cambridgeshire Constabulary that no right to work checks are being or have been carried out at this premises, a lack of management control has been demonstrated, and evidence of drug abuse is apparent. The Prevention of Crime objective detailed within Licensing Act 2003 and S.182 Guidance to the Licensing Act 2003 has been ignored.

This review is respectfully submitted as relevant to the Licensing objective namely the prevention of crime and disorder.

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 a premises under the auspices of a Premise License granted by the local authority.

Home Office guidance issued under S.182 to the Licensing Act 2003 (Apr 2018) Part 11.27 states –

*“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously” –*

Such activity includes -

*“. . . knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person’s leave to enter”.*

Para 11.28 –

*“Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the license – even in the first instance is seriously considered”.*

Following a recent review on priorities, Cambridgeshire Constabulary Force priorities now include Modern Slavery.

*Detective Superintendent Matt Newman - "Common Strands seen in the county include **labour exploitation...**" – Assistant Chief Constable Dan Vajzovic – "This review has enabled us to maintain our focus on the areas where we need to attack criminality most and **protect vulnerable people**".*

The employment of illegal workers in the UK contravenes this priority in that unscrupulous persons may bring illegal workers, who have no employment rights and are often paid below minimum wage rates, into the UK to profiteer.

Illegal working has harmful social and economic effects within the UK. It undercuts British businesses and their workers that stay within the law and exploits migrant workers. As long as there are opportunities for illegal working, the UK will remain an attractive place for illegal immigrants. Partners are working very hard to impact and disrupt employers breaking the law by taking tough action against those who do so.

There is evidence that illegal workers are exploited by organized crime groups (OCG), paid less than the minimum wage, do not pay tax, and may be doing work that breaches health and safety regulations. Employers who use illegal workers may do so to exploit a vulnerable person, may be connected with human trafficking and avoid providing national minimum standards such as the minimum wage or paid holiday. This is extremely harmful to the exploited workers and enable dishonest employers to gain an unfair advantage over competitors who operate within the law of the United Kingdom.

There can be no doubt that the premises licence granted by the authority, offers the provision of licensable activities to be conducted at this venue and that employing illegal workers to facilitate this activity is to the employers financial benefit and to the detriment of law abiding competitors.

It is also obvious that illegal workers are prone to exploitation by their employers. Illegal workers are unable to declare themselves to the authorities to claim any sort of financial support or benefits. This would render them liable to detention, and consequently they are more than likely poorly paid for the hours they are required to work, and are not subject to the benefit of a minimum wage or restricted hours as prescribed in law.

In most cases they are not provided with anything other than the most basic of living accommodation nor are they afforded the benefit of the protections offered by UK employment legislation.

Illegal workers are by nature transient and do not tend to remain in any location for any length of time in order to reduce their chances of detection. They do not put their name to any official documents and do not rent, lease or purchase property. They have no recourse to public funds and live beneath the radar to avoid detection by the Agencies.

In order to do this, there has to be a support network in place or they would all be encountered living in the streets and detected in that manner. The support network is provided in the main but not exclusively by Organised Crime Groups.

Cambridgeshire Police commonly see illegal workers harboured and sheltered either in rudimentary accommodation on site or in property nearby, owned or operated by the Licence Holder or their associates.

Employment at licensed premises can represent the terminal point of organised human trafficking in some instances and in the exploitation of these workers. In other cases, it is the means of resort for persons whose legitimate right to remain in the UK has expired.

At the very least, the employers should demonstrate responsibility and due diligence in determining that persons they employ are entitled to work under the auspices of a licence granted by the Licensing Authority.

Allowing this premise to continue to operate with the benefits of a premises licence will merely serve to perpetuate the criminal activity and human exploitation already apparent from the findings of this Immigration and Police visit, thereby undermining the licensing objective for the prevention of crime and disorder.

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**Suggested Recommendation:**

Cambridgeshire Constabulary are seeking the revocation of the premises licence HDC/PRE00627 for 'Bollywood Tiger', 124-126 Main Street, Yaxley, PE7 3LP.

**Please tick ✓ yes**

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

**Please tick yes**

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

If yes please state the date of that application

Day      Month      Year

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

N/A

**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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature:  .....

Date: 14<sup>th</sup> October 2018.....

Capacity: Police Licensing Officer, Northern District, Cambridgeshire Constabulary.

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.