

**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 PC 446 Clare METCALFE

(Acting on Behalf of the Chief Officer of Cambridgeshire Police – Nick Dean)

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

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

Nawab Lounge, Indian Restaurant and Bar.
3 South Street,

Post town St. Neots

Post code PE19 2BW

Name of premises licence holder or club holding club premises certificate (if known) Mr Brian ANDERSON and Mr Sidney CHAPMAN

Number of premises licence or club premises certificate
HDC/PRE00269

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

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

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

Please tick ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

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

Name and address Acting on Behalf of the Chief Officer of Cambridgeshire Police PC 446 Clare Metcalfe Cambridgeshire Licensing Officer, Cambridgeshire Constabulary. Parkside Police Station. Cambridge. Cambridgeshire. CB1 1JG.
Telephone number (if any) 01223 823316
E-mail address (optional) licensingouth@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 | x |
| 2) public safety | |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | |

Please state the ground(s) for review (please read guidance note 1)

Cambridgeshire Constabulary request a review of the Premises Licence for the Nawab Lounge, Indian Restaurant and Bar under the licensing objective:
The Prevention of Crime and Disorder – Employ a person with cause to believe they were disqualified from employment by reason of immigration status.

Please provide as much information as possible to support the application (please read guidance note 2)

The Nawab Lounge is located at 3 South Street, St. Neots, Cambridgeshire. The Premises Licence number for that address is HDC/PRE00269 (See *Appendix A*), issued by Huntingdonshire District Council (HDC) on 07/02/2012 in accordance with the Licensing Act 2003. However, I understand from liaising with HDC that the Premises Licence is still officially recorded as being Kings Head Hotel, which is the previous name of the premises. The Premises Licence Holders are still recorded as being Mr Sidney CHAPMAN and Mr Brian ANDERSON, who were the Premises Licence Holders when it was a hotel, and the Designated Premises Supervisor (DPS) is recorded as Mr Brian ANDERSON, personal licence number PER01349 issued by HDC. Therefore, clarification on the current Premises Licence Holder and DPS is required.

The Nawab Lounge opened at 3 South Street premises, following a previous premises of the same name closing at 6 New Street, St. Neots.

Premises Licence HDC/PRE00269 was issued in accordance with the Licensing Act 2003 to allow the on sale of alcohol between the hours:

Sunday 10:00 – 22:30hrs
Monday – Wednesday 10:00 - 23:00hrs
Thursday 10:00 – 23:00hrs
Friday – Saturday 10:00 – 00:00hrs

Their permitted opening hours are:

Sunday 10:00 – 22:30hrs
Monday – Thursday 23:30hrs
Friday – Saturday 10:00 – 00:30hrs

However, their advertised opening hours on their website states that they are open until 23:00hrs, 7 days a week, which on a Sunday exceeds their permitted opening hours by 30 minutes.

Immigration Warrant

On Saturday 8th September 2018, at 18:40hrs a search warrant, (*See Appendix. B*) issued under Section 17(2) of the immigration Act 1971 was conducted by a team from Immigration Enforcement.

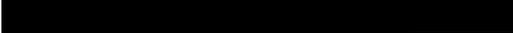
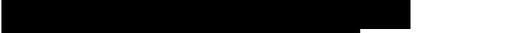
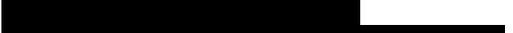
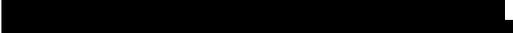
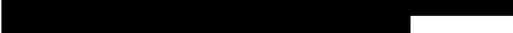
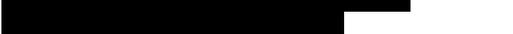
As a result of the warrant there were seven persons found on the premises who had 'no right to work' in the UK. All seven were arrested, but two of the seven were released on bail whilst at the restaurant after they claimed asylum.

Of these seven, four were dressed as waiters (black ties, waistcoats, trousers and shoes, with white shirts); two were found hiding under an upturned table in a cupboard, another was arrested halfway out of a window, whilst the last hid in an upstairs customer toilet. Another person was wearing a chef's apron and tried to escape through the kitchen exit into the courtyard. Of the remaining two, one was found hiding under a bed, and admitted to be cleaning dishes and preparing takeaways and the other was found hiding under a bed in the staff accommodation above the restaurant. A person was observed on the roof of the

premises. The roof can be accessed by the platform at the rear of the staff accommodation. There is some uncertainty that this male was not accounted for amongst the seven arrested.

Shortly after the warrant was executed, IO 14549 SLEIGHT spoke with Mr. Mohamed Ruhel AMIN, who introduced themselves as the director of Mill Choice Ltd. IO SLEIGHT explained that a person had been seen on the roof of the premises and that there was concern for that male's safety. Mr AMIN was asked how many staff were missing, he insisted that all staff were accounted for. This was subsequently found to be incorrect, as this was prior to four more arrests being made, once their hiding places were discovered.

A Referral notice (reference tasking number TS31 HJS1038) for an Illegal Working Civil Penalty (See Appendix C) was issued to Mr AMIN by the Immigration Team, following the arrests of the following persons:

1. 
2. 
3. 
4. 
5. 
6. 
7. 

This Civil Penalty has referred to the Civil Penalties Team, at Immigration Enforcement and as of 04/12/2018 remains an ongoing investigation.

See Appendix D for Immigration Enforcement officer's encounters/statements.

This review is respectively being submitted as it is the view of Cambridgeshire Police that no 'Right to Work' checks had been carried out at this premises, resulting in a number of persons who cannot lawfully be employed, working at the premises, thus meaning the Prevention of Crime and Disorder Objective of the Licensing Act 2003 has been seriously undermined.

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

Home Office guidance issued under Section 182 to the Licensing Act 2003 states:

Paragraph 11.26 states that it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Paragraph 11.27 "states that there is certain criminal activity that may arise in connection with licensed premises which should be treaded particularly seriously" –

Such activities 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".

Section 11.28 states that "Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered".

An annual review of force priorities included Modern Day slavery as one of Cambridgeshire Constabularies force priorities in 2017/2018.

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 on 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 Licenced 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 premises 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 Enforcement warrant, thereby undermining the licensing objective for the prevention of crime and disorder.

It is important that we as a responsible authority do all we can to safe guard the vulnerable and protect them harm and exploitation. (*Appendix E – Cambridgeshire Constabulary Force Priorities*).

Police Recommendations

Cambridgeshire Constabulary are seeking the revocation of the premises license HDC/PRE00269, 3 South Street, St. Neots, Cambridgeshire, PB19 2BW.

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

Appendices

Appendix A: 3 South Street, St. Neots - Premises Licence number HDC/PRE00269.

Appendix B: Immigration Enforcement Search Warrant

Appendix C: Referral notice (TS31 HJS1038) for an Illegal Working Civil Penalty.

Appendix D: Immigration Enforcement officer's encounters/statements.

Appendix E: Cambridgeshire Constabulary Force Priorities.

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick one or more boxes

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

✓
x

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

N/A

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 **X**
- I understand that if I do not comply with the above requirements my application will be rejected **X**

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 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



Date 05/12/2018

Capacity Licensing Officer, Cambridgeshire Constabulary

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

PC 446 Clare Metcalfe
Cambridgeshire Licensing Officer
Cambridgeshire Constabulary
Parkside Police Station

Post town
Cambridge

Post Code
CB1 1JG

Telephone number (if any) 01223 823316

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensingsouth@cambs.pnn.police.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.

**DATA PROTECTION ACT 1998 – PRIVACY DISCLAIMER – FAIR PROCESSING-
How we use your information**

Huntingdonshire District Council is registered under the Data Protection Act 1998. This allows it to process personal data in performing its lawful business. Information held by the Council, including personal data you provide now or in the future, will be processed in compliance with data protection principles. Your personal data may be used to manage, monitor, improve and promote the Council's services. Where delivery of services or actions is in partnership with others, or dependent on the actions of others, it may also be shared with other persons or bodies in accordance with, and restricted to the terms of information sharing agreements and protocols. To protect public funds it may also be shared with other persons or bodies to prevent and detect fraud.

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