

**Woking Borough Council**  
Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Premises licence number

21/00215/PREMIS

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description, (including Post Town and Post Code)**

**Panda Restaurant**

33 Chertsey Road, Woking, Surrey, GU21 5AJ,

**Telephone number**

07895868888

**The date the licence takes effect**

15 December 2021

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

Sale of alcohol	Week Days	12:00 - 22:30
Sale of alcohol	Weekends	12:00 - 22:30
Recorded music	Week Days	12:00 - 23:00
Recorded music	Weekends	12:00 - 23:00

**The opening hours of the premises**

Opening hours	Week Days	12:00 - 23:00
Opening hours	Weekends	12:00 - 23:00

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

On and off the premises

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence****Q&J Hospitality Ltd**

33 Chertsey Road, Woking, Surrey, GU21 5AJ,

E-mail connie@we-daigou.comMobile phone number 07828459567**Registered number of holder, for example company number, charity number (where applicable)**Registered business number 13723773**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol****Mr Rongsen Yang**Mobile phone number [REDACTED]**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**Personal Licence [REDACTED]Licensing Authority Guildford Borough Council

15 December 2021

**Date Licence Issued****Senior Licensing Officer**

**Annex 1 – Mandatory conditions**

- 1) No supply of alcohol may be made under the premises licence
  - (1) At a time when there is no Designated Premises Supervisor in respect of the premises licence, or
  - (2) At a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- 3) (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.

  - (1) 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);
  - (2) 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 significant risk of undermining a licensing objective.
  - (3) 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 significant risk of undermining a licensing objective.
  - (4) 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.
  - (5) 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).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it reasonably available.
- 5) (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 licences 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.
- 6) The responsible person shall ensure that–
  - (1) 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–
    - a. beer or cider: 1/2 pint;
    - b. gin, rum, vodka or whisky: 25 ml or 35 ml; and

- c. still wine in a glass: 125 ml; and
- (2) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (3) 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.
- 7) (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) For the purpose of the condition set out in paragraph 1:-
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "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;
- (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 given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) 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.
- (b) 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.

***General – all four licensing objectives***

- The licensee will ensure that all time when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime & disorder, the licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and under age persons, records will be kept of training and refresher training.

***The prevention of crime and disorder***

- Any incident of a criminal nature that may occur on the premises will be reported to the police.
- The licensee will install CCTV coverage at the premises and it is operated and maintained at the premises

***Public safety***

- Appropriate fire safety procedures are in place including fire extinguishers (foam, H<sub>2</sub>O and CO<sub>2</sub>), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting
- All emergency exits shall be kept free from obstruction at all time.

***The prevention of public nuisance***

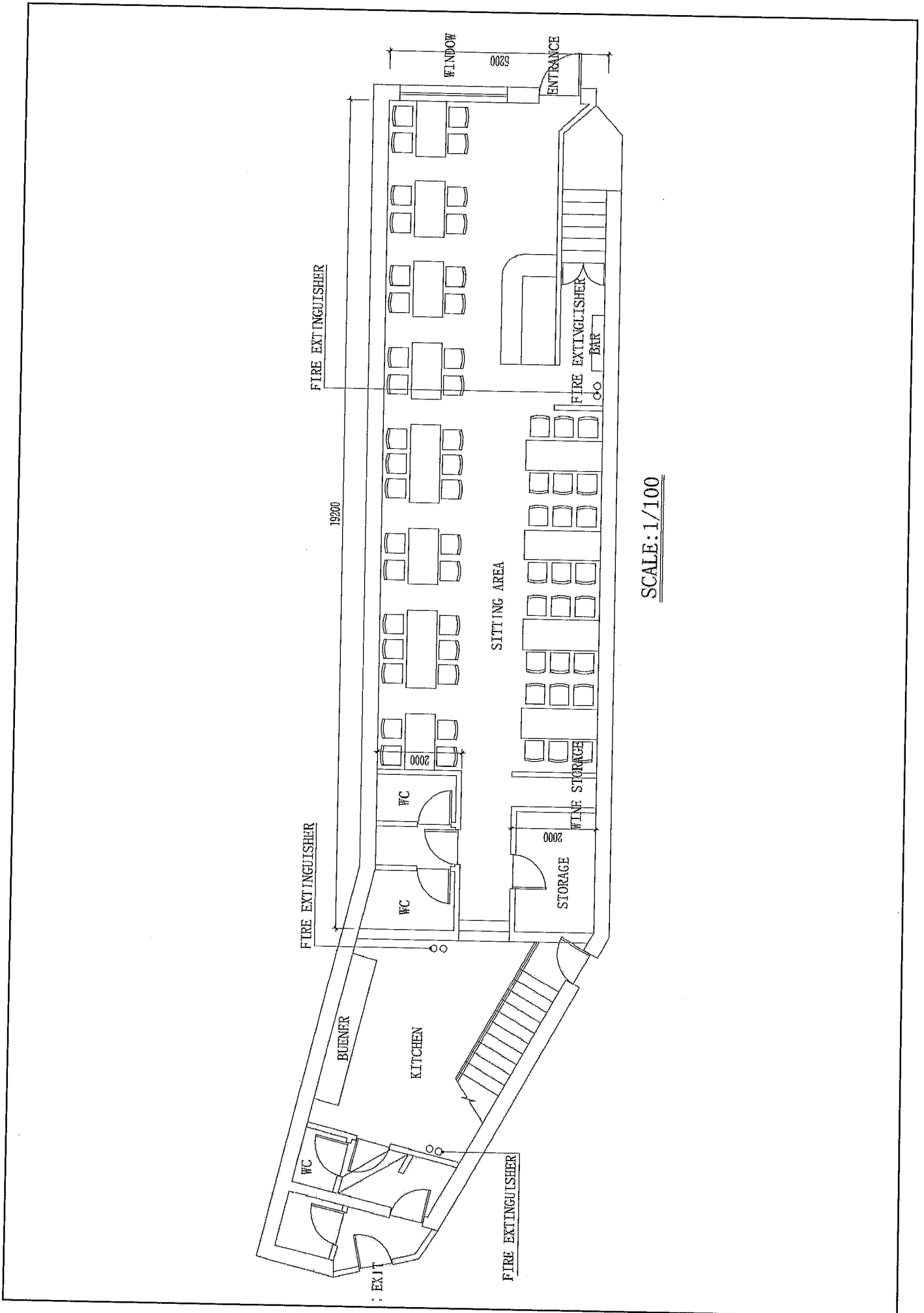
- All customers will be asked to leave quietly, Clear and legible notice will be prominently displayed to remind customers to leave and have regard to our neighbours.

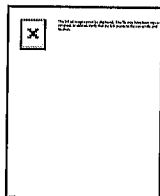
***The protection of children from harm***

- The licensee and staff will ask person who appear to be under the age of 23 for photographic ID such as proof of age card, driving licence or passport, an official identity card issued by HM Forces or by an EU country. Bearing the photograph and date of birth or bearer.
- All staff will be trained for UNDERAGE SALES PREVENTION regularly
- A register of refused sales shall be kept and maintained on the premises

**Annex 3 – Conditions attached after a hearing by the licensing authority**

Not applicable





**Woking Borough Council**  
Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

Premises licence number

21/00215/PREMIS

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description, (including Post Town and Post Code)**

**Panda Restaurant**

33 Chertsey Road, Woking, Surrey, GU21 5AJ,

<b>Telephone number</b>	07895868888
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**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On and off the premises

**Name, (registered) address of holder of premises licence**

**Q&J Hospitality Ltd**

33 Chertsey Road, Woking, Surrey, GU21 5AJ,

**Registered number of holder, for example company number, charity number (where applicable)**

Registered business number 13723773

PREMIS



**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Rongsen Yang

**State whether access to the premises by children is restricted or prohibited**

Not Applicable

15 December 2021

**Date Licence Issued**



**Senior Licensing Officer**

## 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 Caroline LAIRD

*(Insert name of applicant)*

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 (delete as applicable)

### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Panda Chinese Restaurant 33 Chertsey Road	
<b>Post town</b>	<b>Post code (if known)</b>
WOKING	GU21 5AJ
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>	
Q&J Hospitality Ltd 33 Chertsey Road, Woking, Surrey, GU21 5AJ,	
<b>Number of premises licence or club premises certificate (if known)</b>	
21/00215/PREMIS	

## 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)

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**

Name and address  Immigration Enforcement Officer Caroline LAIRD 581 Staines Road Hounslow Middlesex TW4 5DL
Telephone number (if any)
E-mail address (optional) caroline.laird@homeoffice.gov.uk

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

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 2)**

One of the licensing objectives which underpins the Licensing Act 2003 is the prevention of crime and disorder and all operators are expected to take steps to promote the licensing objectives.

Home Office (Immigration Enforcement) believe Q&J Hospitality LTD is not preventing crime and disorder and therefore should no longer be allowed to hold a premises licence.

Q&J Hospitality LTD (Rongsen YANG) is using his restaurant businesses to employ illegal workers which is strictly prohibited under the Licensing Act 2003 and Immigration Act 1971(aa).

Employing illegal workers in the UK has the following impact on the community and society as a whole:-

1. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
2. It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
3. It encourages other overstayers / illegals to seek similar work.
4. It allows a business to unfairly undercut other businesses by employing cheap labour.
5. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

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

**3) Use additional sheets if necessary**


On Friday 14/04/2023 South Central ICE carried out an illegal working visit to Panda Restaurant, 33 Chertsey Road, Woking, GU21 5AJ along with 2x Police Officers from Surrey Modern Slavery & Organised Immigration Crime Unit

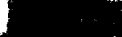
The team entered the restaurant at 18:22 entry was gained using 179 of the Licencing Act 2003. The officer in charge informed the manager who we were and why we were there.

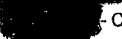
The team made their way through the restaurant. Asking all the staff to take a seat in the main restaurant. Making sure the area was sterile.

9 members of staff on shift that night, all had a immigration check run and a encounter completed. During this time staff acted professionally aware that there were customers present in the restaurant. Once the checks had been completed and staff cleared, they were advised they can resume their duties to reduce the impact on the business.

Home Office checks identified 3 people who had no right to be working -

 - Chinese National, Male - Illegal entrant (YJY)

 - Chinese National, Male - Illegal entrant (CZ)

 - Chinese National, Male - Outstanding application but no right to work. (HC)

Illegal working employee Q&A's carried out by the arresting officers. I.O Sindra carried out Illegal working employer Q&A

The manager Rongsen YANG was served with a Civil Penalty Referral Notice and explained that due to the offence of employing illegal workers he may be issued a fine, this is currently under consideration by the Civil Penalties Team.

Once all officers had finished their questioning, 2 of the males were conveyed to an Immigration Detention Centre.

We left the restaurant at 22:17.

YANG is showing disregard to the conditions of his Licence and has breached this by employing people with no right to be working in the UK.

Revised Home Office guidance issued under section 182 of the Licensing Act 2003 – December 2022 states:

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for employing a person who is disqualified from that work by reason of their immigration status in the UK;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

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

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

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

**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      C.V.LAIRD  
.....

Date              07.06.2023  
.....

Capacity      Immigration Enforcement Officer  
.....

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

## **Guidance notes for applying for a review of a premises licence Licensing Act 2003**

### **Licensing - review of premises licences**

Under the Licensing Act 2003 the local authority now takes full responsibility of all licensing matters, which previously were dealt with by the magistrate's court. All pubs, nightclubs, off-licences and late night takeaways must have a licence from the council in order to trade.

### **What is a review?**

The new licensing law came into effect in November 2005 and means that people living close to, and feel they are being affected by, a licensed premises can now ask the council to review the premises licence. People are firstly advised to try and reach an agreement with the premises itself, or by contacting the Police or the council's environmental protection team for noise issues.

If these measures fail, you can apply to the council to review the licence of the premises. The ground for a review must relate to one of the licensing objectives, which are:

- Prevention of crime and disorder
- Promotion of public safety
- Prevention of public nuisance
- Protection of children from harm.

The Licensing Authority can reject any ground for review if it considers it to be 'frivolous', 'vexatious' or 'repetitious' (i.e. the council might find the representations were vexatious if they arise because of disputes between rival businesses or frivolous if they clearly lacked seriousness. Repetitious would mean a representation identical or similar to an earlier application).

To apply for a review you must:

- Complete the application form
- Make a note of the name and address of the premises, and describe specific incidents such as dates and times, and how long the disturbance lasted on the incident report form

When applying for a review it is important to remember that a copy of your application will be made available to the public and you should be willing to present your views to the council's licensing sub committee. You cannot apply for a review anonymously.

### **Applying for a review**

On the same day that you send your review application to the council, you must also send copies to:

- The holder of the premises licence; and
- Each responsible authority



The contact details for the relevant responsible authorities are shown below. (If the premises licence is in respect of a vessel there are additional responsible authorities, details of which are available from the council's licensing section). The council will check to confirm that you have done this.

**Environmental health service: health and safety**

Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

**Environmental health service: pollution**

Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

**Planning service**

Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL

**Surrey children's services**

Surrey County Council, Quadrant Court, 35 Guildford Road, Woking, GU22 7QQ

**Child employment team**

Surrey County Council, Quadrant Court, 35 Guildford Road, Woking, GU22 7QQ

**Surrey Fire and Rescue Service**

Headquarters, Croydon Road, Reigate, Surrey, RH2 0EJ

**Surrey Police**

Woking Police Station, Station Approach, Woking, Surrey, GU22 7SY

**Surrey Trading Standards**

Buckinghamshire and Surrey Trading Standards, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey RH2 8EF

**Public Health NHS Surrey**

Lesley Hackney, Public Health Business Manager, Room G55 County Hall, Penrhyn Road, Kingston Upon Thames, KT1 2DN

**Advertising a review**

When the council receives a request to review a premises licence, it has to advertise the application on or near the premises concerned and at the council offices. The advertising has to take place for 28 days and will contain details of the grounds for review. The name and address of the person who has applied for the review will be included in this information.

**Hearing a review**

The council has 28 days, following the end of the advertising period, to hold a hearing to consider the review application. Everyone who has made representations, including the premises licence holder, will be invited to attend the hearing which will be open to the public. All papers relevant to the hearing will also be publicly available. This will include details of the person(s) who applied for the review.

The licence holder will be able to respond to the request for the review and is likely to be legally represented at the hearing. Both parties can call witnesses.

The review panel will want to find out all the facts about the problems being experienced as a result of the operation of the premises and will ask questions of yourself, your witnesses and of the licence holder and their witnesses.

If the review panel, having heard all the facts, considers it necessary for the promotion of the licensing objectives, it can modify the licence conditions, exclude activities from the licence or suspend the licence.



Home Office

## Premises Licence Review

Panda Chinese Restaurant  
33 Chertsey Road  
Woking  
Surrey  
GU21 5AJ

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## Case Summary

On Friday 14 April 2023, the South-Central ICE team carried out an illegal working visit to Panda Chinese Restaurant, 33 Chertsey Road, Woking, Surrey, GU21 5AJ as intelligence had been received stating that there were people employed with no right to work in the UK.

This visit was conducted with 2 police officers from the Surrey Modern Slavery & Organised Immigration Crime Unit. The team entered the restaurant at 18:22, entry was gained using Section 179 of the Licencing Act 2003.

9 members of staff were on shift, all had immigration checks conducted to determine their status in the UK. 3 workers were found to have no right to work in the UK.

ICE and police officers left the restaurant at 22:17, on good terms with the staff.

A referral has been made to the Civil Penalty Compliance Team which is awaiting an outcome.

## Licensed Premises History

The premises licence number is 21/00215/PREMIS and is held by Q&J Hospitality Limited of 33 Chertsey Road, Woking, Surrey, GU21 5AJ.

The registered business number is 13723773. My [REDACTED] is listed as the director, appointed on 04 November 2021.

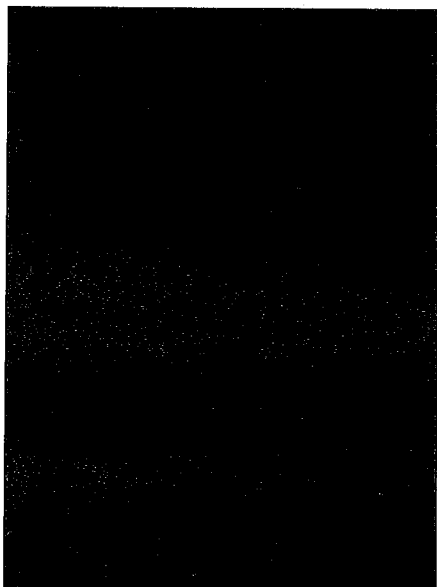
The designated premises supervisor is Mr [REDACTED] of [REDACTED]. The personal licence was issued by Guildford Borough Council.

## Enforcement Visit dated: 14 April 2023

Entry was gained the premises at 18:22 under Section 179 of the Licencing Act 2003. Upon entry to the premises the following illegal workers were encountered:

██████████  
Chinese male – Home office checks conducted show that █████ is an illegal entrant, he was located in the kitchen of the restaurant.

████ was wearing a uniform when he was encountered – a chef's jacket with the company logo on it. █████ denied working, "I am not working here. The boss gives me accommodation and food".



Photograph of █████ in his branded uniform

Officers asked why he was wearing uniform if he is not working, he said that the boss had asked him to put it on, but he was unsure why. He went on to say that he arrived that day and was helping out.

He was asked why he was in the kitchen area he said he had come down for food and the boss asked him to wear the uniform.

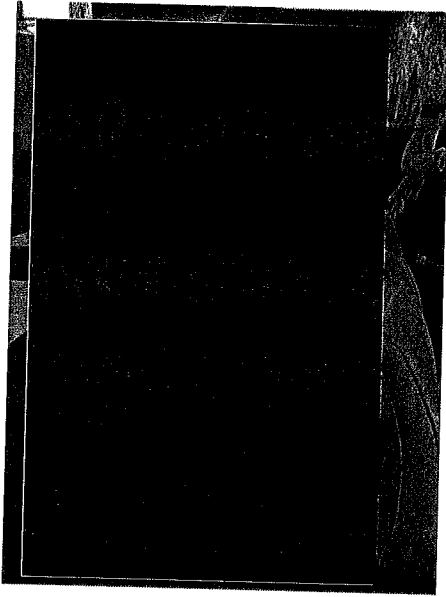
████ admitted to the interviewing officer that he had paid to re-enter the UK in 2013/2014 after he was removed.

When asked about his role and duties, he stated that he just helps out and the boss gives him food. He also said that he only started working there on the date of the visit. Throughout the interview, █████ referred to his employer as "boss". As an illegal entrant, █████ has never had the right to work in the UK.

██████████

Chinese male – Home office checks conducted show that ██████ is an illegal entrant, he has previously had a visa refused. He gained entry the UK after he failed to disclose that his visa was no longer valid, he entered the UK by means of verbal deception. He claimed to have entered the UK on 12 October 2022.

He was located in the kitchen area of the restaurant. ██████ admitted that he is employed at the restaurant as a general worker and does all of the cleaning jobs such as washing dishes etc. ██████ confirmed that he has worked there for over 3 months, working 4 days a week, from 1400 to 2200 hours.



Photograph of ██████ in his uniform

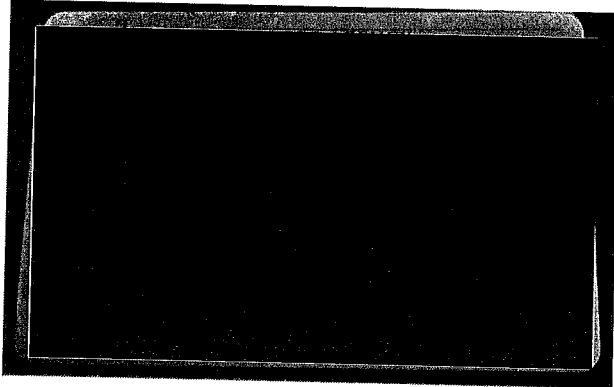
██████████ stated he gets paid cash in hand - £550 per week, and the boss Mr ██████ is responsible for this.

██████████ also stated that he was not asked to provide any documentation before he started his employment. He told the boss he could work, and the boss did not ask for any further proof. ██████ is an illegal entrant and has never had the right to work in the UK.



██████████  
Chinese male – Upon Immigrations arrival ██████████ attempted to evade officers and flee the property from the kitchen.

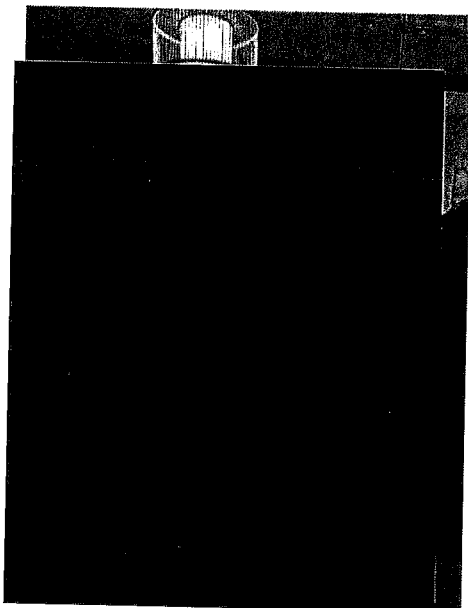
██████████ was apprehended and Home Office checks show that he has an outstanding claim. CHEN was provided with an Application Registration Card (ARC) which he showed to the interviewing officer. This ARC card clearly states that he is not permitted to work.



Application Registration Card clearly showing that ██████████ is forbidden from taking employment

██████████ was asked about working at the premises, ██████████ stated he was just visiting his friend and it was so busy that he decided he would help a bit. He said this was the first time it had happened.

He was asked why he attempted to flee if he was only visiting to which he answered, 'I wasn't trying to flee I was looking for the manager'. ██████████ was wearing the uniform and encountered in the kitchen, when questioned about this he replied 'Because its messy'. He also said that ██████████ (identified as the manager) is the one who gave him the uniform.



Photograph of ██████████ wearing his uniform

## Employer

██████████ was interviewed on the night. ██████ stated that he is the owner of the business.

█████ was asked about the recruitment process for the restaurant, he replied:

We advertise jobs online. They come to the restaurant asking for a job. We normally ask them to complete one week trial. We ask them for documents to prove their right to work in the UK. Which is asked after their trial.

It is considered that the employer is clearly aware that right to work checks need to be conducted. However, the employer has failed to follow the rules in this case.

█████ has stated that he will check documents upon the candidate completing a trial. This in itself is problematic as right to work checks should be carried out on all prospective employees prior to their first day, the checks are also irrespective of the length of the engagement or employment contract. Guidance is available online and the Home Office have published "Right to work checks: an employer's guide" which can be found on the .Gov website.

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 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. The information is readily available; however, the license holder has deliberately overlooked the rules and laws in place to prevent crime and disorder.

## 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 three illegal workers encountered at the premises.

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. In this case, the employees all had entered the UK in circumstances which never gave them the right to work. The license holder, Mr [REDACTED] has deliberately overlooked the rules and laws in place to prevent crime and disorder.

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 an illegal worker and 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

Panda Chinese Restaurant under the control of [REDACTED] has been found employing illegal workers. This business has clearly failed to meet the prevention of crime and disorder objective. The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or their vocation/suspension of their premises licence.

Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document checks, i.e. that they were duped by fake or forged documents.

The Immigration Act 2016 came into force in July 2016 and its explanatory notes state that "these offences were broadened to capture, in particular, employers who deliberately did not undertake right to work checks in order that they could not have the specific intent required to 'knowingly' employ an illegal worker".

Since 2016 an employer may be prosecuted not only if they knew their employee was disqualified from working but also if they had reasonable cause to believe that an employee did not have the right to work: what might be described as wilful ignorance where either no documents are requested, or none are presented despite a request. This means an offence is committed when an employer 'ought to have known' the person did not have the right to work.

Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant employer, an illegal worker cannot

work. Such an employer facilitates a criminal offence and Home Office (Immigration Enforcement) highlights this as relevant irrespective of whether a civil penalty is imposed, or a prosecution launched for employing an illegal worker.

Immigration Enforcement has submitted that the license holder chose to accept the assurances of the employees on face value, rather than complete the necessary right to work checks that is incumbent of all employers. Conducting these checks is a simple task and should be part of their business-as-usual practices. Guidance is available online and the Home Office have published "Right to work checks: an employer's guide" which can be found on the .Gov website. Additional information on how to conduct these checks is readily available online, this includes the Home Office's official YouTube page which gives a step by step video on how to conduct the checks. The information is readily available; however, the license holder has deliberately overlooked the rules and laws in place to prevent crime and disorder.

The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.

A firm response to this criminal behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and (unlawfully) inflate their profits to the expense of others.

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 criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally. Immigration Enforcement asks that the premises licence is revoked.

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: Officer Records

Encounter\_ [REDACTED] -Complete  
Freetext\_Admission\_of\_illegal\_entry\_ [REDACTED] -Completed  
Freetext\_More\_evidence\_so\_change\_in\_offence\_ [REDACTED] -Completed  
Illegal\_Working-Employee\_ [REDACTED]  
Illegal\_Working-Employee\_ [REDACTED]  
Illegal\_Working-Employee\_ [REDACTED]  
Illegal\_Working-Employer\_ [REDACTED]  
Illegal\_Working-Employer\_ [REDACTED]

## OFFICIAL SENSITIVE

Encounter	
<b>Details</b>	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Time	18:33
Created at geolocation	Easting 500733
	Northing 158859
Creation date	14-04-2023 18:33:19
<b>Chosen Identity</b>	
Identity source/type	Declared
Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	CHN China
<b>Languages</b>	
Languages spoken	Chinese
Interpreter used?	Yes
Interpreter details	[REDACTED]
Does the individual understand the interpreter?	Yes
<b>Encounter</b>	
Encountering officer	[REDACTED]
Is this encounter related to a Small Boats event?	No
Is this person the subject of the visit?	No
Do you suspect an immigration offence?	Yes
Why do you suspect the person of an immigration offence?	Attempted to flee the premise
Declared immigration status	Failed [REDACTED] seeker
How and when did the subject last enter the UK?	June 2005

OFFICIAL SENSITIVE

Do you know the subject's CID Person ID?	Yes
CID Person ID	[REDACTED]
Are there any vulnerabilities/trafficking/safeguarding issues?	No
Is the subject considered a 'rough sleeper'?	No
Where in the premises was the subject located?	Attempting to flee from the kitchen
Are you taking enforcement action?	Yes
References (Person ID, HO Ref, Port Ref, BRP)	[REDACTED]
Biographic search results	<b>Systems checked</b> CID, Person Check, Atlas, CRS, PNC <b>Result of checks</b> <b>Status returned by system checks</b>




**Identity Documentation**

Document 1

Document type Other

If other, details Arc

Name in document (if different from above)

Document reference 

Document expiry date

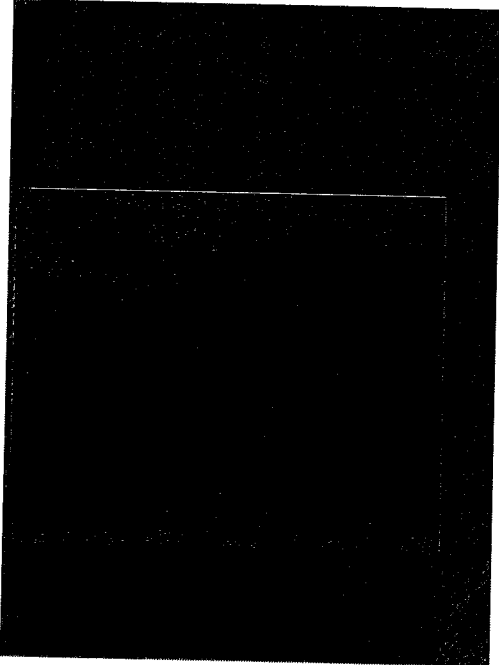
Country of issue United Kingdom

(if different from nationality above)

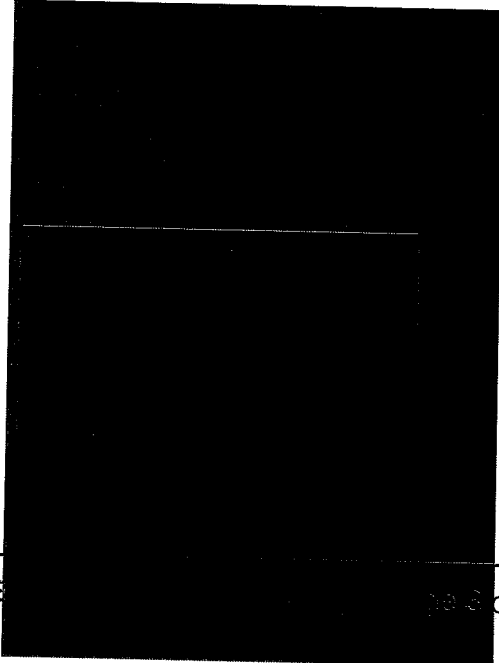
Suspected fraudulent No

Notes

Photos



1



**Notes**

No notes entered.

OFFICIAL SENSITIVE

**Illegal Working - Employee**

**Details**

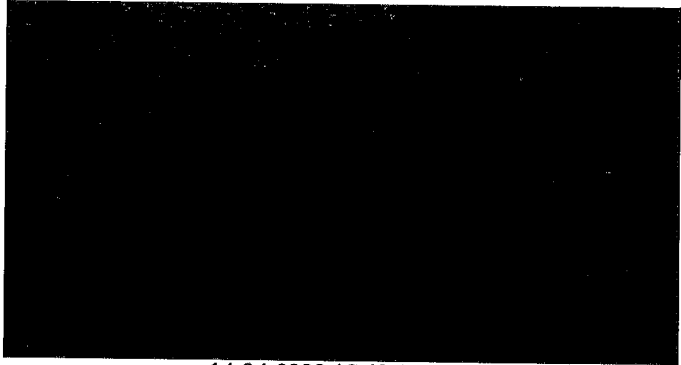
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED]				
Subject CID Person ID	[REDACTED]				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	CHN China				
Subject gender	Male				
Time	19:11				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>500732</td> </tr> <tr> <td><b>Northing</b></td> <td>158860</td> </tr> </table>	<b>Easting</b>	500732	<b>Northing</b>	158860
<b>Easting</b>	500732				
<b>Northing</b>	158860				
Creation date	14-04-2023 19:06:52				

**Language of Interview**

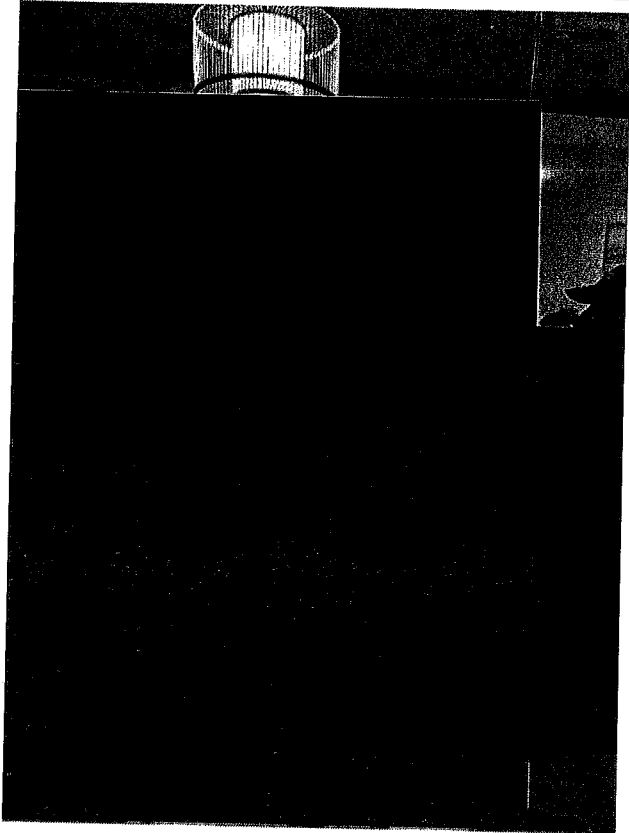
What language is the interview carried out in?	Mandarin
Interpreter used?	Yes
Details of interpreter	[REDACTED]
Does the individual understand the interpreter?	Yes

**Obligation**

How long have you been working here at Panda Restaurant	I'm just visiting my friend and it was busy so thought I would help a bit.
How many times before has this happened?	Only today
If he is only visiting why did he attempt to flee from officers from the rear of the restaurant kitchen?	I wasn't trying to flee I was looking for the manager.
If this is his first visit here how does he know who the manager was?	I was actually looking for the owner who sometimes gives me food.
How do you explain the fact you are wearing a uniform and was located in the restaurant kitchen?	Because its messy.

Who gave you the uniform?	[REDACTED] (who is identified as the manager). [REDACTED] identified him by pointing him.
<b>Control</b>	
No details provided.	
<b>Remuneration</b>	
How are you paid (money, accommodation, food)?	I'm not. I was just visiting. Sometimes when I visit they give me food.
Do you receive food every time you visit?	Not every time.
Do you ever receive money?	No
Just food and a uniform when you visit?	Yes. But not every time.
<b>Pre-employment Checks</b>	
Did you show documents before helping out?	No we're friends.
<b>Additional Questions</b>	
No details provided.	
<b>Photographs</b>	
No photographs.	
<b>Declaration</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature (Hao Chen)	 <p align="center">14-04-2023 19:42:29</p>
<b>Observations</b>	
Observations	Witnessed in the kitchen at the rear of the restaurant. Is wearing a work uniform that was provided to him by the restaurant manager.

OFFICIAL SENSITIVE

<b>Do you suspect this person of illegal working?</b>	Yes
<b>Photo 1</b>	
<b>Caption</b>	1
<b>Exhibit Ref</b>	AJ1
<b>Common name</b>	Subject in restaurant uniform

## OFFICIAL SENSITIVE

**Illegal Working - Employer****Details**

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntID	[REDACTED] - CHN China				
Subject CID Person ID	Unknown				
Employer	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	CHN China				
Subject gender	Male				
Time	19:14				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>500728</td> </tr> <tr> <td>Northing</td> <td>158865</td> </tr> </table>	Easting	500728	Northing	158865
Easting	500728				
Northing	158865				
Creation date	14-04-2023 20:32:22				

**Language of Interview**

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

**Employer Details**

What is the name of the business?	Panda restaurant The company name is Q and J hospitality limited
What are the Companies House and VAT numbers of the business?	425258792
What is your position here?	I am the owner. I'm not really the manager as I am not always here
How long have you been working here?	I own the business and come to look around
how do you know [REDACTED]	He works here. My last manager gave him the job.
how long has he been working here	He has been working for couple of days
who gave him this job at panda restaurant	It is my restaurant so me
what is his job at panda restaurant	He works in the kitchen. He prepares the food for the chef. So he preps food before the chef cooks it.
what days does you work at panda restaurant	He's only been working for a few days. So he doesn't have any set days so far.

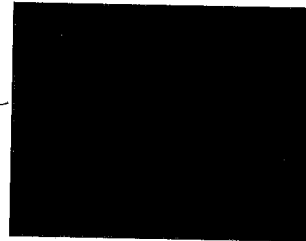
**OFFICIAL SENSITIVE**

are you able to give me a start date for [REDACTED]	He started on the 10/04/2023
who gave him permission to work at panda restaurant	Me
what is the panda restaurant's requirement process for employees	We advise jobs online. They come to the restaurant asking for a job. We normally ask them to complete one week trial. We ask them for documents to prove their right to work in the uk. Which is asked after their trial.
is this how [REDACTED] was recruited to work for panda restaurant.	Yes this is how he was recruited
why don't you ask for documents including right to work in the uk before [REDACTED] started.	I don't know
do you know its your responsibility as the business owner to check documents of staff members for their right to work in the uk.	No. We are a new to this business.
who tells [REDACTED] what to do when he is working	The chef in the kitchen. [REDACTED] is his name
how much does [REDACTED] earn for working for Panda restaurant	Not decided yet. For someone who works for prep we will pay them £9.50 an hour.
how many hours has [REDACTED] worked this week or when he started working for panda restaurant	He has worked around 20 hours
how many hours does [REDACTED] work in a day	He works 5,6 hours a day.
when will [REDACTED] be paid	End of the the week. We pay on Monday. We transfer money into his account
does [REDACTED] get paid cash in hand or you transfer the money into his account	We would transfer to his bank account but we haven't as it hasn't been a week
what document did you check for Yu as his proof to work in the UK.	I didn't ask.
why didn't you ask for this	We were short on staff and we needed the help.
did you know he is not allowed to work in the uk	I didn't know but I didn't do any checks

**Declaration by Employer**

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

Signed by [REDACTED]



14-04-2023 20:33:00

**Observations**

Observations

**Management Checks Complete**

Date management checks complete 16-04-2023 10:36:51

Reviewer(s) [REDACTED]



Illegal Working - Employer	
<b>Details</b>	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntID	[REDACTED] - CHN China
Subject CID Person ID	Unknown
Employer	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	CHN China
Subject gender	Male
Time	19:14
Created at geolocation	<b>Easting</b> 500729 <b>Northing</b> 158865
Creation date	14-04-2023 19:00:31
<b>Language of Interview</b>	
What language is the interview carried out in?	English
Interpreter used?	No
<b>Employer Details</b>	
What is the name of the business?	Panda restaurant The company name is Q and J hospitality limited
What are the Companies House and VAT numbers of the business?	425258792
What is your position here?	I am the owner. I'm not really the manager as I am not always here
How long have you been working here?	I own the business and come to look around
how do you know [REDACTED]	He works here. My last manager gave him the job.
how long has he been working here	He has been working for couple of days
who gave him this job at panda restaurant	It is my restaurant so me
what is his job at panda restaurant	He works in the kitchen. He prepares the food for the chef. So he preps food before the chef cooks it.
what days does [REDACTED] work at panda restaurant	He's only been working for a few days. So he doesn't have any set days so far.

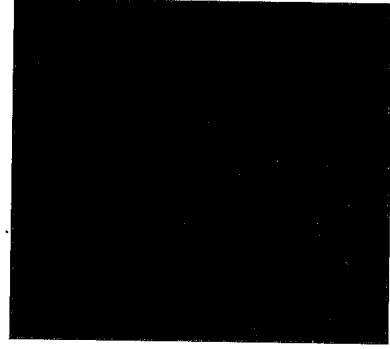
**OFFICIAL SENSITIVE**

<b>are you able to give me a start date for [REDACTED]</b>	He started on the 10/04/2023
<b>who gave him permission to work at panda restaurant</b>	Me
<b>what is the panda restaurant's requirement process for employees</b>	We advise jobs online. They come to the restaurant asking for a job. We normally ask them to complete one week trial. We ask them for documents to prove their right to work in the uk. Which is asked after their trial.
<b>is this how [REDACTED] was recruited to work for panda restaurant.</b>	Yes this is how he was recruited
<b>why don't you ask for documents including right to work in the uk before [REDACTED] started.</b>	I don't know
<b>do you know its your responsibility as the business owner to check documents of staff members for their right to work in the uk.</b>	No. We are a new to this business.
<b>who tells [REDACTED] what to do when he is working</b>	The chef in the kitchen. [REDACTED] is his name
<b>how much does Yu earn for working for Panda restaurant</b>	Not decided yet. For someone who works for prep we will pay them £9.50 an hour.
<b>how many hours has Yu worked this week or when he started working for panda restaurant</b>	He has worked around 20 hours
<b>how many hours does [REDACTED] work in a day</b>	He works 5,6 hours a day.
<b>when will [REDACTED] be paid</b>	End of the the week. We pay on Monday. We transfer money into his account
<b>does [REDACTED] get paid cash in hand or you transfer the money into his account</b>	We would transfer to his bank account but we haven't as it hasn't been a week
<b>what document did you check for Yu as his proof to work in the UK.</b>	I didn't ask.
<b>why didn't you ask for this</b>	We were short on staff and we needed the help.
<b>did you know he is not allowed to work in the uk</b>	I didn't know but I didn't do any checks

**Declaration by Employer**

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

Signed by [REDACTED]



14-04-2023 20:00:22

**Observations**

Observations

**Management Checks Complete**

Date management checks complete 12-05-2023 16:10:59

Reviewer(s) [REDACTED]

## OFFICIAL SENSITIVE

**Illegal Working - Employee****Details**

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED]				
Subject CID Person ID	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	CHN China				
Subject gender	Male				
Time	19:37				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>500732</td> </tr> <tr> <td><b>Northing</b></td> <td>158861</td> </tr> </table>	<b>Easting</b>	500732	<b>Northing</b>	158861
<b>Easting</b>	500732				
<b>Northing</b>	158861				
Creation date	14-04-2023 19:36:54				

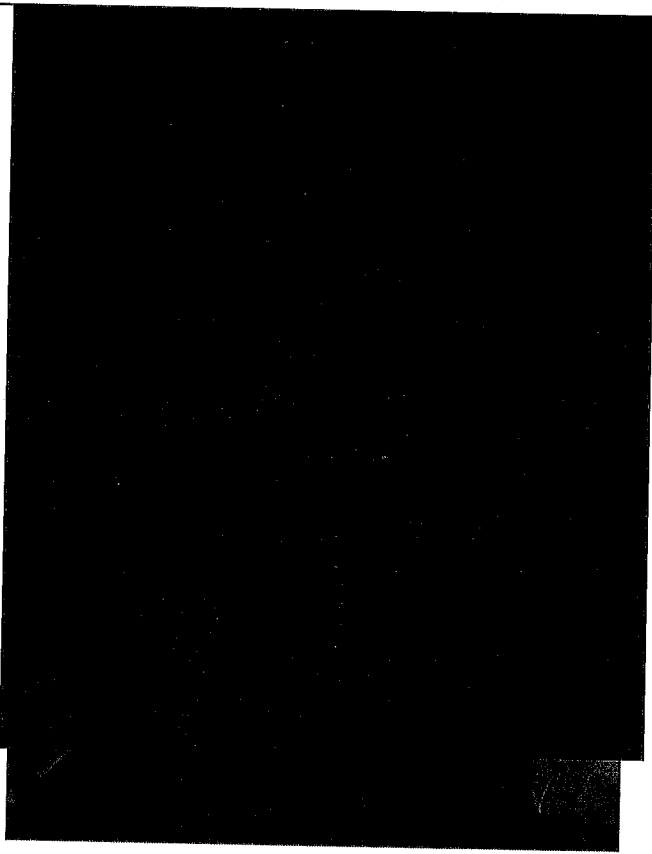

**Language of Interview**

What language is the interview carried out in?	Mandarin
Interpreter used?	Yes
Details of interpreter	Big word - see encounter
Does the individual understand the interpreter?	Yes

**Obligation**

What is your job role/ what are your duties?	I am a general worker I do all the cleaning jobs like washing dishes etc
what is the name of the place you work at	Panda Restaurant
How long have you been working here?	A little over 3 months
What days/ hours do you work each week?	I work 4 days a week from 2pm till 10pm
Do you work the same hours/ days every week?	Yes I work every Thursday Friday Saturday and Sunday

<b>Control</b>	
Who gave you this job (name and role in business)?	I found this job online
OK so you found this job online you applied who offered you the job at Panda Restaurant	My boss the one in the leather jacket
Do you know the name of your boss	[REDACTED]
Who tells you what tasks/ duties to do each day?	The boss
<b>Remuneration</b>	
How are you paid (money, accommodation, food)?	£550 per week
If money, how much and how do you receive it?	I receive cash
Who pays you?	The boss
Do you pay income tax or have a National Insurance number?	No
<b>Pre-employment Checks</b>	
What name does the employer at the Panda restaurant know you as?	He calls me Big brother
Did you show documents before being offered the job? If so, what?	No
Does your employer know you're not allowed to work in the UK?	He doesn't know I told him I could work and he didn't ask for any proof that I was allowed.
<b>Additional Questions</b>	
No details provided.	
<b>Photographs</b>	
No photographs.	
<b>Declaration</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
Subject has refused to provide a signature.	
Employee read the contents of the interview themselves	
Contents read back to the employee in the language used during the interview	

<b>Observations</b>	
Observations	Encountered working in the kitchen and is wearing a Panda Restaurant uniform including an apron
Do you suspect this person of illegal working?	Yes
Photo 1	
	Caption individual wearing full uniform and apron
<b>Management Checks Complete</b>	
Date management checks complete	30-04-2023 14:19:11
Reviewer(s)	

OFFICIAL SENSITIVE

Freetext					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	Panda Restaurant, 33 Chertsey Road, Woking, Surrey, GU21 5AJ (Visit Address)				
Subject CID Person ID	[REDACTED]				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	CHN China				
Subject gender	Male				
Time	19:55				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>500732</td> </tr> <tr> <td>Northing</td> <td>158860</td> </tr> </table>	Easting	500732	Northing	158860
Easting	500732				
Northing	158860				
Creation date	14-04-2023 19:54:44				
Is this entry related to a Critical Incident?	No				
Entry					
Title	Admission of illegal entry				
Text	During interview the individual said he paid a smuggler to re enter the UK in 2013/2014 after he was removed.				
Photographs					
No photographs.					

## OFFICIAL SENSITIVE

**Illegal Working - Employee****Details**

Type of work	Visit	
Visit reference	[REDACTED]	
Created by	[REDACTED]	
ProntID	[REDACTED] - CHN China	
Subject CID Person ID	[REDACTED]	
Subject name	[REDACTED]	
Subject DOB	[REDACTED]	
Subject nationality	CHN China	
Subject gender	Male	
Time	19:56	
Created at geolocation	Easting	500733
	Northing	158858
Creation date	14-04-2023 19:53:36	

**Language of Interview**

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

**Obligation**

How long have you been working here?	I am not working here. The boss gives me accommodation and food.
What is your job role/ what are your duties?	I just help out and he gives me food.
What days/ hours do you help each week?	I only came here today.
Do you work the same hours/ days every week?	No I only came here today.
How long have you been living at your home address for?	From today.



OFFICIAL SENSITIVE

<b>Control</b>	
Who gave you this job (name and role in business)?	My friend is my boss. He gives me food, he didn't give me a job.
Who tells you what days/ hours to help?	The boss just gives me food. I am not working.
If you are not working, why are you wearing uniform?	The boss asked me to put it on I don't know why.
What we're you doing in the kitchen when the officers came in?	I came down for food. The boss asked me to wear the uniform.
Who tells you what tasks/ duties to do each day?	The boss wouldn't give me a job because I don't have status.
<b>Remuneration</b>	
How are you paid for your help?	No pay they just give me food.
Do you pay income tax or have a National Insurance number?	No
<b>Pre-employment Checks</b>	
What name does the employer know you as?	The boss doesn't know my name because I only came here on Wednesday.
Did you show documents before being offered the job? If so, what?	I don't have a job. He does not employ me.
Does your employer know you're not allowed to work in the UK?	I told him I cannot work, so I just live here and not work.
<b>Additional Questions</b>	
Who else works here?	I don't know.

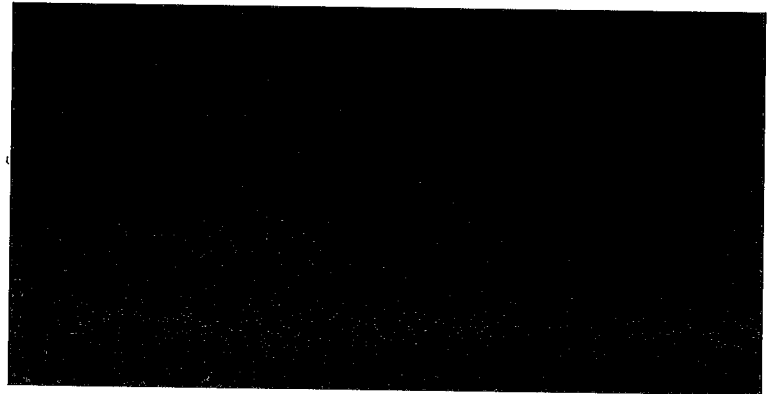
**Photographs**

No photographs.

**Declaration**

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

Interviewee signature ( [REDACTED] )



14-04-2023 20:18:18

**Observations**

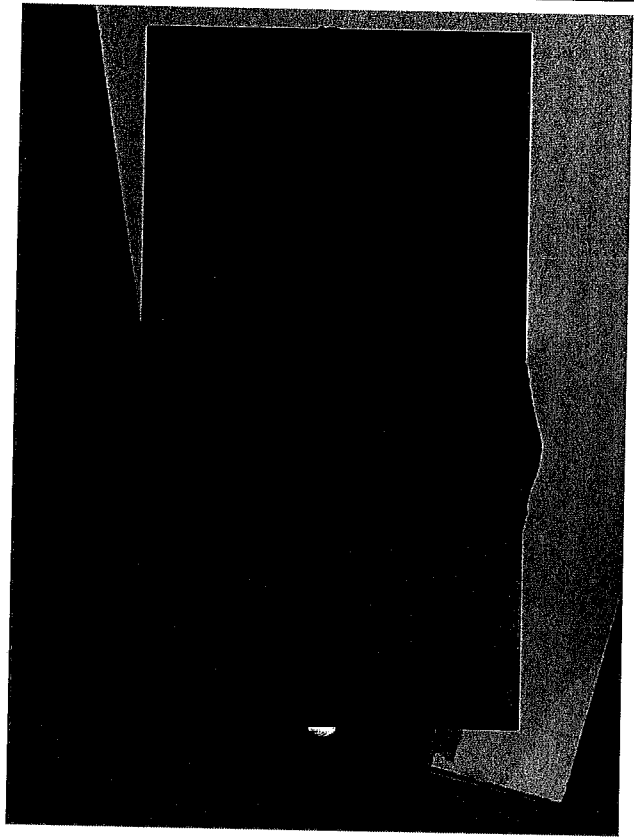
Observations

This individual was in the kitchen in uniform. He was brought from the kitchen to the front of the premises.

Do you suspect this person of illegal working?

Yes

Photo 1



**Caption**

Individual with uniform

OFFICIAL SENSITIVE

Freetext					
<b>Details</b>					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	Panda Restaurant, 33 Chertsey Road, Woking, Surrey, GU21 5AJ (Visit Address)				
Subject CID Person ID	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	CHN China				
Subject gender	Male				
Time	22:00				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>511801</td> </tr> <tr> <td><b>Northing</b></td> <td>174894</td> </tr> </table>	<b>Easting</b>	511801	<b>Northing</b>	174894
<b>Easting</b>	511801				
<b>Northing</b>	174894				
Creation date	14-04-2023 23:09:45				
Is this entry related to a Critical Incident?	No				
<b>Entry</b>					
Title	More evidence so change in offence				
Text	Passport seized shows the individual was stamped in on a visa which is down on Home Office systems as being refused. He did not tell the immigration officer on arrival that it had been refused. Changed offense to Leave to remain by deception				
<b>Photographs</b>					
No photographs.					

Excerpts taken from the  
**Home Office Revised Guidance**  
**issued under section 182 of the Licensing Act 2003**

Published December 2022

The following sections of the S182 Guidance all relate to the requirement to prevent employment of illegal workers.

The Licensing Act 2003 and the S182 guidance make it very clear that Licensing Authorities must take a very tough stance on illegal working. Over the last few years, various amendments have been made to the Licensing Act 2003 to introduce requirements for checks to prevent the issue of licences to someone who does not have a right to work, and the refusal/revocation of Personal Licences for those who have committed illegal working offences – as these now count as ‘relevant offences.’

**2.3** Conditions should be targeted on deterrence and preventing crime and disorder **including the prevention of illegal working** in licensed premises (see paragraph 10.10).

**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.

**9.25** The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State’s behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

**10.8** The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at **preventing illegal working in licensed premises**. This provision also applies to minor variations.

**10.10** The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises

concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment 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. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

### **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 Revised Guidance issued under section 182 of the Licensing Act 2003 I 97 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)
- 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.

**11.20** In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

**11.21** For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

**11.22** Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

**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

### **Reviews arising in connection with crime**

**11.26** Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

**11.27** There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

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

**11.28** It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. **Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.**