


Agenda Item No:	3	
Committee:	LICENSING	
Date:	09 March 2023	
Report Title:	DETERMINATION OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 – PERA PALACE, CHATTERIS	

1 Purpose / Summary

- To consider an application for the review of a premises licence in respect of Pera Palace, 8 Market Hill, Chatteris PE16 6BA

2 Key issues

- The review has been submitted by the Home Office Immigration triggered in response to intelligence received and subsequent inspection at the location by Immigration Enforcement Officers
- The reasons for the review are:
 - Operating not in accordance with the Licensing Act 2003
- The review application is made under the following licensing objective, the prevention of crime and disorder.
- It is the responsibility of all premises licence holders to demonstrate that suitable and sufficient measures are undertaken to uphold the four Licensing Objectives of the Licensing Act 2003.
- There is a requirement to hold a licensing hearing to determine the application for the review of a premises licence.

3 Recommendations

- That the committee determines the application, having regard for the evidence presented by the parties to the hearing, the relevant legislation and guidance applicable to this process and the content of this report and appendices.

Wards Affected	Chatteris
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Steve Count, Portfolio Holder with responsibilities for Licensing

Report Originator(s)	Michelle Bishop, Licensing Manager, Tel: 01354 622542, Email: mbishop@fenland.gov.uk
Contact Officer(s)	Amy Brown, Assistant Director, Deputy Monitoring Officer and Data Protection Officer, abrown@fenland.gov.uk
Background Paper(s)	<p>Section 182 Guidance to the Licensing Act 2003 - Revised guidance issued under section 182 of the Licensing Act 2003 (December 2022) (accessible) - GOV.UK (www.gov.uk)</p> <p>Licensing Act 2003 - Licensing Act 2003 (legislation.gov.uk)</p> <p>The Licensing Act (Hearings) Regulations 2005 - The Licensing Act 2003 (Hearings) Regulations 2005 (legislation.gov.uk)</p> <p>Fenland District Council's Statement of Licensing Policy 2021 – 2026 - FENLAND DISTRICT COUNCIL</p>

Report:

1 Background / introduction

- 1.1 The application relates to the proposed review of an existing premises licence in respect of Pera Palace, 8 Market Hill, Chatteris PE16 6BA.
- 1.2 The application has been submitted under the provisions of section 51 of the Licensing Act 2003
- 1.3 The application is made by The Immigration department on behalf of the Home Office
- 1.4 A copy of the review application can be seen at **APPENDIX B** to this report
- 1.5 A copy of the review pack detailing evidence of the inspection and subsequent interviews with all relevant parties including supporting statements from the officers who attended the location can be seen at **APPENDIX C** to this report.
- 1.6 The application to review relates to the following licensing objectives:

- The prevention of crime and disorder

As required under the terms of the Licensing Act 2003 the review application has been advertised outside the premise and on the Council's website, for a period of 28 consecutive days. The Responsible Authorities and other relevant parties were permitted to submit representations regarding the review application. Any representation, made in relation to the review, must relate to one or more of the licensing objectives.

2 Considerations

- 2.1 The Premises licence details for Pera Palace, Chatteris are:
 - Premises Licence Holder (PLH) - Mr Hasan ATES, and have held the licence since late September 2022
 - Designated Premises Supervisor (DPS) - Mr Hasan ATES
- 2.2 Mr ATES holds a personal licence with the London Borough of Enfield.
- 2.3 In relation to the role of DPS the main purpose of the DPS is to ensure that there is always one specified individual, among the personal licence holders at a premise, who can be readily identified for the premises where the sale of alcohol is permitted. The premises licence holder will normally have given that person day-to-day responsibility for running the premises.
- 2.4 On this occasion the PLH & DPS are the same person and therefore the full responsibility lies with Mr Hasan ATES to ensure the licensing objectives are upheld at all times.
- 2.5 The premises is a restaurant with open plan cooking at the rear of the first floor. A copy of the premises licence, plan and conditions can be seen at **APPENDIX D** to this report.
- 2.6 The grounds of the application for review are that evidence has been found to suggest that the premises has operated in such a manner to undermine the licensing objectives by employing illegal workers at the location and not carrying out the due diligence right to work checks.

3 Conclusions

- 3.1 In undertaking its statutory function, the Licensing Authority can utilise a range of options within the Licensing Act 2003 in order to promote the licensing objectives:
 - the prevention of crime and disorder
 - public safety

- the prevention of public nuisance
 - the protection of children from harm.
- 3.2 When determining an application for a review of a premises licence, due regard should be given to the Council's Statement of Licensing Policy and the Secretary of State's Guidance section 182.
- 3.3 Section 182 guidance at point 11.27 states that certain criminal activity should be treated particularly seriously and does include employing someone who is disqualified from that work by reason of their immigration status in the UK.

Section 182 guidance at point 11.28 states:

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.

- 3.4 The hearing will be conducted in accordance with the approved procedures and can be seen at **APPENDIX A** to this report.

4 Determination

- 4.1 The Sub-Committee must consider the application for review of a premises licence and having regard to the application, take such of the steps mentioned below (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:
- To modify the conditions of the licence
 - To exclude a licensable activity from the scope of the licence
 - To remove the Designated Premises Supervisor (DPS)
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
- 4.2 The Sub-Committee may also consider issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. If none of the above steps is considered appropriate the licence should remain in the form it was granted.
- 4.3 Where the Sub-Committee decides to modify the conditions of a licence or exclude a licensable activity from a licence, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. Any suspension of the premises licence may be for a maximum period of three months.
- 4.4 Members may wish to note that any modification, amendment, suspension or revocation of the premises licence will not take effect until the end of the period for the submission of an appeal or if an appeal is submitted until such time as the appeal is determined.
- 4.5 Conditions can only be attached to a premises licence if they are considered appropriate for the promotion of the licensing objectives. If consideration is being given to attaching conditions, Members should consider, are the proposed conditions:
- Appropriate
 - Relevant;
 - Relevant to the activity/premises/venue;

- Enforceable;
- Precise;
- Reasonable, and
- Achievable.

5 Community impact

- 5.1 The Act gives greater freedom to operators and users of premises, which is balanced by greater responsibilities for licensees and tempered by strengthened protection for the community.
- 5.2 The Licensing Act 2003 seeks to provide public protection by way of the four licensing objectives.

Appendices

6 APPENDIX A

- 6.1 Hearing Procedures

7 APPENDIX B

- 7.1 Premises Review Application

8 APPENDIX C

- 8.1 Review Application pack and supporting statements

9 APPENDIX D

- 9.1 Premises Licence

PROCEDURE FOR DETERMINATION OF APPLICATIONS MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 FOR THE REVIEW APPLICATION OF A PREMISES LICENCE

INTRODUCTION

- Meetings of the Licensing Committee, whether the full committee of 12 members or panels of 3 members drawn from the full committee, shall be held in public unless the Licensing Authority deems that it is not in the public interest to do so. Reasons for exclusion of the public must be given at the hearing by the Chairman of the committee. Determinations will be made in private at conclusion of the hearing but announced in public thereafter.
- All hearings convened will be heard by a panel known as the Sub-Committee (but still referred to as the Licensing Committee) of 3 members drawn from the full committee of 12. The quorum of the committee/panel is 3 members. Therefore, 4 members of the Licensing Committee will usually be invited to attend each hearing (i.e. one as a reserve), in case of one of those invited subsequently needing to tender an apology for absence or, on being informed of the details of the application or meeting the applicant or objector (or for some other reason), deciding that s/he possesses a personal and prejudicial interest in the matter that prevents him/her participating in the hearing. At the beginning of each committee/hearing a Chairman will be appointed by those members present unless the Chairman of the whole committee is present.
- Members of the committee shall endeavor to be present throughout an individual hearing. If a member of the committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the member's absence. If a member is not present for the whole of an item of business they will not be able to debate or vote on that item of business.
- Where a committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he/she has not attended the site visit.
 - (a) To avoid taking into account "local" factors that could influence improperly his/her judgement, a member cannot serve on the committee undertaking a hearing at which a matter is being discussed that relates to a Premises Licence, Club Premises Certificate, Temporary Events Notice or Personal Licence where either the premises are or the person is resident in the ward which that member represents on Fenland District Council.,

When selecting members to participate in a hearing, the Member Services team will ensure there is compliance with this requirement.

NOTE: All questions and statements will be directed through the Chairman.

APPENDIX A – LICENSING PROCEDURES

INTRODUCTION

- (1) The Chairman will, at the beginning of the meeting, welcome all those present and explain both the reason for the hearing and the procedure to be followed. They will inform attendees of any changes to committee membership (if any) since publication of the Notice of Meeting. The Chairman will also seek confirmation that everyone present has received this procedure and a copy of the report pack
- (2) The Chairman will introduce to all present the members of the committee.
- (3) The Chairman will then introduce and explain the respective roles of
 - (i) the Legal Adviser to the committee
 - (ii) the Clerk to the committee
 - (iii) the officer representing the Licensing Authority (“the Licensing Manager”).
- (4) The Chairman will invite those present to introduce themselves.

BODY

- (5) The Chairman will ask the Licensing Officer to outline the case, by presenting the report which refers to the review application of the premises licence and the licensable activities, days and hours of operation, reason for the review.
- (6) The Chairman will invite members of the committee to ask relevant questions to clarify the content of the Licensing Officer’s report.
- (7) The Chairman invites the applicant – Responsible Authority Officer (RA) to put the case in support of a review application for the premises licence.
- (8) If applicable the applicant can call any witness(es) to give evidence in support of his/her case.
- (9) Once the applicant has presented his/her case, the Chairman invites questions to the applicant (RA):
 - The licence holder (or their representatives);
 - interested persons (or their representatives);
 - members of the committee.
- (10) The Chairman invites the Licence Holder to put forward their case regarding the review of the premises licence.
- (11) The Chairman will then invite questions to the Licence Holder from:
 - the Responsible Authority Officer (or their representatives)
 - interested persons (or their representatives);
 - members of the committee.
- (12) The Chairman will then invite any interested persons to put forward their case, based on the representation submitted.

APPENDIX A – LICENSING PROCEDURES

CONCLUSION

- (13) The Chairman then invites the responsible authority officer, licence holder and interested persons (or their representatives) if they have anything else they wish to add. They may comment upon what has been said but no new evidence should be introduced.
- (14) The Chairman seeks confirmation from all parties that they are satisfied that they have said all that they wished to.
- (15) The Chairman will then thank all those who have spoken and invite the committee to retire in private to determine the application. The committee members will then debate the case presented to them at the hearing and seek to reach a determination. When the committee has reached a proposed determination with reasons or has decided to defer a determination, it shall call in the Legal Adviser to clarify the proposed determination/decision.

DETERMINATION

- (16) Once a determination/decision has been reached, the committee will return to the room and the Legal Adviser will announce in public any legal advice that he/she has given in private.
- (17) The Chairman will read out the determination and the reasons for such (unless the committee is unable to reach a determination at conclusion of the hearing). A signed copy of the determination will be given to all interested parties.
- (18) If the committee is unable to reach a determination at that time, the Chairman will explain that all interested parties will be notified as soon as possible in writing (but within 5 working days) of the determination and the reasons for such.

Licensing Authority: Fenland District Council
 Address: Furrow fields, Chatteris, PE16 6DY
 Reference: P1

**Application for the review of a premises licence or club premises certificate under the
 Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form, please read the guidance notes at the end of the form.
 If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Home Office Immigration Enforcement

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
PERA PALACE	
8 Market Hill	
Post town Chatteris	Post code (if known) PE16 6BA

Name of premises licence holder or club holding club premises certificate (if known)
Mr Hasan Ates

Number of premises licence or club premises certificate (if known)
22/158/LAPRE1

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

Home Office
Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Telephone number (if any)

E-mail address (optional)
IE.Alcoholreviews@homeoffice.gov.uk

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 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 2)

Grounds for review:

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

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

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

Please expect to receive an accompanied review pack which will contain a further in-depth detail surrounding the reason for the review of this premises.

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"/>

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 Paul Wynter

.....

Date

.....16/01/2023.....

.....

Capacity **Responsible Authority**.....

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

**Alcohol Licensing Team
Lunar House
40 Wellesley Road**

**Post town
Croydon**

**Post Code
CR9 2BY**

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) I.E.Alcoholreviews@homeoffice.gov.uk

Notes for Guidance

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



Home Office

Premises Licence Review

PERA PALACE,
8 MARKET HILL,
CHATTERIS,
PE16 6BA

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Case Summary

On 17 November 2022 the East of England ICE team visited the Pera Palace, 8 Market Hill, Chatteris, PE16 6BA after intelligence was received that the business was employing illegal workers.

Entry to the premises was gained under Section 179 of the Licensing Act 2003 where three illegal workers were encountered.

██████████ Turkish national date of birth: ██████████

██████████, Turkish national date of birth: ██████████

██████████, Turkish national date of birth: ██████████

At the time of the visit, the premises licence holders name was Hasan Ates, date of birth: ██████████, Turkish national. According to Home Office records, Ates became naturalised on 27 March 2009.

Along with IO ██████████ were officers present: IO ██████████, IO ██████████, IO ██████████, IO ██████████, IO ██████████, CIO ██████████ and IO ██████████. The officers identified a male running from the open plan kitchen area towards the fire exit. IO ██████████ also observed another male who was incredibly nervous, who disappeared and returned to the kitchen area where both males were brought forward for questioning.

A civil penalty of £45,000 was issued on 23 January 2023 to Hupus Limited. The case is not appeal rights exhausted. The penalty is due to be paid on 22 February 2023, however no payment has yet been received.

Copies of all witness statements or pocket notebook (PNB) entries made by relevant immigration officers and other relevant documents are appended should the sub-committee wish to read these.

Licensed Premises History

The previous licence holder prior to October 2022 was Irfan Yasan. He was the licence holder from 09 September 2019.

The licence was transferred over on 13 October 2022 from Irfan Yasan to Hasan Ates, who is also the DPS.

Pera Palace comes under the umbrella of, Hupus Limited which is registered at the same address, 8 Market Hill Chatteris PE16 6BA. The company director is Ali Avlik, date of birth: [REDACTED]. Nationality: Turkish.

Ali Alvik was questioned by Immigration Officers about his position within the company. He confirmed that he is the business owner and also has another business in Lings Lynn called Pera Grill.

Enforcement Visit dated: 17 November 2022

Interviews were carried out individually with the following subjects below:

Hasan Ates

At the time of the visit the premises licence holder: Hasan Ates, was questioned by IO [REDACTED] regarding the work he performs at the premises and what his relationship is to the persons who were arrested after being encountered working at the premises.

Ates confirmed he has been working at the premises since November 2021. He was asked by IO [REDACTED] how long had [REDACTED] been working at the premises Ates was reluctant to provide an answer to IO [REDACTED] and indicated that he was not responsible for employing staff and that Ali Avlik is the one who is in charge of employing staff.

Ates told IO [REDACTED] that they have a serious problem with staff and it is hard to find staff and people who know what they are doing. Ates confirmed that Ali has applied for sponsorship for two staff to come to the UK. Ates went on to say, the money he gives to [REDACTED] is because he is his cousin and also new to the country.

It seems from the interview statement given by Ates, Ali Avlik, the owner, is aware of the terms and conditions of being responsible for a business but seems to have disregarded the licensing rules and right to work checks. This is clearly evidenced by Ali Avlik having problems employing staff and therefore deciding to employ an illegal worker, provide him with food, and a little bit of pocket money.

[REDACTED]

[REDACTED] admitted to the officer that he entered the United Kingdom using a travel document to which he was not entitled and failed to obtain the appropriate leave to enter.

[REDACTED] was asked by officers, how long had he been working at the Pera Palace restaurant. He claimed two weeks and was living here for 2 months with his cousin, Avlik Ali.

[REDACTED] mentioned he only works two days helping out with receiving deliveries when need as it's his cousin Avlik's place and is not required to pay for anything as he supports him and provides food also.

██████████ is an illegal entrant and committed an offence under 24(1) A of the 1971 Immigration Act, (as amended) and breached 3(1)a of the same Act. ██████████ has no right to work in the UK.

██████████

As officers were waiting to take up their positions around the premises, IO ██████████ and IO ██████████ entered from the rear which led into a foyer area leading to the customer toilets on the right with a small set of stairs leading down to the left.

As soon as the officers had entered, a male was spotted running from the kitchen area via a large swing door which was next to the stairs.

The male was identified as: ██████████

██████████ took off his apron and threw it to the floor and appeared to be heading to the exit where, IO ██████████ and IO ██████████ had entered from. On seeing them, ██████████ then attempted to run back into the kitchen, one of the officers shouted loudly "Immigration Officers". ██████████ continued to head back towards the kitchen. ██████████ was dressed all in black with a black polo type t-shirt with the Pera Palace logo on the left side and the words "grill chef" in white on the right-hand side of the chest.

Due to ██████████ adverse reaction and his active attempt to avoid an encounter with Immigration Officers as well as attempting to remove part of his uniform, he was arrested on suspicion of illegal working.

██████████ entered the UK on a business visa where the conditions of the visa require him to be self-employed as a plumber. On his application, ██████████ had claimed to be in control of ██████████ Construction LTD. He was then granted further leave to remain from 22 March 2022 to 22 March 2023, the particular conditions of this visa restricted ██████████ to being self-employed as a plumber.

IO ██████████ conducted an interview with Ali Avlik. During this interview Avlik was asked regarding the type of work ██████████ had been doing for him. Avlik responded that ██████████ fixes blocked toilets, puts out decorations and does decorating jobs. It is considered that Ali Avlik was aware of ██████████ immigration status being linked to self-employment in the plumbing trade.

It must be noted that ██████████ tools were in a cupboard at the time of the visit. The cupboard, in the kitchen area, was not easily accessible as a large heating rack/hot plate was covering the door. He had claimed to be fixing a sink prior to fleeing from Immigration Officers.

Immigration Officers gave ██████████ the opportunity to demonstrate he was in fact there to carry out plumbing work. IO ██████████ records the following:

The one repair that he did show to us was of the staff toilet in the rear of the Kitchen Area. [REDACTED] attempted to show that he had secured a waste pipe leading from the toilet; However, on [REDACTED] touching the pipe, it fell away from the main body of the toilet and dirty water spilled out. [REDACTED] was unable to show any other construction / repair work that he had carried out.

[REDACTED] was encountered inside the kitchen where he began to flee. He was wearing branded Pera Palace uniform that designated him as the grill chef. It is considered that Ali Avlik knowingly employed [REDACTED] at his restaurant in contravention of his visa conditions. [REDACTED] claimed to have multiple invoices for the plumbing work he carried out. He was unable to produce any when given the opportunity.

It was later accepted by Avlik and [REDACTED] that he worked in the kitchen, helping the chef and washing dishes.

It is clear from [REDACTED] adverse reaction to Immigration Officers that he was aware that working at Pera Palace was in breach of his visa conditions. [REDACTED] had no right to engage in employment outside of [REDACTED] Construction LTD, therefore he was illegally working at Pera Palace.

[REDACTED]

IO [REDACTED] interviewed a male chef, now known to be [REDACTED], date of birth: [REDACTED], a Turkish national. [REDACTED] was questioned about his role in the business and replied that he is "only helping". Further examination showed that [REDACTED] was an overstayer in the United Kingdom with no right to work.

[REDACTED] was issued a visit visa in September 2018, there was no right to work associated with this visa. During his time in the UK, [REDACTED] had gained leave to remain as a dependent partner, this leave expired on 29 July 2020. Since this date [REDACTED] has had no right to work in the UK.

[REDACTED] was located in the kitchen area of the restaurant where the food was being prepared. [REDACTED] proceeded to claim that he was not working at the restaurant but merely helping.

[REDACTED] believed he had an outstanding appeal and a business application.

[REDACTED] was arrested under Sch 2 Para 17(1) of the Immigration Act 1971 as a person liable to be detained under Para 16 of Schedule 2 of the same act.

He was offered voluntary departure but refused due to wanting to stay and work with the intention of bringing his wife and children to the UK from Turkey. ■■■■■ ■■■■■ has no leave to remain in the United Kingdom or right to work.

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.

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.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case. The license holder could not claim that either of the two illegal workers held any documentation that would enable them to work legally in the UK.

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.

It is clear from the evidence above that the business has employed illegal workers. During the visit an attempt was made to explain the employment as “only helping”. The Immigration Rules lay down the practise to be followed in the administration for the Immigration Acts - known as HC251 laid in Parliament on 23 March 1990. The guidance for the Immigration Rules defines employment as including both paid and unpaid work. “Work” does not require a contract of employment. “Only helping” is an attempt to disguise the fact that all 3 subjects were employed and thus breaching the rules.

A civil penalty of £45,000 was issued on 23 January 2023 to Hupus Limited. The case is not appeal rights exhausted. The penalty is due to be paid on 22 February 2023 but no payment has yet been received.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers 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

Pera Place under the control of Ali Avrik and the DPS Hasan Ates have been found employing three illegal workers. This business has clearly failed to meet the prevention of crime and disorder objective by failing to carry out the necessary pre-employment checks to make sure that the people employed at the premises have the right to work in the UK.

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, ie. the right to work checks and keeping records for audit purposes.

Hupus Ltd who are considered the liable party have been issued a civil penalty of £45,000.

Immigration Enforcement asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally.

This submission and appended documents provide the licensing subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.

Appendix A – Officer witness statements

MG EX001
MG EX002
MG EX003
MG EX004

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

Statement of [redacted] URN: [] [] EV7-847,364 []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer

This statement (consisting of: 5 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [redacted]

Date: 01/12/2022

Tick if witness evidence is visually recorded [] (supply witness details on rear)

This statement is in relation to Illegal Working within PERA PALACE, HIGH STREET, CHATTERIS, PE16.

I am an Immigration Officer with the East of England Immigration Compliance and Enforcement Team based in Bedford.

Part of my duties include the visiting a range of differen properties in order to look for confirmed and suspected Immigration Offenders; This includes entering Business Premises which carry out Licencable activies under Section 179 of the Licensing Act 2003.

On Thursday 24th November 2022 I was on duty in Full Home Office Approved Uniformed wearing approved Home Office PPE displaying my epaulettes as well as Home Office Insignia and "IMMIGRATION ENFORCEMENT" on my chest and back. Also present were IO [redacted] IO [redacted] IO [redacted] IO [redacted] IO [redacted] and CIO [redacted] who were also in full approved Home Office Uniforms and PPE.

I was paired with IO [redacted] for the Enforcement Visit; We were tasked to attend PERA PALACE, HIGH STREET, CHATTERIS, PE16 using Section 179 of the Licensing Act 2003 to gain entry to the Premises.

Following a detailed briefing we attended the Resturant; myself an IO [redacted] were tasked with securing the rear exit point which lead to the Kitchen and Customer Toilet Area.

After waiting for the other Officers to take up their allocated positions on instruction from the OIC we entered the premises at approx. 19:38hrs. Myself and IO [redacted] entered the rear of the propert via a large metal staircase which led up. Immediatley infront of us was a small foyer area with a door that led to the Customer Toilets on our right with a small set of stairs leading down to our left. As soon as we had entered I saw male running from the Kitchen area via a large swing door which was next to the stairs.

Signature: [redacted]

Signature witnessed by:

Continuation of Statement of

I now know this male to be [REDACTED]

[REDACTED] took off his apron and threw it to the floor and appeared to be heading to the exit myself and IO [REDACTED] had entered via. On seeing us [REDACTED] then attempted to run back in to the KITCHEN, I said loudly "IMMIGRATION OFFICERS". [REDACTED] continued to head back towards the Kitchen. [REDACTED] was dressed all in Black with a Black Polo type T-Shirt with the Pera Palace logo on the left side and the words "GRILL CHEF" in white on the right hand side of the chest.

Due to his adverse reaction and his active attempt to avoid an encounter with Immigration Officers as well as attempting to remove part of his uniform I arrested [REDACTED] on suspicion of Illegal Working. [REDACTED] was not fluent in English due to this I used 2 Home Office approved Interpreters via Big Word Interpreter [REDACTED] and Interpreter [REDACTED]

Via the Interpreters I asked the following questions with [REDACTED] providing the following responses:

[REDACTED] WHY DID YOU RUN WHEN YOU SAW IMMIGRATION OFFICERS?

[REDACTED] I WAS SCARED

[REDACTED] WHY DID YOU TAKE YOUR APRON OFF?

[REDACTED] I WAS GOING TO TAKE IT OFF ANYWAY

[REDACTED] WHAT WERE YOU DOING IN THE KITCHEN?

[REDACTED] I WAS FIXING SINKS SEALANT

[REDACTED] WHY ARE YOU WEARING A GRILL CHEF T-SHIRT?

[REDACTED] BECAUSE WERE GOING TO GET DIRTY, THEY LEANT IT TO ME

[REDACTED] WHERE ARE YOUR TOOLS?

[REDACTED] UPSTAIRS IN A CUPBOARD

[REDACTED] WHY ARE THEY IN A CUPBOARD?

[REDACTED] BECAUSE I FINISHED THE REPAIRS

[REDACTED] YOU GOT YOUR PASSPORT OUT OF A SUITCASE, WHY ARENT YOU WEARING ANY WORK CLOTHES?

[REDACTED] I ONLY WEAR THE T-SHIRT WHEN I WORK IN THE SHOP

Signature: ... [REDACTED] ..

Signature witnessed by:

Continuation of Statement of

HOW LONG HAVE YOU WORKED HERE FOR?

I COME AND GO

Through out the encounter [REDACTED] was insistent that he was only employed at the restaurant for the purposes of renovation and Plumbing. Despite his continual insistence he was unable to show myself or IO [REDACTED] any repair work that he had carried out.

The one repair that he did show to us was of the staff toilet in the rear of the Kitchen Area. [REDACTED] attempted to show that he had secured a waste pipe leading from the toilet; However, on [REDACTED] touching the pipe, it fell away from the main body of the toilet and dirty water spilled out. [REDACTED] was unable to show any other construction / repair work that he had carried out.

When asked where his tools were [REDACTED] took us to a cupboard which was in the Kitchen Area. The cupboard was not easily accessible and in fact a large Heating Rack / Hot Plate had to be moved out of the way in order for him to open the door.

I further questioned [REDACTED] as to his role within the restaurant:

HOW LONG HAVE YOU WORKED IN THE KITCHEN FOR?

3 OR 4 DAYS A WEEK

HAVE YOU GOT ANY INVOICES FOR THE WORK YOU HAVE DONE BEFORE?

I CAN SHOW YOU STRAIGHT AWAY

[REDACTED] was given multiple oppotunities to show the Invoices for the repair work which he had carried out; However, he was unable to do this despite saying he had various inovices on his phone and in his bag. Home Office checks showed that [REDACTED] has a [REDACTED] Business Visa which solely for the purpose of employment as Plumber, at the time of the visit [REDACTED] had been working in the Kitchen area and had purposely fled from the Kitchen removing his apron on seeing Immigration Officers. Despite numerous oppotunities [REDACTED] could not satisfy me that his work was soley in repairs / plumbing.

[REDACTED] was unable to show any Plumbing work or indeed maitinance work that he had carried out at all. Later in the evening the Manager / Owner of the restutant confirmed that [REDACTED] had only been there on this particular day to work in the Kitchen that day either washing up or helping the Chef.

Signature: .. [REDACTED] ..

Signature witnessed by:

Continuation of Statement of

As I was not satisfied that [REDACTED] was working in accordance with his Visa I continued to speak with him regarding his employment.

[REDACTED] WHEN DID YOU ARRIVE FOR WORK?

[REDACTED] I CAME AT LUNCH TIME

[REDACTED] DO YOU HAVE ANY INVOICES FOR THE WORK YOU HAVE DONE BEFORE?

[REDACTED] I CAN SHOW YOU RIGHT AWAY

[REDACTED] WE ARE GOING TO WATCH THE CCTV, WHAT WILL IT SHOW?

[REDACTED] OK SOMETIMES I DO HELP WITH CARRYING MEAT AND COOK IT SOMETIMES

[REDACTED] WHAT TIME DID YOU ARRIVE AND HOW LONG DID YOU SPEND DOING WORK AND HOW LONG DID YOU COOK FOR?

[REDACTED] I ARRIVED IN THE MORNING AND DID 2 OR 3 HOURS WORK ON THE WINDOWS AND I HELPED THE CHEF FOR 1.5HRS.

The time of our initial Encounter when [REDACTED] was seen to be running from the Kitchen and removing his Apron it was approx 19:38hrs. According to [REDACTED] account he had completed 2 to 3 hours building work and had only helped the Chef for 1.5hrs this leaves a significant amount of time unaccounted for which arose my suspicions that [REDACTED] was in fact working in the Kitchen for longer than he would have had me believe.

I further questioned [REDACTED] as to his employment and ask him the following questions:

[REDACTED] HOW OFTEN DO YOU HELP THE CHEFS?

[REDACTED] NOT ALWAYS FROM TIME TO TIME WHEN THEY ARE SHORT STAFFED

[REDACTED] WHEN WAS THE LAST TIME YOU HELPED THE CHEF?

[REDACTED] LAST WEEKEND

[REDACTED] WHEN YOU COME IN AT THE WEEKENDS IS THE ONLY REASON TO HELP THE CHEF?

[REDACTED] I'VE BEEN DOING REPAIRS FOR 5 OR 6 MONTHS

Signature: .. [REDACTED] ... Signature witnessed by:

Continuation of Statement of

WHEN YOU COME IN TO WORK AT THE WEEKENDS AND DO BUILDING WORK AND HELPING THE CHEFS, IS THAT CORRECT?

YES

HOW ARE YOU PAID?

INOVICES FOR THE REPAIRS AND BOARD FOR HELPING THE CHEFS

After receiving further confirmation from the Manager of the Resturant that was only there to wash I up I continued to speak with him regarding his employment:

THE OWNER OF THE RESTAURANT HAS SAID YOU WERE ONLY HERE TO WASH DISHES

I WASN'T ONLY WASHING UP, I WAS DOING SOME CONSTRUCTION WORK

SO WHAT CONSTRUCTION WORK HAVE YOU DONE?

I FIXED A WINDOW AND SOME PIPES

THE OWNER SAID YOU DO SOME CONSTRUCTION AND KITCHEN WORK IS THIS TRUE?

MAINLY CONSTRUCTION BUT I DO WORK IN THE KITCHEN AS WELL

HOW LONG HAVE YOU BEEN WORKING HERE?

FOR 5 TO 6 MONTHS FROM TIME TO TIME

DO YOU WORK THE SAME SET HOURS / DAYS EVERY WEEK?

NO SET DAYS OR HOURS

HOW MUCH ARE YOU PAID?

£1,000 THIS MONTH SO FAR

DO YOU GET FOOD OR ACCOMODATION FOR WORKING HERE?

YES I RECEIVE ACCOMODATION BEACUS I WORK HERE

[Redacted]

Signature: ... [Redacted]

Signature witnessed by:

Witness contact details

URN : / /

Name of witness: [REDACTED]

Home address: [REDACTED] Postcode: [REDACTED]

Email address: [REDACTED] Mobile: [REDACTED]

Home telephone number: Work telephone number:.....

Preferred means of contact (specify details for vulnerable/intimidated witnesses **only**):.....

Gender: ...Male

Date and place of birth: [REDACTED]

Former name: Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY: None known at present

Witness care

- a) Is the witness willing to attend court? Yes * No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*)
Yes No * If 'Yes', submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No * If 'Yes', what are they? (*Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the Home Office...." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A
I would like the CPS to apply for reporting restrictions on my behalf. Yes No N/A

I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number if different from above:.....

Statement taken by (*print name*): Station:



Time and place statement taken:



WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of [redacted] URN: [redacted] [redacted] EV7-847,364 [redacted]

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer [redacted]

This statement (consisting of: 6 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [redacted] Date: 30 November 2022

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a designated Immigration Officer based at the BEDFORD IMMIGRATION OFFICE. On 17th NOVEMBER 2022 I was on duty at the residential premises at PERA PALACE, 8 MARKET HILL, CHATTERIS, PE16 6BA. I was in full arrest uniform, wearing issued Personal Protective Equipment (PPE) and other officers present were IO [redacted] IO [redacted] IO [redacted] IO [redacted] IO [redacted] CIO [redacted] [redacted] AND IO [redacted]

The entry of the premises was under Section 179 of the Licensing Act 2003. At approximately 1933hrs I arrived at the address along with the other officers and enter the premises at the same time that day. I was searching the premises for persons and upon entry I identified a male run from the open plan kitchen area towards the fire exit. I also observed another male who was incredibly nervous, disappeared, and returned with his possessions in his hands. Both males were brought forward for other officers to question. I did not question any suspected person at the address.

At 2028hrs I encountered Mr [redacted], who he described himself as a "KIND OF MANAGER" of the business, but later clarified if the owner is absent he is in charge. Mr [redacted] could speak English to an excellent standard and I did not require an interpreter to

Signature: Signature witnessed by:

Continuation of Statement of [REDACTED]

communicate. I question Mr [REDACTED] further on the work he performs at the premises and what his relationship is to the persons who were arrested after being encountered working at the premises.

[REDACTED] – “What is the name of the business?”

[REDACTED] – “Pera Palace Restaurant.under the name of Hupus Limited”

[REDACTED] – “What are the Companies House and VAT numbers of the business?”

[REDACTED] – “Vat registered 344036523. Unsure if on companies’ house”

[REDACTED] – “What is your position here?”

[REDACTED] – “Kind of manager. Part time worker. I know the owner. He is my wife's brother. In his absence I am in charge”

[REDACTED] – “How long have you been working here?”

[REDACTED] – “Since November 2021. About a year”

[REDACTED] – “How long has [REDACTED] been helping today?”

[REDACTED] – “He’s been here since the afternoon, I came around 1800hrs. We have a serious problem with staff. Ali has applied for sponsorship for 2 staff to come to the UK. It is hard to find staff and people who know what they are doing.”

[REDACTED] – “How long has [REDACTED] been helping out with the business”

[REDACTED] – “Ali provides him food, a little bit of pocket money. The money he gives him is because he is his cousin. He is new to the country.”

[REDACTED] – “How long has [REDACTED] been helping in total? How many hours does he help for?”

[REDACTED] – “I’m not too sure. I don’t have a clue. Ali is on his way. I’m not sure about staff. I don’t want to give false information”

[REDACTED] – “How long was [REDACTED] helping out for?”

[REDACTED] – “I dunno when he came in. When I came in at 1800hrs he was here so I’m not sure. I know Ali is looking for help”

[REDACTED] – “Is there a record of staff kept on the premises?”

[REDACTED] – “I showed some paperwork to the officer. I don't know too much”

[REDACTED] – “Who hires and fires people here?”

[REDACTED] – “Ali's job”

[REDACTED] – “Did Ali let [REDACTED] and [REDACTED] help out?”

Signature: Signature witnessed by:

Continuation of Statement of [REDACTED]

[REDACTED] – “Yeah”

[REDACTED] – “Are they given anything for helping out?”

[REDACTED] – “Financial side not sure. We do provide food for them and staff here as well”

[REDACTED] – “Do you receive payslips? Are you paid cash or bank?”

[REDACTED] – “I have payslips and bank transfer most of the time. He's like family to me he helps me out a lot. When I need money, he's always there for me”

At the end of the questioning, I asked Mr [REDACTED] to confirm his details to me. After this I showed Mr [REDACTED] my electronic Pronto notebook. I read out my questions and his answers. I asked Mr [REDACTED] to sign my pocket notebook to say that he has read and understood what has been said. And that he agrees that it is a true account; he agreed and signed my electronic pocket notebook.

At 2028hrs I encountered Mr Ali AVLIK, who he described himself as the owner of the business. Mr AVLIK could speak English to an excellent standard and I did not require an interpreter to communicate. I question Mr AVLIK further on the work he performs at the premises and what his relationship is to the persons who were arrested after being encountered working at the premises.

[REDACTED] – “What are the Companies House and VAT numbers of the business?”

AA - “I am on Companies House under Hupus Limited. Company number 12241800”

[REDACTED] – “What is your position here?”

AA - “Business owner”

[REDACTED] – “How long have you been working here?”

AA - “11 years in restaurants. 4 years here. I have another business in Kings Lynn Pera Grill in Kings Lynn”

[REDACTED] – “Are you the person who employs and fires staff?”

AA - “Yeah”

[REDACTED] – “Do you conduct pre-employment checks on staff such as right to work”

Signature: Signature witnessed by:

Continuation of Statement of [REDACTED]

AA - "Yeah"

[REDACTED] - "Do you use the government checking service?"

AA - "No I ask for the passport, national insurance number and home address"

[REDACTED] - "Do you keep a record of all of this"

AA - "Yeah some of them. If they start, we ask them and then the accountant takes all of the records. I have some on my phone. I have all payslips from start to end"

[REDACTED] - "How do you employ staff?"

AA - "No one comes from London to work. I have applied for a sponsor licence to employ people. Reference SPL811100091X. This is still outstanding with the Home Office"

[REDACTED] - "how long has [REDACTED] been helping out here?"

AA - "3 weeks maybe 4 weeks. He does dishwashing"

[REDACTED] - "What does he help with?"

AA - "He only dish washes as he doesn't know"

[REDACTED] - "Is he given anything for helping out?"

AA - "I don't charge him on rent. I give him picket money and give him food and cigarettes. He is my cousin"

[REDACTED] - "How long has [REDACTED] been helping out for?"

AA - "2 months"

[REDACTED] - "What does he do?"

AA - "Normally he is a chef in Turkey. He helps out with cooking. Part time for 2 months he has been cooking for me"

[REDACTED] - "Is he given anything for helping out?"

AA - "Food, somewhere to live for free, pocket money, sometimes I send money to his 3-year-old daughter and family in Turkey."

[REDACTED] - "How long has [REDACTED] been helping out?"

AA - "A month. This month he does fixing the blocked toilets. At night if I'm not there I change clothes to help. He puts out decorations. He has a home in March, but he has a bed and decorations and paint downstairs in the warehouse"

[REDACTED] - "what is [REDACTED] given for helping out?"

AA - "I give him decoration jobs and he is given money to his family in Turkey. He is given food; we don't charge staff for food."

Signature: Signature witnessed by:

Continuation of Statement of [REDACTED] [REDACTED]

[REDACTED] – “Are you aware of the Immigration statuses of [REDACTED] [REDACTED] and [REDACTED]

AA - “Not [REDACTED] but the others yes”

[REDACTED] – “Do you have payslips for staff?”

AA - “Yes I do I will print them for you.”

[REDACTED] – “In a week what does [REDACTED] help and when”

AA - “3 or 4 days a week. Thursday Friday and Saturday. He helps out 1800-2100. If I'm at work and it's busy he helps me out”

[REDACTED] – “In a week what does [REDACTED] help and when?”

AA - “He's the chef in Turkey. He does the meats, starters, desserts. 3 or 4 weeks. He helps every day as he has nowhere to live and no pocket money. He helps 1130-1200 and leaves 1400-1500. Then comes back to help from 1600-1700 until close. 6 days a week. We close on Mondays.”

[REDACTED] – “How often does [REDACTED] help”

AA - “3 or 4 hours a day if he has finished his decorations. Only when I ask him, maybe 2-3 days a week for 10-15 hours”

[REDACTED] – “If [REDACTED] [REDACTED] and [REDACTED] were not helping out would you need to employ staff to perform the duties they help out with?”

AA - “Yeah. I need it that's why I've applied for the sponsor licence”

[REDACTED] – “How many staff are you looking to recruit?”

AA – “3 or 4. I need a member of staff in the King's Lynn Branch”

[REDACTED] – “If you had a full complement of staff would [REDACTED] [REDACTED] and [REDACTED] need to still help out for you?”

AA – “No, no.”

At the end of the questioning, I asked Mr AVLIK to confirm his details to me. After this I showed Mr AVLIK my electronic Pronto notebook. I read out my questions and his answers. I asked Mr A AVLIK to sign my pocket notebook to say that he has read and understood what has been said. And that he agrees that it is a true account; he agreed and signed my electronic pocket notebook.

Signature: Signature witnessed by:

Continuation of Statement of [REDACTED]

This statement is made from my recollection of events and has been produced from the information held in my electronic pocket notebook under the Pronto reference EV7-847,364.

[REDACTED]

Signature: Signature witnessed by:

Witness contact details

URN : / /

Name of witness:

Home address: Postcode:.....

Email address:..... Mobile:.....

Home telephone number:..... Work telephone number:.....

Preferred means of contact (*specify details for vulnerable/intimidated witnesses only*):.....

Gender:..... Date and place of birth:.....

Former name:..... Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*)
Yes No If 'Yes', submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No If 'Yes', what are they? (*Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the Home Office...." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A
I would like the CPS to apply for reporting restrictions on my behalf. Yes No N/A

I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number if different from above:.....

Statement taken by (*print name*): Station:.....

Time and place statement taken:

\ WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates’ Courts Act 1980, s.5B

URN

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Statement of: [REDACTED] [REDACTED] [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer [REDACTED]

This statement (consisting of two page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [REDACTED]

(witness).....Date: 07/12/2022

On THURSDAY 07th November 2022 I was on duty wearing full PPE equipment carrying out my duties as am Chief Immigration Officer. I was part of an Immigration, Compliance and Enforcement team on an intelligence lead enforcement visit to PERA PALACE,8 MARKET HILL, CHATTERIS, PE16 6BA.

The premises was entered using warrant under section 179 of the Lichenising Act 2003 in order to search for persons working in breach of their licence

I arrived at the premises at approximately 1930hrs where I moved towards the rear of the business where the kitchen and store rooms were.

I started to speak to a male chef who I now know to be [REDACTED] [REDACTED] [REDACTED] a [REDACTED] national. I explained why the reason why we were at the restaurant to which he replied that “I AM ONLY HELPING”, further examination showed that [REDACTED] was an overstayer in the United Kingdom with no right to work due at 2010hrs I arrested [REDACTED] under Sch 2 Para 17(1) of the Immigration Act 1971 as a person liable to be detained under Para 16 of Schedule 2 of the same act.

Since [REDACTED] has no leave for the United Kingdom or right to work. The following illegal working questions were asked and noted on Pronto under reference [REDACTED] [REDACTED] spoke Turkish so interpreter [REDACTED] was used.

Q: WHAT ARE YOU DOING HERE / YOUR JOB HERE TODAY?

A: I CAME TO HELP MY COUSIN, I'M NOT WORKING HERE

Q: HOW WERE YOU HELPING YOUR COUSIN HERE TONIGHT?, WHEN WE WITNESSED YOU WORKING IN THE GRILL WITH FOOD IN YOUR HAND, AS YOU HAVE ON A UNIFORM, YOU HAVE THE LABEL OF GRILL CHEF?

A: WHEN OFFICER ENTER I WAS HELPING THE CHEF

Q: HOW WERE YOU HELPING THE CHEF?

A: THE CHEF ASKED TO HELP WITH THE FISH TRAY

Q: DO YOU HELP OUT AT THE RESTAURANT A LOT OR A LITTLE?

A: I HELP OUT A LITTLE.

Q: HOW OFTEN DO YOU HELP OUT? EVERYDAY?

A: 1 OR 2 TIMES A WEEK

Q: WHO LETS YOU HELP OUT IN THE KITCHEN

A: NO ONE

Q: YOU'RE TELLING ME THAT YOU HAVE JUST GRABBED A UNIFORM AND STARTED HELPING OUT IN THE KITCHEN?

A: YES, NO ONE TOLD ME

Q: WHO GAVE YOU THE JOB HERE?

A: NOBODY EMPLOYED ME HERE.

Q: THE CHEF THAT ASKED YOU TO HELP DOES HE KNOW YOU AREN'T ALLOWED TO WORK?

A: MAYBE HE DOESN'T KNOW

Q: HAS ANY MANAGEMENT EVER ASKED YOU IF YOU ARE ALLOWED TO WORK?

A: NO BECAUSE THEY KNOW I'M ONLY HERE TO HELP.

Q: DO YOU GET ANY MONEY OR ANY FOOD?

A: NO. I ONLY HELP OUT FOR 1 – 2 HOURS

Q: DO YO LIVE UNDER THE RESTAURANT?

A: I DON'T STAY THERE.

Q: WHY WAS YOUR PASSPORT DOWNSTAIRS IN THE ACCOMODATION?

A: SOME OF MY STUFF IS DOWNSTAIRS.

Q: DO YOU HAVE ANOTHER ADDRESS?

A: YES WITH MY COURSE BUT CAN'T REMEMBER WHAT THE ADDRESS IS.

Q: WHERE DOES YOU COUSIN LIVE?

A: I CAN'T REMEMBER.

Q: DO YOU EVER SLEEP DOWNSTAIRS.

A: NO

Q: DID YOU SHOW OR WERE YOU ASKED TO SHOW ANY DOCUMENTS TO SHOW YOU ARE ALLOWED TO WORK?

A: NO I WAS NEVER ASKED.

Q: WILL THE CCTV SHOW YOU WORKING?

A: NO IT WILL SHOW ME HELPING NOT WORKING

Q: WILL THE CCTV SHOW YOU WORKING OR HELPING EVERYDAY?

A: YES

Q: DO YOU BELIVE YOU ARE ALLOWED TO WORK?

A: I KNOW I DON'T HAVE PERMISSION TO WORK.

Q: DID YOU EVER TELL THE MANAGER OR CHEF THAT YOU DON'T HAVE PERMISSION TO WORK?

A: YES THEY KNOW THAT I'M NOT ALLOWED TO WORK

Q: SO IF THEY KNOW DO THEY STILL ALLOW YOU TO HELP OUT?

A: NO ONES TELL ME NOT TO WORK.

Q: ARE YOU WORKING OR HELING OUT ANYWHERE ELSE?

A: NO

Q: IF YOU ARE NOT WORKING HOW ARE YOU SUPPORTING YOURSELF?

A: I LIVE WITH MY COUSIN AND HE PAYS FOR EVERYTHING.

All the questions and answers were read back to the [REDACTED]. [REDACTED] was happy to sign

[REDACTED]

stating that it is an accurate record in the interview.

/ CIO [REDACTED]



Signature: Signature witnessed by:

Witness contact details

Name of witness: Home address: Postcode:

Home telephone No: Work telephone No:

Mobile: E-mail address:

Preferred means of contact (*specify details*):

Best time to contact (*specify details*):

Gender: Date and place of birth:

Former name: Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the Home Office..." Yes No
- d) I consent to Home Office Immigration Enforcement having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A

I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A
'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by: Office / station: Time and place statement taken:



Government Security Classification.....
Approved for Immigration Enforcement use – April 2014

MG11T



2014

Government Security Classification.....

This tear off section to be completed and handed to the witness

The Home Office (Immigration Enforcement) – Contact Details

The officer dealing with your case/taking this statement is:

Officer: Rank & Number:

Office:

Telephone:

Contact E-Mail:

Reference No:

The officer dealing with your case can help but may not always be available.

Giving a witness statement to the Home Office– what happens next?

Thank you for coming forward. We value your help and we will do everything we can to help you.

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

Is there anything else I can do?

Yes. It is important to tell the Home Office:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact the officer dealing with your case to update this information as soon as it changes. It is needed when the trial date is set.

Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, the Home Office, the police and CPS are separate organisations.

Who will read my statement?

Everyone involved with the case will read your statement (e.g. Home Office, the police, CPS, defence and the magistrate or judge).

What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the Home Office in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately and inform the Home Office officer dealing with your case.

Will I be told what is happening in the case?

The Home Office and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact the Home Office at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare). Victims of crime are usually told:

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason.

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty' or
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent

- a letter telling you when and where to go
- an explanatory leaflet.

What will happen if I don't go to court?

If you have any problems or concerns about going to court, you must inform the officer dealing with your case as soon as possible. If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you. If you still fail to attend without good reason you may be found 'in contempt of court' and arrested.

Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible, a look around a court room so you know what to expect.

The officer dealing with your case will be able to provide you with contact details.

The Witness Service does not discuss evidence or give legal advice.

Extra Help is available to support vulnerable or intimidated witnesses. If the CPS lawyer thinks that a witness qualifies for this help, known as 'Special Measures', he/she will ask the court for permission to use them. The Witness Service, police or Home Office will tell you what is available and the police or CPS will be able to discuss your needs.

Victim Support and Witness Service

The Victim Support scheme operates from a number of locations across the UK, and their volunteers are specially trained to provide free and confidential information, support and advice.

All victim and witnesses will be offered support from Victim Support's Witness Service, which is **independent**, confidential and free. This support will include someone to talk to, a quiet place in which to wait and a chance to see the court before the day of the trial. Although the Witness Service volunteers will explain the court process to you, they cannot discuss the specific details of the case.

Victim Support Helpline
0845 30 30 900

The Witness Charter

The Home Office Immigration Enforcement is not a signatory of the Witness Charter but adheres to the spirit of charter which sets out the standards of service that witnesses can expect to receive at every stage of the Criminal Justice process from:

- The Home Office, if you are a witness to a crime or incident
- Other Criminal Justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence in a criminal court

The standards apply to all witnesses, regardless of whether you are also the victim. If you are a victim of a crime, you have rights that are set out in the Code of Practice for Victims of Crime.

Unlike the Victims Code of Practice, the Witness Charter is not set out in law, and there may be constraints which affect the ability of the Criminal Justice agencies to provide the service to all witnesses in all cases.

Being kept updated on progress during the investigation:

After you have given a statement, if the offence is of a **very serious nature** and the Home Office have told you that you are likely to be called to give evidence in court, the Home Office will seek to update you:

- at least once a month on the progress of the case until the point of closure of the investigation or
- at the point at which someone is charged, summoned, or dealt with out of court.

Being kept updated on progress after charge:

If you are a prosecution witness to any offence, the Home Office will seek to inform you:

- when the defendant has been charged
- whether the defendant has been released on bail to attend court , or held in custody until the first court appearance
- what relevant bail conditions apply.

Further information about being a witness can be downloaded from the Crown Prosecution Service website at www.cps.gov.uk/victims_witnesses

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

EV	7	847	364
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Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer [REDACTED]

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: ... [REDACTED] (witness) Date: 30/11/2022

I am the above-named officer and a member of the Arrest Team at the Immigration Compliance and Enforcement Team (ICE), East of England, Immigration Enforcement, Home Office in Bedford. At approximately 19:34hrs on 17/11/2022, I was on duty in full uniform, wearing issued Personal Protective Equipment (PPE) and accompanied by Immigration Officers as recorded in my Pronto (visit reference EV7-847,364). As a result of information received, and following a briefing given by the Officer in Charge (OIC) [REDACTED] 16627, at 19:00hrs at an arranged nearby location, officers deployed in Home Office vehicles to PERA PALACE, 8 Market Hill, Chatteris, PE16 6BA, to search for head waiter, [REDACTED] as intelligence stated. Entry to the premises had been authorised under Section 179 Licensing Act 2003.

I deployed from my vehicle at 19:30hrs and entered the premises via the main customer entrance on Market Hill. Entry was gained and Immigration Officer [REDACTED] and I headed straight for the rear of the restaurant. At approximately 19:34hrs, whilst conducting a search in the kitchen area, I.O [REDACTED] made me aware that someone had entered the kitchen, who we later identified as [REDACTED]. He was wearing a black, PERA PALACE branded T-Shirt and was carrying his mobile phone and headphones. I carried out a full interview with him, with the assistance of a [REDACTED] interpreter, via telephone call, from The Big Word Language Services– interpreter number [REDACTED] and proceeded to arrest him under Paragraph 17(1) Schedule 2 Immigration Act 1971 at 19:46hrs as he was an illegal entrant but later released him after confirming that he has an outstanding application with the Home Office.

Signature: [REDACTED]

Signature witnessed by:.....

I further questioned him about his position at PERA PALACE. He advised that he did not work there, only helped out. I then proceeded to question him further, recording the answers verbatim.

█.█ How long have you been helping at PERA PALACE?

█.█ For 2 weeks and living here for 2 months with my cousin.

█.█ How do you help at PERA PALACE?

█.█ Collect deliveries and replenish stock

█.█ Do you serve customers here?

█.█ No

█.█ What days/ hours do you work each week?

█.█ I don't come every day. Just when needed. 2 days a week.

█.█ Who tells you what to help out with?

█.█ Nobody tells me to do anything because I don't do anything. This is my cousins place I live and stay with them. When they are not here, I am looking around, that's all.

Usually, I stay inside the house, and I do not do anything I come here and eat here with people then I go home.

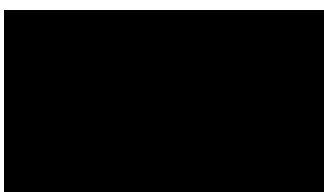
█.█ If you weren't helping out checking deliveries would someone else check deliveries?

█.█ He supports me, and I don't have to work to eat or stay with my cousin. I was helping that's all. Anyone can receive the deliveries, but my cousin trusts me to do it.

█.█ What do you receive in return for your help?

█.█ Nothing. When my cousin is not here, I look after things. I check deliveries. I am allowed to stay with my cousin at his accommodation but not because of work. I do not work just help.

Signature:



Signature witnessed by:.....

■. ■ Do you collect tips?

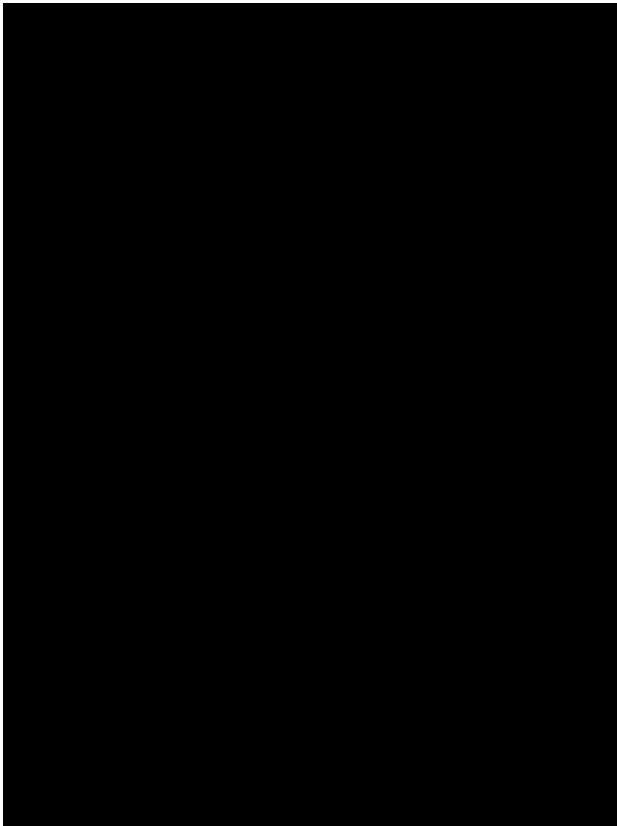
■. ■ I don't really work here. I get nothing from customers. this is my cousins place, that's all.

■. ■ What is your cousin's name?

■. ■ [REDACTED]

I asked Mr. [REDACTED] to confirm his responses to the questions and then to confirm, by signing electronically, that the answers were true.

Following questioning, I let Mr. [REDACTED] know that the terms of his asylum claim states that he is not permitted to work and that he should not be on the premises helping and wearing a company branded T-shirt. I took a picture of him wearing this T-Shirt in the kitchen where I encountered him, which I submit as Exhibit SLU/01:



Signature:

[REDACTED]

Signature witnessed by:.....

He advised that he would collect his belongings and leave immediately.

I.O [REDACTED] and I then proceeded to encounter two further individuals. One who claimed to be the manager covering for the evening and the business owner, [REDACTED], who was [REDACTED] [REDACTED] cousin. I.O [REDACTED] questioned the individuals whilst I observed and covered him.

After I.O [REDACTED] the business owner with an Illegal Working Civil Penalty Referral Notice, we waited to be stood down by OIC [REDACTED] and the team departed the premises at 21:45hrs.

This statement is made from my recollection of events and has been produced from the information held in my electronic pocket notebook under the Pronto reference EV7-847,364.

Signature

[REDACTED]

. Signature witnessed by:.....

Witness contact details

Name of witness: [redacted] Home address: Immigration Compliance and Enforcement, [redacted] Postcode: [redacted]
Home telephone No: [redacted] Work telephone No: [redacted]
Mobile: [redacted] E-mail address: [redacted]
Preferred means of contact (specify details): Email:
Best time to contact (specify details): 9am – 5pm
Gender: Female Date and place of birth: [redacted]
Former name: [redacted] Ethnicity Code (16 + 1): [redacted]

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? YES If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) NO If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
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Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by: Self Office / station: ICE East of England Bedford

Time and place statement taken: Office - 1431hrs 22/11/2022

This tear off section to be completed and handed to the witness

The Home Office (Immigration Enforcement) – Contact Details

The officer dealing with your case/taking this statement is:

Officer: Rank & Number:

Office:

Telephone:

Contact E-Mail:

Reference No:

The officer dealing with your case can help but may not always be available.

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Victim Support Helpline

0845 30 30 900

Government Security Classification
Official Sensitive

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Being kept updated on progress after charge:

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- when the defendant has been charged
- whether the defendant has been released on bail to attend court, or help in custody until the first court appearance
- what relevant bail conditions apply.

Further information about being a witness can be downloaded from the Crown Prosecution Service website at www.cps.gov.uk/victims_witnesses

**Part A****Premises Licence**

The Licensing Authority, Fenland District Council
 Fenland Hall, County Road, March
 Cambridgeshire, PE15 8NQ. Tel: 01354 654321

Premises Licence Number

22/1581/LAPRE1

Premises Licence valid from

29th September 2022

Part 1 – Premises Details**Postal address of premises, or if none, ordnance survey map reference or description**

Pera Palace Restaurant
 8 Market Hill
 Chatteris
 Cambridgeshire
 PE16 6BA

Telephone number: 01354 669933**Where the licence is time limited the dates**

Not Applicable

Licensable activities authorised by the licence

Live Music - Indoors
 Recorded Music - Indoors
 Late Night Refreshment - Indoors
 Sale by Retail of Alcohol - On Sales

Times the licence authorises the carrying out of licensable activities**Live Music - Indoors**

Monday to Sunday 11:00 hrs to 00:00 hrs

Recorded Music - Indoors

Monday to Sunday 11:00 hrs to 00:00 hrs

Late Night Refreshment - Indoors

Monday to Sunday 23:00 hrs to 00:00 hrs

Sale by Retail of Alcohol - Sales

Monday to Sunday 11:00 hrs to 00:00 hrs

Non-Standard Timings

From end of prescribed hours New Years Eve to start of Prescribed hours the following day

The opening hours of the premises

Monday to Sunday

11:00 hrs to 00:30 hrs

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption on the Premises

Part 2

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

Mr Hasan Ates

[REDACTED]

March

Cambridgeshire

[REDACTED]

Business Telephone No.: 01354 669933

Email: [REDACTED]

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

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Hasan Ates

[REDACTED]

March

Cambridgeshire

[REDACTED]

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

LN/201600818

London Borough of Enfield

Premises Licence issue date: 13th October 2022

[REDACTED]

.....(Michelle Bishop)
ON BEHALF OF FENLAND DISTRICT COUNCIL

Annex 1 – Mandatory Conditions

Premises Licence (On-Sales of alcohol only)

1. Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. 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. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to 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 drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective [words added];
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. 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 holographic mark, or an ultraviolet feature.
6. The responsible person must ensure that 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: ½ pint;

- (b) gin, rum, vodka or whisky: 25ml or 35ml; and
- (c) still wine in a glass: 125ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if 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. A relevant person shall ensure that no alcohol is sold or supplied for consumption on the premises for a price which is less than the permitted price. For the purposes of this condition:
- * "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - * "permitted price" is the price found by applying the formula - $P = D + (D \times V)$ where:
 - * P is the permitted price;
 - * D is the rate 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
 - * 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;
 - * "relevant person" means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - * "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

Annex 2 – Conditions consistent with the Operating Schedule

1. The premises to be run as a Restaurant and takeaway. Food to be served until midnight and alcohol will only be sold to customers as an ancillary to a table.
2. Crime and disorder on the premises will not be tolerated. Where necessary customers will be asked to leave where there is a risk of disorder. Where crime is suspected the police will be called. The proprietor will not hesitate to ban customers who misbehave.
3. CCTV/video equipment to be installed inside and outside the premises and ensure that it is maintained in working order.
4. CCTV/video equipment to be set to record from the time the premises are open to the public until the premises close and all members of the public have left.
5. The premises licence holder to ensure that any cameras covering the exterior of the premise are left to record for the duration of the tape.
6. The premises licence holder to ensure that monitoring tapes are retained for at least 28 days and are produced to an authorised officer on demand.
7. The premises licence holder will put up notices advising that CCTV has been installed on the premises so that they are clearly visible to the public within the licensed premises.
8. Where glass bottles are used they will be retained or disposed of on the premises.
9. No customers to be admitted or permitted to leave when carrying opened or sealed bottles or glasses.
10. The premises licence holder will make sure that noise or vibration is not noticeable outside the premises.
11. The premises licence holder will make sure that doors and windows are kept close to reduce noise nuisance from the premise only when Regulated Entertainment is happening.
12. The premise licence holder will display prominent clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
13. The premises licence holder will ensure that no amplified sound in connection with the premise continues beyond the permitted hours.
14. Children under the age of 14 must be accompanied by an adult.

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

N/A

Annex 4 – Plans

