

## East Lindsey District Council

**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 Chris Haward (Chief Constable of Lincolnshire Police)

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Arcade Mini Market 2 Sandbeck Arcade Drummond Road Skegness	
<b>Post town</b> Lincolnshire	<b>Post code (if known)</b> PE25 3DY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Ali KAYRAN
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<b>Number of premises licence or club premises certificate (if known)</b> ELINDC/PLA009592
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**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**

Please tick  yes

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

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

Lincolnshire Police Alcohol Licensing Myle Cross Centre Macaulay Drive LN2 4EL
Telephone number (if any) 101 - Lincolnshire - 3298438
E-mail address (optional) Countylicensinggroup@lincs.pnn.police.uk

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

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

This review application relates to a premises which operates as convenience store and off licence offering alcoholic beverages for sale. It has been granted a Premises Licence (Licensing Act 2003) by East Lindsey District Council, authorising the sale of alcohol for consumption off the premises. The sale of alcohol is authorised between the hours of 08:00 and 23:00 Monday to Sunday.

Lincolnshire Police have obtained evidence which indicates that the management of these premises has been operating it in such a manner that amounts to criminal activity and thus undermines the licencing objectives.

The premises has recently been visited as part of a joint operation with Immigration Officers. During this visit a male was found to be working behind the counter at the premises. The male had entered the UK legally with a visitor's VISA but had no right to work for the duration of his stay thus was arrested for working in breach.

#### Revised Guidance issued under Section 182 of the Licensing Act 2003

Section 2.1 Licensing authorities should look to the Police as the main source of advice on crime and disorder.

Section 11.23 states where the premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Section 11.24 of the Guidance to the Licensing Act states that reviews do not have to be directly linked or connected with the licensable activities at any premises. In this case the offences are directly linked to the operation of the premises as a convenience store licensed to sell alcohol for consumption off the premises and the staff actively involved in these activities.

Section 11.25 states that in any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Section 11.26 states that where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, it is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

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

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

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

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

On Wednesday 15<sup>th</sup> June 2022 Officers from the Lincolnshire Police Alcohol Licensing Team visited the premises as part of a joint operation with Immigration Officers.

Immigration Officers had received intelligence to suggest that there were illegal workers employed within the neighbouring premises. Checks were conducted on the individual who was allegedly employing the workers and it was established that this same male also had control of Arcade Mini Market whereby he was both Premises licence holder (PLH) and Designated Premises Supervisor (DPS). Visits were carried out at both the Mini Market and the premises next door.

Upon arrival at the Arcade Mini Market PS COTTON and PC JONES witnessed a lone male working behind the counter of the shop – the male was seen to serve a number of customers. This male was subsequently detained by Immigration Officers for the relevant offences under the Immigration Act 1971.

*Annex A – Immigration Officer Donnelly - debrief and record of interviews.*

*Annex B – Statement of PS 1367 Ian Cotton*

*(Body worn camera footage of PS Cotton has been downloaded and is available to show to the committee if requested.)*

Whilst on the premises PS Cotton carried out a compliance check in relation to the premises licence and found breaches namely, staff training was out of date with the last entry being in 2016 and the refusals register was not adequately filled in with the last entry being March 2020. It is an offence under s.136 Licensing Act not to comply with the conditions on the premises licence.

Upon arrival of PC Casey, she also noted that various alcoholic drinks were not price marked. (Contrary to s.4 of the Price Marking Order 2004)

*Annex C – Statement of PC 1299 Rebeka Casey*

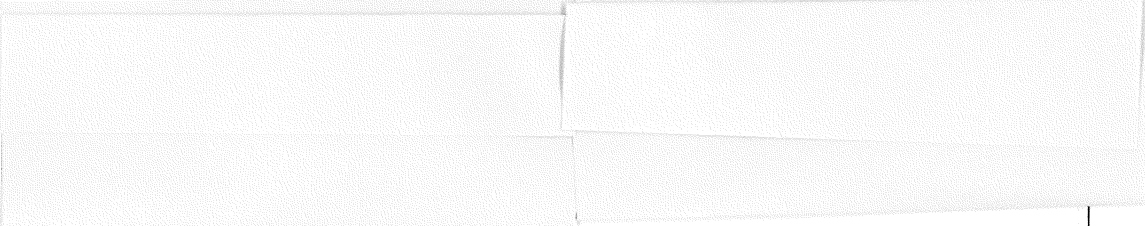
It is an offence to employ an illegal worker under section 21 of the Immigration, Asylum and Nationality Act 2006, as amended by section 35 of the Immigration Act 2016, if the employer knows or has reasonable cause to believe that they are employing an illegal worker. The employer by law has to carry out various checks to ensure that their staff are legally allowed to work.

Where an employer pays wages to illegal workers off record with no tax or national insurance deductions which are then deliberately omitted from an employers End of Tax Year P35 returns to HMRC, the employer may be dealt with by means of the Fraud Act 2006. Similarly, HMRC may take action as a civil proceedings case and raise a tax debt against the business.

Illegal workers are more than likely poorly paid for the hours they are required to work and are not subject to the benefit of a minimum wage or restricted

hours as prescribed in law. Nor are they afforded the benefit of the protections offered by UK employment legislation and are therefore often exploited.

Lincolnshire has led the way with how illegal working within licenced premises and its impact on how the crime prevention objective should be viewed. The stated case of East Lindsey District Council v Abu Hanif in 2016 involved an illegal worker in a licenced premises in Lincolnshire in April 2014, where a civil penalty was later issued by immigration. The premises licence was reviewed and revoked, an appeal followed which was successful, based on the argument that a civil penalty was not a prosecution and so did not concern the crime prevention objective. East Lindsey District Council then appealed that decision by way of a case stated, arguing that it was not necessary for a crime to have been reported, prosecuted or established in a court of law in order for the crime prevention objective to be engaged. That the licensing objectives were prospective and were concerned with the avoidance of harm in the future. Mr Justice Jay upheld the councils appeal, citing defrauding the revenue and exploitation of vulnerable individuals by not paying minimum wage as evidence of the commission of criminal offences, and the fact that the employee could not provide the required paperwork as clear inference that Mr Hanif well knew that he was employing an illegal worker.



Lincolnshire Police request that the Licensing Sub-committee seriously consider a revocation of the premises licence.

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

If yes please state the date of that application

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

N/A



Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 PC 1299 Casey

Date 21.07.22

Capacity for and on behalf of Chief Constable of Lincolnshire Police

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

Post town

Post Code

Telephone number (if any)

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

**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.