

Licensing Authority: London Borough of Croydon
By email: Licensing@croydon.gov.uk

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	
Sanderstead Tandoori 5 Station Parade Sanderstead Road	
Post town South Croydon	Post code (if known) CR2 0PH

Name of premises licence holder or club holding club premises certificate (if known) Mukkid Miah
--

Number of premises licence or club premises certificate (if known) 05/01351/LIPREM
--

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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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 refer to accompanied review pack for detailed information.

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

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

- yes Please tick ✓
- 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 ~~XXXXXXXXXX~~
.....

Date 12 August 2024
.....

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) IE.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

Sanderstead Tandoori
5 Station Parade
Sanderstead Road
South Croydon
CR2 0PH

Contents

Case Summary	3
Licensed Premises History	4
Enforcement Visit dated: 05 November 2023	5
Reasons for Review	8
Outcome Sought	9
Appendix A – Supporting Evidence	10

Case Summary

On 05 November 2023 the South London Immigration Compliance and Enforcement (ICE) team visited Sanderstead Tandoori, 5 Station Parade, Sanderstead Road, South Croydon, CR2 0PH, after intelligence was received that the business is employing illegal workers. Entry to the premises was gained at approximately 18.29hrs. under section 179 of the Licensing Act 2003.

The officers encountered five persons working at the premises of which three were identified as illegal workers.

In relation to the illegal working, a referral was made to the Civil Penalty Compliance Team. A civil penalty of £30,000 was therefore issued on 01 March 2024. This penalty remains unpaid.

Licensed Premises History

The premises licence number is 05/01351/LIPREM and held by Mr Mukkid MIAH. The Designated Premises Supervisor (DPS) is detailed as Mukkid MIAH.

Companies House records shows that Sanderstead Tandoori Limited with reference 14582284 was incorporated on 10 January 2023 and is currently active. Koiyes MIAH was appointed as director on 10 January 2023.

The premises is licenced for the sale by retail of alcohol – On the premises.

Details as follow:

The opening times for Sanderstead Tandoori are:

Monday - Saturday 16:00- 22:30.

Sunday 12pm- 22:30

The sale by retail of alcohol

Mondays to Saturdays (other than Christmas Day and Good Friday) 10:00 hours to 00:00 hours (midnight).

Sundays, Christmas Day, and Good Friday 12:00 hours (noon) to 23:30 hours

New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day or, if there are no permitted hours on New Year's Day, until 00:00hours (midnight) on 31 December.

Enforcement Visit dated: 05 November 2023

Entry to the premises was gained at 18:29hrs under section 179 of the Licensing Act 2003. Upon entering, immigration officers encountered a total of five individuals working within the premises of which three were suspected to be immigration offenders:

[REDACTED]

[REDACTED] was encountered in the restaurant area wearing a white shirt, a black trousers and smart shoes, which immigration officers suspected to be the waitering staff's uniform (image below).

During the illegal working interview, [REDACTED] maintained that he was not working at the premises. [REDACTED] stated that he was at the restaurant to visit a friend and that he lived with his sister, who had been supporting him.

Home Office checks showed that [REDACTED] never had lawful status in the UK. At the time of the enforced visit, [REDACTED] had an outstanding claim and did not hold right to work.



Photograph of [REDACTED] wearing a waiter's uniform.

██████████

██████████ was encountered in the restaurant area. Upon seeing officers, he immediately tried to run towards the kitchen's back door and was stopped by the officers and escorted back into the premises.

An illegal working interview was conducted with ██████████. ██████████ stated that he had been working at the premises for two months. When questioned about job role and employment, ██████████ stated that he did not work at the premises and would help with washing dishes. He stated he would be asked to help whenever it got busy and cover other duties given to him by the kitchen staff.

██████████ stated that he did not receive any payment in return for his work but was given free food and "the boss", ██████████, allowed him to live at the flat above the restaurant without paying the rent. ██████████ also used to give him ten pounds for the cigarettes when asked for.

██████████ stated that he was aware of not holding right to work and that ██████████ was aware too. For this reason, ██████████ had never asked him for any documentation.

Home office checks show that ██████████ entered the UK in 2004 on a visit visa. He overstayed his visa and submitted two applications for leave, both unsuccessful. ██████████ had an outstanding claim at the time of the visit and held no right to work.

██████████

██████████ was encountered in the kitchen of the premises. On seeing immigration officers ██████████ displayed an adverse reaction by removing his uniform and dropping it on the kitchen floor. Later, he picked it up and wore it again.

During the illegal working interview conducted ██████████ stated that he had been working at the premises for one month as a chef. He worked six days per week, on six hours shift and received a payment of £300 per week in cash. He was also allowed to eat food for free at the restaurant.

When questioned about employment, ██████████ stated that he was recruited by "the boss", ██████████. He also confirmed that ██████████ was the person informing him of his work shifts and tasks and provided the payment.

██████████ stated that he was aware of not having right to work when he started working at the premises, and that ██████████ did not check his right to work or immigration status before offering him the job.

Home office checks show that ██████████ entered the UK in 2007 on a spouse visa and he was refused two following applications for leave to remain in the UK. He had no status and no right to work in the UK at the time of the visit.

A1



Photograph of [REDACTED] encountered in chef's uniform.

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.

Three illegal workers were encountered at Sanderstead Tandoori, out of a total of five staff members present. One of the illegal workers, [REDACTED], admitted working at the restaurant and being paid in cash. Another illegal worker, [REDACTED], also admitted helping in the restaurant's kitchen in return of free food and accommodation. Both were aware of not having right to work and stated that they were employed without any documents being checked or right to work checks being conducted. 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.UK 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. 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.

The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance contributions are not made. In this case one worker stated that the employer pays him approximately £300 per week for working 6 hour per week for 6 days. Should this be the case, then the hourly wage works out to £8.33. The UK minimum wage at the time of the enforcement visit was £10.42. A key draw for illegal immigration is work and low-skilled migrants that are increasingly vulnerable to exploitation by unlawful enterprises, finding themselves in sub-standard accommodation and toiling in poor working conditions for long hours for remuneration below the National Minimum Wage.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed an illegal worker and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded 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 considered 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.

Sanderstead Tandoori has been found employing illegal workers. This business has clearly failed to meet the prevention of crime and disorder objective. The license holder and its agents would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

This is a clear failure of the license holder/DPS to uphold the licensing objectives. Moreover, two of the illegal workers stated to having been recruited without the employer asking them for evidence of immigration status or right to work checks being conducted.

Right to work checks should be carried out on all prospective employees prior to their first day, the checks are also irrespective of the length of the engagement or employment contract. Guidance is available online and the Home Office have published "[Right to work checks: an employer's guide](#)" which can be found on the GOV.UK website.

Immigration Enforcement asks the committee to seriously consider revocation of the license. 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 the employment of illegal workers and facilitating disqualified immigrants to work illegally.

Appendix A – Supporting Evidence

Illegal Working Employee [REDACTED]

Freetext Questioning [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working - Employee

Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Prontoid	[REDACTED] - India				
Subject CIDPID/CEPR	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	India				
Subject gender	Male				
Time	19:05				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>532790</td> </tr> <tr> <td>Northing</td> <td>162781</td> </tr> </table>	Easting	532790	Northing	162781
Easting	532790				
Northing	162781				
Creation date	05-11-2023 19:21:47				

Language of Interview

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

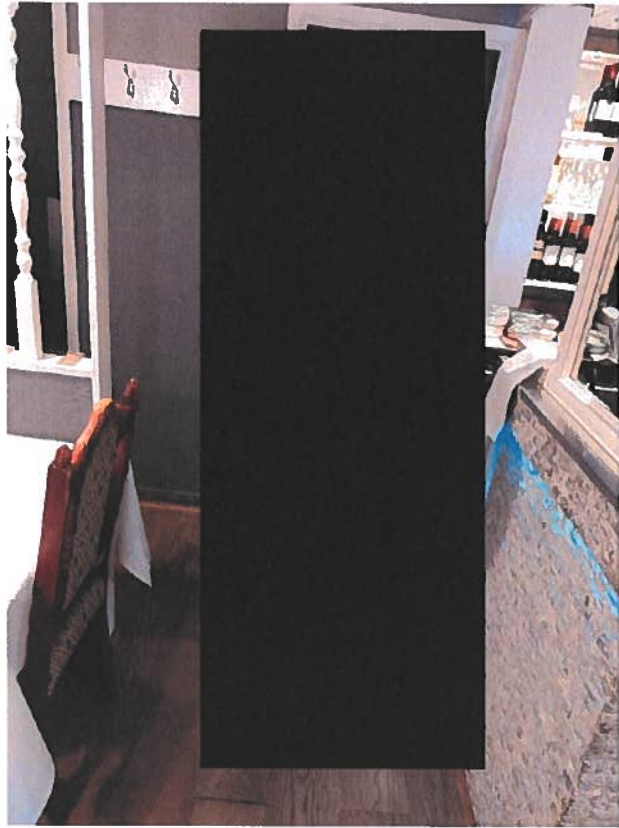
Obligation

how long have u been working here?	I don't work here
who employed you?	I don't work here
who say you could work here	I don't work here or anywhere for the last 9 months

Control	
No details provided.	
Remuneration	
No details provided.	
Pre-employment Checks	
No details provided.	
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Subject has refused to provide a signature.	
Employee read the contents of the interview themselves	Yes
Contents read back to the employee in the language used during the interview	Yes
Observations	
Observations	Encountered in smart attire, picture on freetext
Do you suspect this person of illegal working?	Yes

Freetext					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	Sanderstead Tandoori, 5 Sanderstead Road, Croydon, CR2 0PH (Visit Address)				
Subject CIDPID/CEPR	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	India				
Subject gender	Male				
Time	18:50				
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Easting	532806				
Northing	162748				
Creation date	05-11-2023 18:49:07				
Is this entry related to a Critical Incident?	No				
Entry					
Title	Questioning				
Text	<p>Encountered in shirt shoes trousers Claims to was visiting his friend Claims he lives with his sister and that she supports him We strongly believe that he was here working as Intel stated illegal working here at the address and encountered dressed as a waiter, there was no customers in the store when we arrived.</p>				

Photographs



Illegal Working - Employee					
Details					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
Prontoid	██████████ - Bangladesh				
Subject CIDPID/CEPR	Unknown				
Subject name	██████████				
Subject DOB	██████████				
Subject nationality	Bangladesh				
Subject gender	Male				
Time	19:59				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>532416</td> </tr> <tr> <td>Northing</td> <td>166023</td> </tr> </table>	Easting	532416	Northing	166023
Easting	532416				
Northing	166023				
Creation date	05-11-2023 19:59:13				
Language of Interview					
What language is the interview carried out in?	Bengali				
Interpreter used?	Yes				
Details of interpreter	██████████				
Does the individual understand the interpreter?	Yes				
Obligation					
How long have you been working at Sanderstead Tandoori?	About two months				
What is your job role/ what are your duties at Sanderstead Tandoori	I only help them do some washing of the dishes				
What days/ hours do you work each week at sanderstead Tandoori?	I'm not working here, I only help them in return for free food. I don't do set hours, whenever it gets busy they call and ask me to help.				
Control					
Who gave you this job at Sanderstead Tandoori?	The boss - ██████████. I just know him as ██████████				
Who tells you what days/ hours to work in Sanderstead Tandoori?	They don't tell me to come in, I come in to eat. And when it gets busy, I will start helping.				

Who tells you what tasks/ duties to do each day at Sanderstead Tandoori	██████ never ever tells me to come in and help
In Sanderstead Tandoori, is it another worker who tells you what to do?	The kitchen staff tell me what to do.
Remuneration	
How are you paid (money, accommodation, food) when working at Sanderstead tandoori?	No, I don't get paid in money, but they give me food.
where did you get the English money from that was in your coat in Sanderstead Tandoori?	The boss gives me money to buy cigarettes. I normally ask him for ten pounds only
does the boss give you money for cigarettes for in exchange for helping at Sanderstead tandoori	The boss doesn't give me any money, I help there and get free food and accommodation upstairs of Sanderstead tandoori.
Pre-employment Checks	
What name does the employer at Sanderson tandoori know you as?	██████
Did ██████ check your right to work or immigration status before they offered you the job at Sanderstead tandoori?	I don't have any paperwork to show him. I do not have permission to work so he didn't ask to see any.
Did you show documents or share a code with ██████ to prove your right to work at Sanderstead Tandoori before being offered the job? If so, what did you show and were they originals?	No I don't have any papers. And ██████ didn't ask for any paperwork.
Does your employer ██████ know you're not allowed to work in the UK?	He does know that I don't have permission to work

Additional Questions

No details provided.

Photographs

No photographs.

Declaration

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

Interviewee signature [REDACTED]
[REDACTED]

[REDACTED]

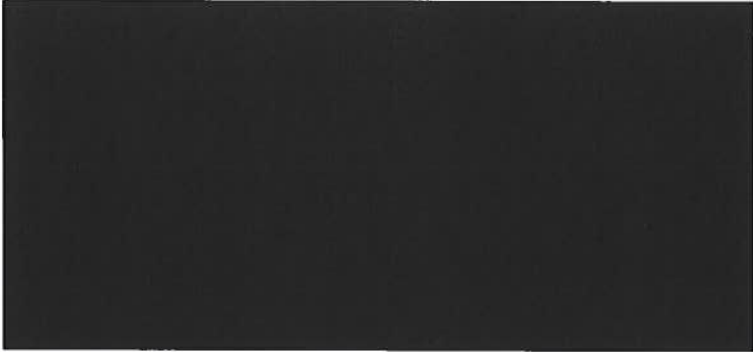
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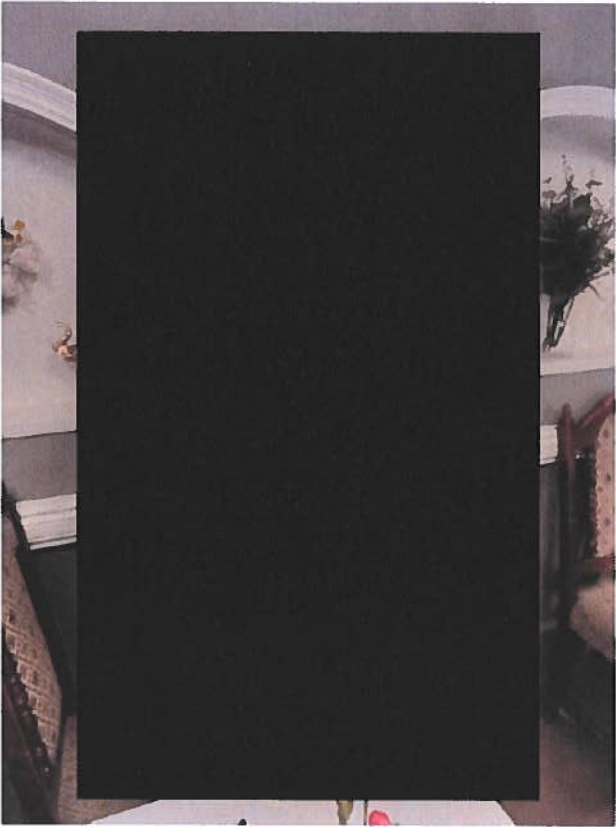
Observations

Observations | I was rear cover at the Sanderstead Tandoori, as officers entered the front of the restaurant, the individual quickly run out the back door. When the individual saw me at the door, he became nervous and tried to run away.

Do you suspect this person of illegal working? | Yes

Illegal Working - Employee					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Prontoid	Other				
Subject CIDPID/CEPR	Unknown				
Subject name	[REDACTED]				
Time	18:41				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>532807</td> </tr> <tr> <td>Northing</td> <td>162745</td> </tr> </table>	Easting	532807	Northing	162745
Easting	532807				
Northing	162745				
Creation date	05-11-2023 18:41:07				
Language of Interview					
What language is the interview carried out in?	English				
Interpreter used?	No				
Obligation					
How long have you been working at this business?	1 month				
What is your job role/ what are your duties?	Tandoori chef				
What days/ hours do you work each week?	6 days a week. I work 6 hours per shift roughly				
Do you work the same hours/ days every week?	Same hours and days				
how much do you get paid?	£300 per week				
do you get anything else from working here food?	Yes I can eat food				
how are you paid?	Cash in hand				
Control					
Who gave you this job (name and role in business)?	[REDACTED] but I know him as boss				
Who tells you what days/ hours to work?	Boss				
Who tells you what tasks/ duties to do each day?	Boss				

Does [redacted] aka boss pay you?	Yes
Remuneration	
Do you pay income tax or have a National Insurance number?	No
Pre-employment Checks	
What name does the employer know you as?	My name
Did the employer check your right to work or immigration status before they offered you the job?	No
Does your employer know you're not allowed to work in the UK?	No
do you know you have no right to work?	Yes
did your employer know you had no right to work?	I don't know
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature [redacted]	 05-11-2023 19:06:08
Observations	
Observations	

Do you suspect this person of illegal working?	Yes
Photo 1	 <p data-bbox="598 1182 699 1214">Caption</p> <p data-bbox="906 1182 1152 1214">subject with apron on</p>

PREMISES LICENCE

Premises licence number

05/01351/LIPREM

Part 1 – Premises details

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

Sanderstead Tandoori
5 Station Parade
Sanderstead Road
Croydon
Surrey
CR2 0PH

Telephone number

0208 651 6489

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol – On the premises.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol –
Mondays to Saturdays (other than Christmas Day and Good Friday) 1000 hours to 0000 hours (midnight).
Sundays, Christmas Day and Good Friday 1200 hours (noon) to 2330 hours
New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day or, if there are no permitted hours on New Year's Day, until 0000hours (midnight) on 31 December.

The opening hours of the premises

Subject to any other statutory or planning restrictions, the premises may open at all times for non licensable activities. The hours of opening for licensable activities shall be restricted to those shown above.

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

On

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Mukkid Miah

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

London

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~ / ~~XXXXXXXXXX~~

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

N/A

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

Mr Mukkid Miah

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

London

~~XXXXXXXXXX~~

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

To be obtained by 24TH November 2005

Date Licence Granted: 08th September 2005

Date Effective: 24th November 2005

**Licensing Manager
Sustainable Communities Department**

Annex 1 - Mandatory conditions

This licence is granted subject to the terms of the Licensing Act 2003. In addition, the effects of all restrictions embedded in the Licensing Act 1964, some of which are reproduced below, are preserved as conditions attached to this licence.

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:
 - a. Mondays to Saturdays, other than Christmas Day and Good Friday, 1000 hours to 0000 hours (midnight)
 - b. On Sundays, Christmas Day and Good Friday 1200 hours (noon) to 2330 hours
 - c. On New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day or, if there are no permitted hours on the following day, until 0000 hours (midnight) on 31 December.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meal;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises

4. The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

5. Alcohol shall not be sold or supplied on the premises otherwise than to persons taking meals there for the consumption by such person as an ancillary to his meal. Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

6. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing or any other entertainment of the like kind, for pre-invited guests.

7.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on

for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - 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;
 - 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).

8. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
9.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person* to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
10. The responsible person shall ensure that –
 - (a) 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 –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

*Responsible person is defined as:

- (a) In relation to licensed premises:
 - (i) The holder of a premises licence in respect of the premises,
 - (ii) The designated premises supervisor (if any) under such a licence, or
 - (iii) Any individual aged 18 or over who is authorised for the purposes of section 153 (4) of the Licensing Act 2003 by such a holder or supervisor,
- (b) In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

In respect of the condition governing age verification, there are specific duties relating respectively to the holder of the premises licence or club premises certificate and designated premises supervisor.

11. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in the paragraph (1) above
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where

 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) Sub-paragraph (2) applies where the permitted price given by Paragraph

(b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

- (5) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

N/A

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

N/A

Annex 4 – Plans

N/A

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should

achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account

when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

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

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

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

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough

¹⁰ See chapter 16 in relation to the licensing of live and recorded music.

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action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.



Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. 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. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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

Review of a premises licence following closure order or illegal working compliance order

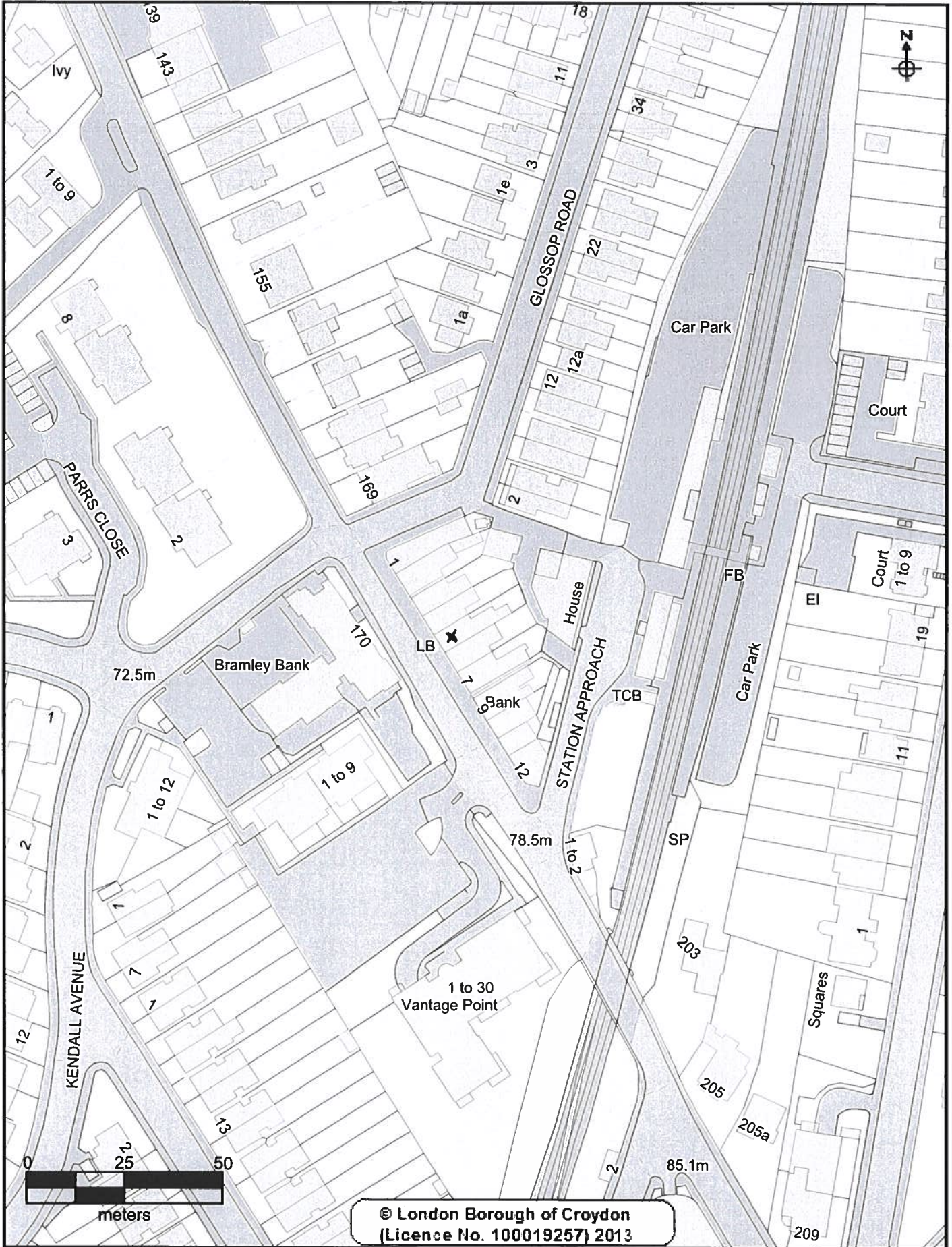
11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

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