

Licensing Committee Agenda

HEARING TO CONSIDER AN APPLICATION FOR A REVIEW OF A PREMISES LICENCE

This meeting will consider only licensing matters delegated under the Licensing Act 2003

29TH June at 11am

Remote Meeting

**MEMBERS OF COMMITTEE INVITED TO ATTEND
HEARING**

Councillor R. Lee (Chair)

and Councillors TBC

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City. If you would like to find out more, please telephone Daniel Bird in the Democracy Team on Chelmsford (01245) 606523 or email daniel.bird@chelmsford.gov.uk.

Licensing Committee

29th June 2023

AGENDA

1. Apologies for Absence

2. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. Licensing Act 2003 – Application to Review a Premises Licence – Wood Grill Restaurant, 8 Baddow Road, Chelmsford, Essex, CM2 0DG



Chelmsford City Council Licensing Committee

29th June 2023

Licensing Act 2003 – APPLICATION – to Review a Premises Licence:
Wood Grill Restaurant, 8 Baddow Road, Chelmsford, Essex, CM2 0DG

Report by:
Director of Public Places

Officer Contact:
Daniel WINTER, Lead Licensing Officer,
Daniel.winter@chelmsford.gov.uk, 01245606317

Purpose

The Committee is requested to consider an application made by Home Office for a review of the said premises licence under section 51 of the Licensing Act 2003 and to have regard to the representations made during the consultation period that followed in line with the promotion of the licensing objectives:

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Recommendations

Members are advised that they have the following options when determining this application.

1. To Modify the conditions of the licence either permanently or for a period not exceeding three months
2. To exclude a licensable activity from the scope of the licence, either permanently or for a period not exceeding three months
3. Remove the Designated Premises Supervisor

4. To suspend the licence for up to three months
5. Revoke the licence

An appeal against the review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

1. Background or Introduction

- 1.1. Wood Grill Restaurant, formally Prezzo's, is a Restaurant and Takeaway outlet situated on Baddow Road near both commercial and some residential properties.
- 1.2. The Premise licence holder is a Mr Mohammed Benabid who successfully transferred the licence into his name on the 29th of September 2022. Full details of the licensable activities are detailed on the current licence. A copy of the Premises Licence is attached at **Appendix A**
- 1.3. Mr Benabid is also the nominated designated premise supervisor at Wood Grill Restaurant who authorises the sales of the alcohol. He has a Personal licence with Braintree District Council.

2. Application

- 2.1. On Friday 5th May 2023 Chelmsford City Council received an application from the Home Office for a review of the premise licence at Wood Grill Restaurant, on the grounds of failure to promote all four of the licensing objectives detailed on page 8 of the review application. A copy of the application for the review and supporting document is attached as **Appendix B**.
- 2.2. The application has been properly made in accordance with The Licensing Act 2003 and all procedures have been correctly followed. The public notice was properly displayed, and copies of the application served on the Premises Licence Holder – through their legal representative - and responsible authorities. The application was also advertised via the Councils website.

- 2.3. On the 9th of May 2023 Mr Benabid gave authorisation by email to the licensing department for his legal representative, Innpacked, to receive all details in relation to the review and act on his behalf.
- 2.4. Confirmation from Innpacked confirmed by email that although the business appears to have shut down, their client Mr Benabid wishes to retain the licence.

3. Representations

- 3.1. During the consultation period the licensing authority received representation from Essex County Council (quality assurance and safeguarding service) in relation to the licensing objective 'Protection of Children from Harm.' A copy of this is attached to this report as **Appendix C**.
- 3.2. Essex Police also made representation to support the application for a review in relation to licensing objectives 'Protection of Children from harm and Crime and Disorder.' A copy of this representation is attached as **Appendix D**.
- 3.3. There have been no other representations from other responsible authorities or members of the public.

4. Conclusion

- 4.1. The relevant sections of the Statement of Licensing Policy are brought to the attention of members and are as follows:
- 4.2. (1.37) Where relevant representations are made, the Council will seek to make objective judgements as to whether conditions may need to be attached to various authorisations, to secure promotion of the licensing objectives.
- 4.3. This application has been correctly submitted
- 4.4. At the conclusion of this hearing members are advised to consider the options as previously recommended

List of appendices:

- Appendix A – Copy of the premise licence
- Appendix B – Application for Review of premise licence and supporting documents
- Appendix C – Essex County Council Representation
- Appendix D – Essex Police Representation

Background papers:

- Application file held by Licensing Authority

- Statement of Licensing Policy
 - Licensing Act 2003
-

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

Health and Safety: None

Digital: None

Other:

Consultees: As per that required by legislation

Relevant Policies and Strategies: Statement of licensing policy

APPENDIX A



Licensing Act 2003 Schedule 12 - Part A

Premises Licence

Premises Licence Number

22/00614/LAPRE

Part 1 – Premises Details

Wood Grill Restaurant 8 Baddow Road Chelmsford CM2 0DG		
Telephone number Not Provided		
Where the licence is time limited the dates are Not applicable		
Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities are		
Sale or supply of Alcohol	Every Day	12:00 - 00:00
Performance of Live Music	Every Day	23:00 - 00:00
Playing of Recorded Music	Every Day	23:00 - 00:00
Late Night Refreshment	Every Day	23:00 - 00:00
The opening hours of the premises are		
Opening hours	Every Day	12:00 - 00:00
Where the licence authorises supplies of alcohol whether these are on and / or off supplies		
On the premises only		

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Mohammed Benabid 16 Jordon Close Stansted CM24 8SH
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 for the supply of alcohol Mr Mohammed Benabid
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol P0451 – Braintree District Council

Signed: 
On behalf of the Licensing Authority

Dated: 28th September 2022

Annex 1 – Mandatory conditions

- 1 Where premises authorise the supply of alcohol 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 Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where

- a) the film classification body is not specified in the licence, or
- b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by the licensing authority.

In this section—

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39)

- 4 (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed—
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to—
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section—

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, [F2and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)] and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

5 (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).

6 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7 (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 licence 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..

8 The responsible person must 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;
- (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.

9 (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 paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula—

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

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4)(1) 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.
- (2) 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 or/and as agreed with responsible authorities

1. All alcohol sales will be ancillary to the purchase of food
2. A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition
3. The CCTV system shall continually record whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises
4. A staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested
5. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises
6. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping and shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period.
7. A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained
8. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months.

9. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include, but not be limited to, complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises and all refusals to sell alcohol
10. The register shall be readily available for inspection by an authorised person upon reasonable request.
11. Super-strength lagers, beers and/or ciders, i.e. those with an ABV of 6.5% or higher, shall not be sold at the premises.
12. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed
13. The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.
14. Regular checks and maintenance shall be carried out on all equipment, electrical installations, emergency lighting and fire alarms and equipment to ensure their continued safe operation. A written record of these checks shall be kept and made available to an authorised officer of the licensing authority
15. Empty glasses and bottles shall be removed from public areas quickly and efficiently
16. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
17. Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00
18. No person shall be allowed to leave the licensed area whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
19. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and ensure that there is no public nuisance
20. Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit
21. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are the following recognised photographic identification cards: a driving licence, a passport, a military identification card or a Proof of Age card carrying a 'PASS' logo.
22. Notices advertising that the premises operates a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises entrance
23. All occasions when persons have been refused service shall be recorded in the premises daily register
24. All children under the age of 12 years shall be accompanied by an adult whilst on the premises after 7.00pm

25. The premise licence holder or Designated Premises Supervisor to ensure that all management and staff who are not personal licence holders are fully trained and briefed on the four licensing objectives and Challenge 25 and they are adhered to.

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

Not applicable

Annex 4 – Plans



1. Existing Ground Floor Plan
Scale 1:100

- Licensable Area
- ← CCTV Camera
- Smoke Detector
- Fire Extinguisher



Home Office

Premises Licence Review

Wood Grill Restaurant
8 Baddow Road
Chelmsford
Essex
CM2 0DG

Contents

Case Summary.....3

Licensed Premises History.....4

Enforcement Visit..... 5

Reasons for Review 7

Outcome Sought 8

Case Summary

On 04 April 2023, officers from the Home Office Immigration Compliance and Enforcement (ICE) team for the East of England visited the premises of Wood Grill Restaurant at 8 Baddow Road, Chelmsford, Essex CM2 0DG. The visit was conducted after intelligence was received that the business was employing illegal workers. Entry to the premises was gained under a search warrant issued under paragraph 17(2) of schedule 2 of the Immigration Act 1971 (as amended).

Two Algerian nationals were found among the four staff present; they were arrested as they had no permission to work in the United Kingdom.

The only member of staff who was present at the front of house, behind the bar and responsible for managing the business at the time that officers visited, was a British national who admitted that they were only 17 years old.

A referral has been made to the Home Office Civil Penalty Compliance Team to consider pursuing a penalty in relation to the illegal working.

Licensed Premises History

The premises license number is 22/00614/LAPRE issued by Chelmsford City Council and relates primarily to the provision of alcohol for consumption on the premises.

The named holder of the premises licence is recorded as Mr Mohammed BENABID of [REDACTED], he is also listed as the Designated Premises Supervisor as holder of personal licence number P0451 issued by Braintree District Council.

Companies House records show that the premises is run by WOOD GRILL GROUP LTD, company number 14402363. This was incorporated 6 October 2022 and shows one director - Ilias MAHROUG of 24 High Street, Royston, SG8 0DN.

Enforcement Visit dated: 4 April 2023

Entry was gained to the premises at 17:20. Upon entering, Immigration Officers encountered several staff and arrested the following persons:

[REDACTED] LAKRIB

LAKRIB was encountered in the kitchen of the premises where he was initially seen by IO FENWICK who recorded that LAKRIB was visibly shaking as he noticed the officers' arrival. Upon being spoken to, he admitted that he was an Algerian national and had overstayed his visa in the UK.

Home Office checks revealed that LAKRIB had been issued a six month visit visa valid from 10 October 2022. He had not left the UK, nor had he made any applications to remain.

LAKRIB admitted working at the premises for "about six months" preparing food in the kitchen. He gave his hours as 10:00-20:00 five days a week earning £70 per day. He stated that he had been given the job and was told his duties by a man he knew as "Hassan" and that money was paid into his account from the restaurant – he showed evidence of this on his mobile phone which was photographed.

When asked if he had a National Insurance number or paid tax, he replied "No", he also stated that he had shown no documents to his employer before starting the job, but he didn't know if his employer knew that he had no right to work on the UK.

LAKRIB 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.

[REDACTED] BENMEDAKHENE

First seen by officers when they entered the kitchen, BENMEDAKHENE also appeared extremely nervous and when spoken to admitted that he was an overstayer in the UK.

Home Office records showed that BENMEDAKHENE had arrived in the UK in possession of a six month visit visa valid from 12 March 2022. He had not left the UK, nor had he made any applications to remain.

BENMEDAKHENE stated that he had worked at the premises for one to two months as a dishwasher for 48 hours per week. He stated that he had been given the job by the head chef who was in the restaurant at the time of officers' visit and that he was also paid £70 per day, but that £70 a week was deducted from his wages as he lived upstairs above the restaurant. He stated that the bank transfer to his

account stated "Wood Grill" but he didn't know who paid him. When asked, he admitted that he'd not been asked for any documents before starting work.

BENMEDAKHENE 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.

Other Employees

The manager on site was spoken to and identified herself as SUBJECT A. She had declared herself to be the manager upon the entry of officers to the premises and subsequently, she confirmed that both arrested persons had been employed at the business for about six months and that the persons responsible for hiring kitchen staff was either "Hasan" or "Papau BENABID" (Patrick), she added that "Patrick" and "Ilias" were the owners. She was allowed to hire staff for the service area and a lady called "[REDACTED]" (who was not present) was responsible for sending out the payslips. SUBJECT A was not questioned further as it was established that she was only 17 years old.

SUBJECT A located behind the bar; it must be noted that there was no one to supervise her selling alcohol at the time. In addition, two customers were also sitting at the bar area at the time. The customers had drinks; however, it cannot be known whether the drinks were alcoholic. Nonetheless, SUBJECT A was the only member of staff who would have been serving alcohol at the time of the visit. In this case it is clear that the employer has left the running of the bar to an unaccompanied minor, should there have been an incident at the premises, SUBJECT A would have been put into harms way.

One other male was located in the business, he was of no immediate interest to Immigration Officers as he was quickly established to be lawfully resident. He subsequently left the premises before officers could speak to him regarding the employment of the arrested persons. However, it appears that he was the man known to the two arrested person as "Hasan" and had been responsible for their day-to-day duties and their employment.

Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

There were two illegal workers encountered at the premises.

In this case, the business owner had demonstrated an awareness and understanding of the processes and responsibilities to conduct checks but had deliberately overlooked the rules and laws in place to prevent crime and disorder. Although the owner stated that he paid the minimum wage to staff, the statements by the illegal worker in this case clearly show that he was being paid well below that rate and in addition, that sometimes the "pay" only amounted to food, with no financial remuneration.

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.

In addition to the primary objective of "preventing crime and disorder", there is a secondary objective which arises in this case, this is no less important as it is the "Protection of children from harm", the duty manager on the day of the visit was found to be 17 years old.

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 illegal workers and showed a flagrant disregard for the law in regard to sale of alcohol by placing the authority for that and supervision of the premises into the hands of a person who could not lawfully undertake that duty; a warning or other activity falling short of a full 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

The accounts of payments being made to the staff do not amount to the minimum wage and appear to be being made “off-the-books”, though there is clear evidence to confirm that they exist. The additional deduction of payment for accommodations is one that is often associated with elements of control that are more associated with indentured employment, or modern-day-slavery and whilst both arrested persons appeared free to come and go as they pleased, and at least one of them had access to his passport and neither raised any concerns for their safety. The working practices appear to strike firmly at the core issue of preventing crime and disorder.

The license holder/DPS and the director of the business are both non-UK born and have been through the immigration system to regularise their stay, they would have been aware of the requirements of immigration legislation and of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application, i.e. the right to work checks and keeping records for audit purposes.

Immigration Officers do not routinely call at businesses unannounced without any information to suggest an offence and are intelligence led in their approach to enforcement work. In this case, the original information named a third man as working illegally, although he was not located, he was found on records to be a person of interest to Immigration Enforcement and who had no right to work.

The behaviour of the man who left the premises “Hasan” is an additional aggravating factor that suggest a level of knowledge and complicity within the business, as opposed to confusion or lack of knowledge. Legislation to penalise businesses who employ illegal workers has been in place since 1997 and there can be no doubt that the parties involved in this business and the licensable activities associated with it would know of their liability.

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

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

Appendix A – Officer witness statements

MG11 - 28/04/2023 Immigration Officer Chloe CLAPHAM
Freetext_Illegal_working_evidence._(EV7-871,154)-Completed

**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	
Wood Grill Restaurant, 8 Baddow Road	
Post town	Post code (if known)
Chelmsford	CM2 0DG

Name of premises licence holder or club holding club premises certificate (if known)
WOOD GRILL GROUP LTD

Number of premises licence or club premises certificate (if known)
22/00614/LAPRE

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Home Office Immigration Enforcement Alcohol Licensing Team 15 th Floor 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)

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" 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. We also have concerns over the protection of children from harm.

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
<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 R Hundal (Immigration Enforcement)

Date 02 May 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
15th Floor
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.

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: **Chloe CLAPHAM**.....Age if under 18: **OVER 18** (If over 18 insert "over 18")Occupation: **IMMIGRATION OFFICER**

This statement (consisting of 3 pages 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 which I know to be false or do not believe to be true.



Signature

Date: 28/04/2023

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

I am an Immigration Officer of the Home Office Immigration Compliance & Enforcement Team East of England, based at Custom House, Viewpoint Road, Felixstowe, Suffolk IP11 3RF. I have been an Immigration Officer since 18 January 2021 and prior to that worked as an Assistant Immigration Officer for Border Force based at Stansted Airport.

On 04 April 2023 I was the officer in charge of an Immigration Enforcement visit conducted to the premises of Wood Grill Restaurant, 8 Baddow Road, Chelmsford, CM2 0DG. This enforcement visit was conducted in response to the receipt of intelligence that a named offender was working at the restaurant without the required permission to do so. The power of entry was a Paragraph 17(2) Immigration Act 1971 (as amended) warrant issued by a Magistrates' Court.

On arrival at the premises, officers located a British female employee behind the bar who stated she was the assistant manager and in charge. Three other members of staff were found in the kitchen by officers, with one being cleared and two being arrested as immigration offenders. One was accepted into immigration detention and the other was placed on immigration bail.



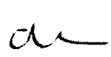
Signature: Signature Witnessed by:

RESTRICTED (when complete)Continuation of Statement of: **Chloe CLAPHAM**.....

Page 2

Immigration Officer (IO) NAUNTON's electronic notes made at the time show that a 26-year-old Algerian male named Mohamed Amine BENMEDAKHENE was encountered in the kitchen and became nervous when aware of IO's presence. BENMEDAKHENE told IO NAUNTON that he entered the UK with a visit visa in June 2022 and he was arrested and interviewed. Enquiries revealed that he had overstayed his visit visa and held no permission to live or work in the United Kingdom. BENMEDAKHENE was interviewed in a Q&A format by IO NAUNTON on her electronic notebook. BENMEDAKHENE admitted to working at the restaurant for the past one or two months as a dishwasher working 48 hours a week. He received £70 a day paid into a bank account by Wood Grill Restaurant and had £70 deducted each week to live upstairs. BENMEDAKHENE stated that he was not asked to show any documents relating to his right to work when given the job and the head chef "Hassan" tells him when to work. BENMEDAKHENE stated that someone who was not present gave him the job but could not provide any further details. BENMEDAKHENE signed the electronic notebook to confirm that the recorded questions and answers were accurate.

IO FENWICK's electronic notes made at the time show that a 28-year-old Algerian male named Hamza LAKRIB was encountered in the kitchen and was shaking when he became aware of IO's presence. LAKRIB told IO FENWICK that he entered the UK at the end of 2020 with a visa and he was arrested and interviewed. Enquires revealed that he had overstayed his visit visa and held no permission to live or work in the UK. LAKRIB was interviewed in a Q&A format by IO FENWICK on his electronic notebook. LAKRIB admitted to working at the restaurant for the last six months, preparing food in the kitchen and working 10:00 – 20:00 five days a week. He received £70 a day paid into a bank account by Wood Grill Restaurant. LAKRIB stated that "Hassan" gave him the job and he did not show any documents relating to his right to work. "Hassan" tells him what to do and he also works in the kitchen. LAKRIB signed the electronic notebook to confirm that the recorded questions and answers were accurate.

Signature: 
2004/05(1)

..... Signature Witnessed by:

RESTRICTED (when complete)Continuation of Statement of: **Chloe CLAPHAM**.....

Page 3

IO O'KEEFFE spoke with the assistant manager present at the premises, Alice ROSE-TAYLOR and recorded his interview in a Q&A format on his electronic notebook. ROSE-TAYLOR stated that "Hassan and Papau BENABID (Patrick)" hire the kitchen staff and that "Patrick and Ilias are the owners/business partners". Another business partner called "Valeria" also deals with wages and hiring of kitchen staff with Patrick. ROSE-TAYLOR also stated that both arrested males had worked at the restaurant for around six months. ROSE-TAYLOR signed the electronic notebook to confirm that the recorded questions and answers were accurate.

ROSE-TAYLOR also disclosed to officers that she is only 17 years old and was the only person in charge of the premises and working front of house during our visit. She was located behind the bar and there was no one to supervise her selling alcohol. There were two customers sitting at the bar area with drinks during our visit, it is not known whether they were drinking alcohol but if they were to ask for an alcoholic drink then ROSE-TAYLOR was the only staff member who would have been able to serve them.

I make this statement of my own free will from records that I have seen and accessed today, 19 April 2023. I am willing to attend court or any other judicial or review hearing if necessary.

Signature:
2004/05(1)

..... Signature Witnessed by:

Freertext**Details**

Type of work	Visit
Visit reference	EV7-871,154
Created by	Fenwick, Alan
Address	Wood Grill Restaurant, 8 Baddow Road, Chelmsford, CM2 0DG (Visit Address)
Subject CID Person ID	Unknown
Subject name	Hamza Lakrib
Subject DOB	14-01-1994
Subject nationality	DZA Algeria
Subject gender	Male
Time	17:57
Created at geolocation	<div>Easting 570957</div> <div>Northing 206431</div>
Creation date	04-04-2023 17:56:59
Is this entry related to a Critical Incident?	No

Entry

Title	Illegal working evidence.
Text	

Photographs

2x Incoming bank payments Wood grill.

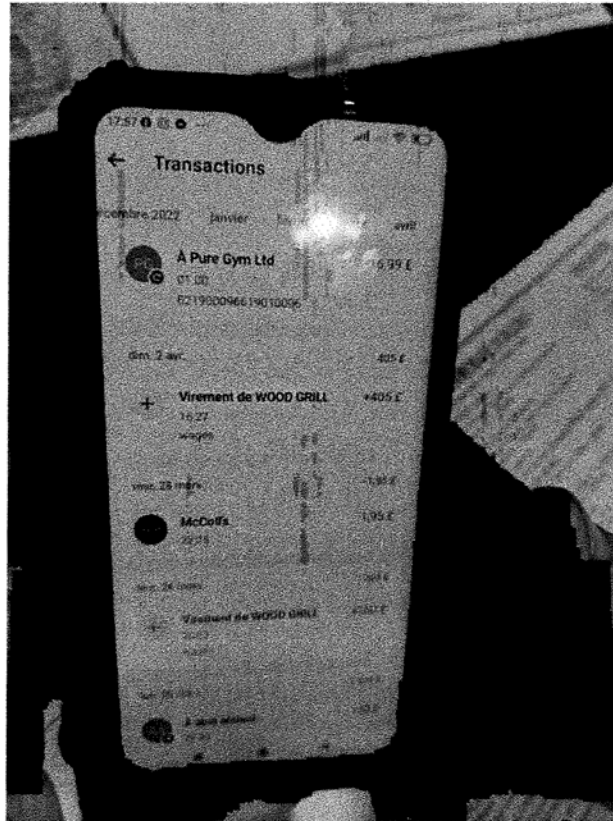


Exhibit Ref

Af/001

Freetext	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	Wood Grill Restaurant, 8 Baddow Road, Chelmsford, CM2 0DG (Visit Address)
Subject CID Person ID	Unknown
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	DZA Algeria
Subject gender	Male
Time	17:57
Created at geolocation	Easting 570957 Northing 206431
Creation date	04-04-2023 17:56:59
Is this entry related to a Critical Incident?	No
Entry	
Title	Illegal working evidence.
Text	

Photographs

2x Incoming bank payments Wood grill.

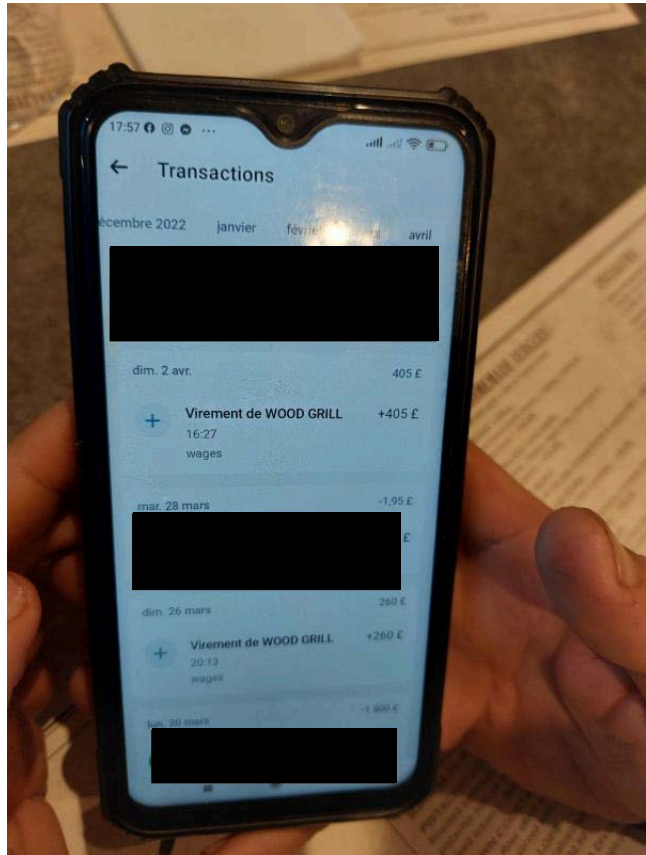


Exhibit Ref

Af/001

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

--	--	--	--

Statement of: [REDACTED]

Age if under 18: **OVER 18** (If over 18 insert "over 18")Occupation: **IMMIGRATION OFFICER**

This statement (consisting of 3 pages 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 which I know to be false or do not believe to be true.

Signature

Date: 28/04/2023

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

I am an Immigration Officer of the Home Office Immigration Compliance & Enforcement Team East of England, based at Custom House, Viewpoint Road, Felixstowe, Suffolk IP11 3RF. I have been an Immigration Officer since 18 January 2021 and prior to that worked as an Assistant Immigration Officer for Border Force based at Stansted Airport.

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On arrival at the premises, officers located a British female employee behind the bar who stated she was the assistant manager and in charge. Three other members of staff were found in the kitchen by officers, with one being cleared and two being arrested as immigration offenders. One was accepted into immigration detention and the other was placed on immigration bail.

Signature: [REDACTED]

Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED]

Page 2

Immigration Officer (IO) [REDACTED] electronic notes made at the time show that a 26-year-old Algerian male named [REDACTED] was encountered in the kitchen and became nervous when aware of IO's presence. [REDACTED] told IO [REDACTED] that he entered the UK with a visit visa in June 2022 and he was arrested and interviewed. Enquiries revealed that he had overstayed his visit visa and held no permission to live or work in the United Kingdom. [REDACTED] was interviewed in a Q&A format by IO [REDACTED] on her electronic notebook. [REDACTED] admitted to working at the restaurant for the past one or two months as a dishwasher working 48hours a week. He received £70 a day paid into a bank account by Wood Grill Restaurant and had £70 deducted each week to live upstairs. [REDACTED] stated that he was not asked to show any documents relating to his right to work when given the job and the head chef "[REDACTED] tells him when to work. [REDACTED] stated that someone who was not present gave him the job but could not provide any further details. [REDACTED] signed the electronic notebook to confirm that the recorded questions and answers were accurate.

IO [REDACTED] electronic notes made at the time show that a 28-year-old Algerian male named [REDACTED] was encountered in the kitchen and was shaking when he became aware of IO's presence. [REDACTED] told IO [REDACTED] that he entered the UK at the end of 2020 with a visa and he was arrested and interviewed. Enquires revealed that he had overstayed his visit visa and held no permission to live or work in the UK. [REDACTED] was interviewed in a Q&A format by IO [REDACTED] on his electronic notebook. [REDACTED] admitted to working at the restaurant for the last six months, preparing food in the kitchen and working 10:00 – 20:00 five days a week. He received £70 a day paid into a bank account by Wood Grill Restaurant. [REDACTED] stated that "[REDACTED] gave him the job and he did not show any documents relating to his right to work. "[REDACTED] tells him what to do and he also works in the kitchen. [REDACTED] signed the electronic notebook to confirm that the recorded questions and answers were accurate.

Signature: [REDACTED]

2004/05(1)

Page 39 of 43

..... Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED]

Page 3

IO [REDACTED] spoke with the assistant manager present at the premises, [REDACTED] and recorded his interview in a Q&A format on his electronic notebook. [REDACTED] stated that "[REDACTED] and [REDACTED])" hire the kitchen staff and that "[REDACTED] and Ilias are the owners/business partners". Another business partner called "[REDACTED] also deals with wages and hiring of kitchen staff with [REDACTED] [REDACTED] also stated that both arrested males had worked at the restaurant for around six months. [REDACTED] signed the electronic notebook to confirm that the recorded questions and answers were accurate.

[REDACTED] also disclosed to officers that she is only 17 years old and was the only person in charge of the premises and working front of house during our visit. She was located behind the bar and there was no one to supervise her selling alcohol. There were two customers sitting at the bar area with drinks during our visit, it is not known whether they were drinking alcohol but if they were to ask for an alcoholic drink then [REDACTED] was the only staff member who would have been able to serve them.

I make this statement of my own free will from records that I have seen and accessed today, 19 April 2023. I am willing to attend court or any other judicial or review hearing if necessary.

Signature: [REDACTED]

2004/05(1)

Page 40 of 43

..... Signature Witnessed by:

APPENDIX C

Essex County Council

I wish to raise representations under the Licensing Act in relation to the following licensing objective 'Protection of Children from Harm'. I confirm that I concur with the view expressed by Immigration Enforcement that the licence in regards to the Wood Grill Restaurant should be revoked on the grounds of crime and disorder. From a child safeguarding aspect, I note that the attending officers identified that an underage female person (aged 17) had been left alone and unsupervised to serve drinks at the bar.

I will not be attending a hearing but consider that the seriousness of this incident requires my written representation in regards to matters of child welfare and safeguarding.

Best regards,

Carole Fuller BA (Hons)
Local Authority Designated Officer
Children's Workforce Allegations Team
Quality Assurance and Safeguarding Service
Essex County Council

Email: carole.fuller@essex.gov.uk

APPENDIX D



Licensing Team
Chelmsford City Council
Civic Centre
Chelmsford
CM1 1JE

Licensing Team
Braintree Police Station
Braintree
CM7 3DJ

9th May 2023

Representation in relation to Premises Licence Review – Wood Grill Restaurant, 8 Baddow Road, Chelmsford, CM2 0DG

Dear sirs,

With regards to the above review brought on by Immigration Enforcement, Essex Police would like to make representations to support this application.

Essex Police is of the opinion that the Crime and Disorder and Protection of Children from harm objectives have been breached.

Evidence of these breaches are that on the 4th of April 2023 at approximately 1720hrs officers from the Home Office Immigration Compliance and Enforcement (ICE) team for the East of England visited the premises of Wood Grill Restaurant at 8 Baddow Road, Chelmsford, Essex CM2 0DG. The visit was conducted after intelligence was received that the business was employing illegal workers. Two Algerian nationals were found among the four staff present and were arrested as they had no permission to work in the United Kingdom.

The only member of staff who was present at the front of house, behind the bar and responsible for managing the premises was under 18 years old. This member of staff appears to have been responsible for serving alcohol without any supervision or authorization from the DPS, a personal licence holder or any other authorised individual aged over 18. It was noted by immigration officers that there was no one to supervise the sale of alcohol and in addition, two customers were sitting at the bar area at the time of their visit.

Section 153 of the licensing act 2003 states that a responsible person commits an offence if on any relevant premises he knowingly allows an individual aged under 18 to make on the premises—

(a) any sale of alcohol, or

Licensing.applications@essex.police.uk 01245 452035

In an emergency always dial **999**. For non emergencies dial **101**

www.essex.police.uk

(b)any supply of alcohol by or on behalf of a club to or to the order of a member of the club, unless the sale or supply has been specifically approved by that or another responsible person.

If immigration enforcement had not brought this premises to review, Essex police would have done based on the findings from this visit.

Essex Police supports revocation of the premises licence, as 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.

Essex Police contends that a licence holder who has himself or through his agents negligently or deliberately failed to conduct right to work checks, which have been a requirement since 2006, should not be afforded an opportunity to do so once caught and then merely be asked to do what they should have been doing already.

Please can Essex police be informed of the upcoming hearing.

Yours sincerely

Rachel Savill

Licensing Officer for Chelmsford and Maldon