



FORM: L20

Case Reference Number:
(office use only)

LICENSING AUTHORITY

Chichester District Council, East Pallant House, East Pallant, Chichester, West Sussex, PO19 1TY

Application for the review of a Premises Licence

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 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 **CIO 8140 COATES** apply for the review of a Premises Licence under **Section 51** of the Licensing Act 2003 for the premises described in **Part 1** below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description

Holmbush Stores
3-4 Holmbush Way
Midhurst
West Sussex
GU29 9BS

Post town Midhurst

Post code GU29 9BS

Name of Premises Licence holder

Mr Navaratnam Sathananthan

Number of Premises Licence

3815/05/00549/LAPRET

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)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick ✓ yes

I am over 18 years old or over

Current postal address if different from premises address

Post town

Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Immigration Officer 8140 South East - Immigration Compliance & Enforcement (ICE) Team Immigration Enforcement Home Office Ashdown House Gatwick Airport, RH6 0NP
Telephone number (if any) 03001060940
E-mail (optional) LITSussexArrest@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)

South East - Immigration Compliance & Enforcement (ICE) Team, aka Immigration Enforcement (the 'responsible authority'), contends the following licensing objective has been undermined by the carrying on of licensable activities at these premises:

- the prevention of crime and disorder

Holmbush Stores, 3-4 Holmbush Way Midhurst, West Sussex, GU29 9BS has been seriously undermined by the premises licence holder who have been found to be employing illegal workers who

have no right to work in the United Kingdom due to their immigration status.

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

On Tuesday 8th November 2022 Southeast Immigration Compliance and Enforcement officers attended the convenience store with Sussex Police. 3 x illegal workers were identified on the premises. 3 of whom were arrested and detained pending removal back to their home countries. An illegal working civil penalty notice was issued to the business with a potential maximum penalty of £60,000 for the 3 workers.

Appropriate checks had not been made at the premises by the Premises Licence Holder to ensure that all the staff they employed had a right to work in the United Kingdom. Two of the workers were overstayers in the UK having previously been granted visitor visas and one was an Illegal entrant who had arrived in a lorry in 2007 with no immigration status.

From evidence gathered on the day it suggests that the employer is paying cash in hand to his staff, two of the staff members admit that the owner and licence holder Sathananthan knows that they have no permission to work in the UK.

All three Indian nationals encountered at the convenience store have now claimed Asylum in the UK. The applications remain outstanding as of 16/01/23

Included with this license review application as further supporting evidence is the following:

- 1 x referral notices – illegal working civil penalty –
- 3 x Q&A's with individuals encountered on the day – redacted

Whilst it is noted that these cases are currently being dealt with by way of a civil penalty that does not alter the fact that the licensing objective of the prevention of crime and disorder has been undermined by the actions of the premises licence holder.

Staff who are not officially registered as employees will not be afforded protection under employment law or other safeguarding mechanisms. The individuals employed at this premises could not have provided the requisite paperwork, national insurance number, nor tax code as they are illegally present in the UK. In this instance the failure to put appropriate checks in place has resulted in three individuals being unlawfully employed at the premises. The individuals are paid cash in hand. There is no evidence to suggest any NI contributions are being paid.

The licensing objectives are in place for the avoidance of future harm and, as cited in the High Court ruling in relation to East Lindsey District Council v Abu Hanif, where there is evidence of defrauding HMRC, exploitation of vulnerable workers and a failure to pay the minimum wage, then in those circumstances, albeit being dealt with by way of civil penalty, the crime and disorder licensing objective is clearly engaged.

SEICE are not suggesting that the individuals encountered at the premier store are vulnerable or subject to modern slavery. However interviews conducted with those encountered on the day suggest all money is cash in hand and there is a high probability that workers are being paid below the minimum wage.

Revised Guidance issued under section 182 of the Licensing Act 2003 – December 2022

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The

licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

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

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

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

Please tick ✓ **yes**

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

If yes please state the date of that application

Day		Month		Year			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<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

x
x

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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 ... 

Date ...17/01/2023

Capacity ...Chief Immigration Officer

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

Post town

Post code

Telephone number (if any)

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

Notes for Guidance

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