

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, CB11 4ER, on TUESDAY, 11 SEPTEMBER 2018 at 10.00 am**

Present: Councillor R Chambers (Chairman)
Councillors G Barker, A Gerard and J Loughlin.

Officers in
Attendance: T Cobden (Environmental Health Manager – Commercial), B
Ferguson (Democratic Services Officer), J Jones (Licensing
Officer) and E Smith (Solicitor).

Also Present: G Ashford, Immigration Officer Gear and V Powell (Essex Police),
Z Chowdhury and O Sharif (Licensees), M Harman (Solicitor for the Licensees),
J Bakker, L Crowther, B Haines, A Puddick, M Regan and P Scolah (speaking in
support of the Licensees).

LIC46 APPLICATION FOR A REVIEW - QUEEN VICTORIA GREAT DUNMOW

The Chairman introduced the Panel and explained procedure to those present.

The Licensing Officer gave a summary of the report.

The Council had received an application from Essex Police for the review of
Queen Victoria restaurant's premises licence. Essex Police were seeking a
revocation of the licence on the grounds that the prevention of crime and
disorder licensing objective had been breached, due to the discovery of
disqualified persons working illegally on the premises.

No right to work checks had been carried out, demonstrating a disregard of
statutory requirements and hence a failure to prevent crime and disorder. The
Notice of Review had been issued by the Council on 18 July 2018, with a
consultation period lasting until the 14 August.

During this time sixteen letters of support for the restaurant had been submitted.
Members were asked to determine the review with due regard paid to the
Council's Licensing Policy and the Secretary of State's most recent Guidance
issued in April 2018 under Section 182 of the Licensing Act 2003. This Guidance
deals specifically with immigration offences.

At the invitation of the Chairman, Mr Harman questioned the Licensing Officer
regarding the content of the report.

Mr Harman asked whether the Council's view on criminality was guided by its
licensing objectives.

The Licensing Officer confirmed that it was.

The Chairman invited the representatives from Essex Police to put their case
forward.

Mrs Powell referred to Regulation 19(b) Licensing Act 2003 (Hearings) Regulations 2005 and said the Panel could only consider evidence relevant to the licensing objectives and that character references were therefore irrelevant.

The Chairman said in the interests of transparency, the Panel would hear from those representatives who had attended the meeting to speak in support of the Queen Victoria restaurant, to ensure there was an equal and fair opportunity for both parties to put their case forward but would take advice as to the weight to be accorded to their comments.

Mrs Powell presented the case of Essex Police. She said illegal workers had been found on the premises on 6 July 2018, and that the restaurant had a history of this. She asked Officer Gear, who had been involved in the immigration raid, to describe what had happened on the day.

Officer Gear outlined the details of the Queen Victoria raid on 6 July 2018. He said four staff, of Bangladeshi origin, were believed to be working illegally and three were detained. The fourth absconded and it was deemed unsafe to give chase. The raid had been brought about due to intelligence provided to the Police but the history of the site was also important, with illegal workers being found on three separate occasions in 2013, 2014 and 2016.

Mrs Powell said it had been the fourth time in five years that illegal workers had been found on the premises. She said Mr Chowdhury, following a previous immigration raid, had been quoted in the Dunmow Broadcast newspaper as stating he knew right to work checks had to be carried out and that he would do so in future.

In the opinion of the Police, in the days immediately following the 6 July 2018, Mr Chowdhury had applied for a transfer of the licence in an attempt to mitigate the negative impact of the pending review. Whilst the transfer had been refused, this pattern of behaviour demonstrated that he was knowingly and deliberately seeking to flout the law, thereby breaching the prevention of crime and disorder licensing objective.

Mrs Powell explained the impact of illegal working on local communities and said it put a strain on infrastructure, provided an unfair commercial advantage and exploited individual workers with low wages and no employment rights. She said such practices were akin to modern day slavery. Whilst some wage slips had been provided to the Police, they all showed wages so low that the workers did not qualify for National Insurance contributions or income tax. She said these documents did not correspond with what the workers had said to the immigration officers when interviewed, as they had said Mr Chowdhury had employed them himself and would pay them £150 per week.

The Chairman invited Mr Harman to ask any questions he may have.

Mr Harman asked for clarification regarding the four people detained on 6 July 2018.

Officer Gear said four illegal workers had been found but only two had been arrested. One worker had absconded from the site but his passport had been found during the raid and he too had no right to work in the UK.

In response to a Member question, Officer Gear explained the practice of “immigration bail” which amounted to “temporary release” for those people whose applications were being processed by the Home Office. He said not all illegal workers were detained but would be subject to other conditions such as no right to work or study, and were obliged to abide by the conditions of their bail e.g. signing into a police station on a daily basis.

Councillor Loughlin asked whether the illegal workers found at the Queen Victoria were provided with accommodation.

Officer Gear said one of the men detained had claimed he lived above the restaurant and that the accommodation was part of his wages.

Councillor Gerard said there had been four immigration offences since 2013. He asked whether the Panel could only consider the most recent offence in 2018 when determining the reviewing.

Mr Ashford said all offences should be taken into account as it demonstrated a sustained pattern of behaviour of using illegal workers.

The Chairman invited Mr Harman to put forward the case on behalf of the licensees.

Mr Harman said the Queen Victoria restaurant was a well-run establishment; save for the immigration issues that had been highlighted by the police. He said many representations had been received in support of the restaurant and asked whether those that had attended the hearing could address the Panel.

The Chairman agreed to hear the representations.

The Solicitor said Members must be aware of the fact that the public representations could hold no weight under Regulation 19(b) of the 2005 Regulations and should not be taken into account when determining the application.

The Chairman invited the public speakers to address the Panel.

Mr Puddick

Mr Puddick said the Queen Victoria was an asset to the community and would be a great loss to the town. The pub was family orientated and he had never witnessed any crime within the premises. Mr Chowdhury was a supporter of the local football team, sponsored floats at the carnival and offered the pub’s carpark when there had been parking problems at the school. He added that he knew other members of staff at the Queen Victoria who had worked there for many years.

Mrs Scorah

Mrs Scorah said she was fully supportive of the Queen Victoria. She had attended the opening of the restaurant many years ago and Mr Chowdhury had made it the best in town. Mr Chowdhury played a full and active role in the community and it would be appalling to deprive him of his livelihood.

Mrs Regan

Mrs Regan said she was a former teacher and had taught both Mr Chowdhury's and Mr Sharif's children. She said they were good family men. There were hardly any pubs left in Dunmow and this would be a loss to the town. She said Mr Chowdhury had now hired an employment specialist to ensure he did not make the same mistake again.

Mrs Bakker

Mrs Bakker agreed with the speakers that had come before her. She said it would be devastating to lose the Queen Victoria and a great shame for the community.

Mrs Crowther

Mrs Crowther said she had been widowed and Mr Chowdhury had offered her exceptional support. He was a kind man and he always ensured she got home safely. She said Mr Chowdhury had much care for his community.

Mr Haines

Mr Haines said Mr Chowdhury had restored the Queen Victoria restaurant through hard work and business acumen. The pub was a safe and welcoming space and compliant with legislation. Mr Chowdhury was a retained fireman and had spoken at the local school, demonstrating his standing in the community. He said the business would be destroyed if the Panel were to revoke the licence.

Mr Chowdhury was invited to address the Panel.

Mr Chowdhury said he had worked hard for twenty years to build the business but he had made mistakes, which he now wanted to rectify. He stated the following in relation to the four immigration raids detailed by Essex Police:

2013 – Eight individuals were arrested but five were not charged. The fine for the three men that were charged was reduced by 50% as Mr Chowdhury cooperated in full.

2014 – Mr Chowdhury was not present on this occasion but all of the four men who were arrested were in the country on student visas.

2016 – Mr Chowdhury said there was no raid in 2016 but there was a police visit whereby Mr Chowdhury was asked to facilitate a meeting with his mosque.

2018 – Mr Chowdhury said both of the men arrested following the raid had only arrived that day, and Mr Chowdhury had only been at work for six minutes before the raid commenced.

Mr Chowdhury said he had never knowingly employed anyone illegally but, due to commitments with another restaurant, he had not had time to manage the Queen Victoria. He now had given up the other business and would focus fully on the Queen Victoria.

Mr Chowdhury said he had been naïve in 2013 and the immigration problems he faced were partly due to his Bangladeshi culture whereby jobs were sought through friends and family and not through a formal process.

Mr Chowdhury apologised to the Panel for his mistakes and asked for the opportunity to put things right.

In response to a question from Mr Harman, Mr Chowdhury said these problems stemmed from the complicated student visa system. He now had sought assistance from a recruitment company to help implement right to work checks and he had learnt techniques to ensure these checks were effective.

The Chairman invited Mr Sharif to address the Panel.

Mr Sharif said they had made a mistake at the Queen Victoria but would learn from this experience. If the pub was taken away everyone involved would suffer, including his children. He asked the Panel to give them another opportunity.

Councillor Loughlin asked whether the licensees were aware of the summary guide to right to work checks as found on the Home Office website.

Mr Chowdhury said he was now aware of the website but had not been at the time of the raids.

Councillor Loughlin said Mr Chowdhury took over the business in 1998 and the right to work checks legislation came into effect in 2006. She asked why he had not familiarised himself with the law.

Mr Chowdhury said he had not looked at the legislation but was only following what everyone else did in the Bangladeshi restaurant culture. He said he had now learned his lesson and would no longer employ those on student visas.

In response to a Member question, Mr Chowdhury said the men pictured with suitcases in the CCTV evidence would have only rested above the restaurants in between shifts. He said workers often came from London and he would provide temporary accommodation, particularly if they were working nights. He said this accommodation was not part of their wages.

Councillor Gerard said it was mandatory for licensees to keep up to date with legislation. He asked who was accountable for carrying out right to work checks at the Queen Victoria.

Mr Chowdhury said it was his and Mr Sharif's responsibility but they had previously misunderstood the law. He said they were now paying a recruitment specialist to keep them abreast of any changes to the law and they were updated on a quarterly basis.

Councillor Barker asked for clarification regarding the number of people detained on 6 July 2018 as the report stated four illegal workers were found, although Mr Chowdhury only referred to three illegal workers.

Mr Ashford said four offenders were found on the day.

Mr Chowdhury said he was only aware of three offenders although he agreed that the passport of the 'fourth' illegal worker was found during the raid.

The Chairman adjourned the meeting at 11.50am.

The meeting was reconvened at 12.00pm.

At the invitation of the Chairman, Essex Police made their final submission to the Panel.

Mrs Powell said it was irrelevant that Mr Chowdhury and Mr Sharif were not aware of legislation; they were obliged to implement right to work checks and by not doing so were flouting the law. Mr Chowdhury had failed to comply with legislation, even though he had been provided with guidance following previous immigration raids, including another at his restaurant 'The Pride of Sylhet'. She said revocation was the only suitable outcome to deter others and to ensure frequently flouting of the law did not go unpunished.

At the invitation of the Chairman, Mr Harman, on behalf of his clients, made a final submission to the Panel.

Mr Harman said he accepted that his clients had breached the prevention of crime licensing objective, but said they had complied with all other conditions. He said the real issue here was what action could be taken to prevent further breaches of immigration legislation.

The Queen Victoria itself was well run and no other incidents had occurred at the restaurant. It would be inappropriate in light of the offence to revoke the licence, which, in turn, would harm the local community. He said the history of immigration raids was accepted, although the visit in 2016 was a monitoring rather than an enforcement visit. The incident in 2013 was not Mr Chowdhury's fault as he was unaware that the individuals concerned had ceased studying and therefore were no longer allowed to work in the country. He added that no warnings had been issued so his client had not been fully informed by the Authority.

Mr Harman said his client had not taken on illegal workers purposefully, although it had shown poor judgement. Mr Chowdhury was compliant in all other aspects of the business, as VAT and income tax records demonstrated.

His client was of good character and an active member of the community. If the licence was revoked, the business would lose 60% of income related to the sale of alcohol. He said the public had faith in Mr Chowdhury and Mr Sharif to manage the Queen Victoria restaurant and they had even gone to the trouble of procuring the services of a recruitment specialist to ensure the business was fully compliant.

Mr Harman highlighted the actions open to the Panel and said Mr Chowdhury had even offered to resign his personal licence if it would rectify the situation.

The Panel retired at 12.30pm to deliberate.

The meeting was reconvened at 2.44pm and the Chairman read the decision notice.

DECISION NOTICE – QUEEN VICTORIA PUBLIC HOUSE/JALSA GHAR INDIAN RESTAURANT

The application before the Panel today is for a review of the premises licence to the Queen Victoria, 79 Stortford Road, Great Dunmow at the behest of Essex Police, supported by the immigration authorities pursuant to licensing objective number one, the prevention of crime and disorder. In reaching our decision today we have taken into account the provisions of the Licensing Act 2003, the most recent Home Office Guidance, issued this year which specifically incorporates references to immigration issues, and the Council's Statement of Licensing Policy. We also have before us a document pack containing a report from the Licensing Team Leader, the premises licence, some maps and plans, the Police application, Home Office comments, a number of letters and testimonials from interested parties, and most recently, a bundle of personnel documentation submitted by the licensees.

Historically, the current licence was granted on 9th November 2005. No representations were made and the application was granted as asked. Following a raid on the premises made by UKBA and the Police on 6th July 2018, in the course of which persons with no right to work in the UK were apprehended (two of those persons also had no right to be in the UK). It appeared no right to work checks were being carried out as required by the various Immigration Acts. This amounts to a breach of licensing objective number one, the prevention of crime and disorder, and for the sake of completeness we set out the four objectives enshrined in the 2003 Act. These are:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

We have also been referred to case law which specifically provides that a) deterrence of others is a consideration that this Committee may have in mind (*The Queen on the Application of Bassetlaw District Council v Worksop*

Magistrates Court [2008] EWHC 3530 Admin) in making its decision and b) there does not have to be a conviction for an offence under the 2006 Act for a licence to be revoked under the crime prevention objective (*East Lindsey District Council v Hanif t/a Zara's Restaurant and Takeaway [2016]EWHC 1265 Admin*)

Following receipt of the Police application, a Notice of Review was issued by Uttlesford District Council's licensing department and personally served on 18 July 2018. The manager was not present and unable to be contacted so the Enforcement Officer explained to the staff members present what was happening and that the notice being put up in the window had to remain in position for 28 days. All statutory formalities have been observed.

The decisions available to the Committee upon a review are to:

- Allow the licence to continue unmodified
- Modify the conditions of the licence
- Modify the conditions of the licence for a period not exceeding 3 months.
- Exclude a licensable activity from the scope of the licence
- Exclude a licensable activity from the scope of the licence for a period not exceeding 3 months.
- Revoke a licence
- Remove the Designated Premises Supervisor

When carrying out a review of a licence, due regard should be given to the Council's licensing policy and Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003. The Secretary of State's most recent guidance issued in April this year includes new guidance in respect of immigration issues.

Paragraph 2.6 says 'The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises'.

Paragraph 4.22 highlights the importance placed on immigration offences, as it considers that it is grounds for objecting to the granting of a personal licence on the basis that it would be prejudicial to the prevention of crime and disorder.

Paragraph 8.99 says (although in respect of objections to the transfer of a premises licence, again highlights that it would be appropriate), 'in exceptional circumstances for objections to be raised by the police or immigration officials where the transfer would be prejudicial to the prevention of illegal working.'

Furthermore, these following paragraphs of the Guidance deal specifically with a review of the premises licence, where crime and disorder is an issue. It

highlights the seriousness with which the Secretary of State expects licensing authorities to treat immigration offences on licensing premises.

Paragraph 11.18 says '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.' I add that for civil immigration policies to apply there must be a contract of employment which is not the norm in the catering/hospitality industry.

Paragraph 11.26 says '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.

Paragraph 11.27 says '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; [our emphasis]**
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol. '

Paragraph 11.28 says '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.'

Further, the Council's licensing policy has the following relevant paragraphs

3.3 The prevention of crime includes the prevention of immigration crime, and the Licensing Authority will work with Home Office Immigration Enforcement in respect of these matters.

- The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. If representations are made to the Licensing Authority **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events[our emphasis]**

3.4 When addressing the issue of crime and disorder, the applicant should consider those factors that impact on crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Illegal working

Control Measures

3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule in the event that representations are received, having regard to their particular type of premises and/or activities:

- (a) Effective and responsible management of premises
- (b) Training and supervision of staff
- (c) Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- (d) Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs or adoption of industry best practice (e.g. Challenge 25 policy)
- (e) Provision of effective CCTV and mirrors in and around premises
- (f) Employment of Security Industry Authority licensed Doorstaff
- (g) Provision of toughened or plastic drinking vessels

- (h) Provision of secure, deposit boxes for confiscated items ('sin bins')
- (i) Provision of litterbins and other security measures, such as lighting, outside premises
- (j) Membership of local 'Pubwatch' schemes or similar organisations
- (k) Right to work checks on staff and retention of documents

If the Committee wishes to impose condition for the continuance of the licence, the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee should not impose conditions that duplicate the effect of existing legislation. We cannot therefore impose a condition regarding the undertaking of right to work checks – they are a legal requirement under the Immigration Acts

The Secretary of State's Guidance provides further assistance, and in paragraphs 10.8 and 10.10 it provides: -

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided...Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.

We have considered all the material before us with care and we have heard from Mrs Powell and Mr Ashford on behalf of Essex Police, Immigration Officer Gear on behalf of the Home Office, and from Messrs Chowdhury and Sharif. Their solicitor, Mr Harman, has also spoken on their behalf.

We have also listened to a number of members of the public, who I will not list, but in listening to them we have been mindful that Regulation 19(b) Licensing Act 2003 (Hearings) Regulations 2005 requires us to disregard information given by anyone that is not specifically relevant to the promotion of a licensing objective: what these people had to say was in the character of character referees only and we did note that they dealt only with Mr Chowdhury. We therefore give what they said no weight.

We have noted the history of the premises and observed that on his own admission in 2013 and again in 2014 the business was sanctioned. Similarly, another business operated by Messrs Chowdhury and Sharif, the Pride of Sylhet, was sanctioned in 2011 for the same reason. There have been ample opportunities for lessons to be learned.

We have taken into account everything we have both read and heard and at this point I repeat the provisions of the April 2018 edition of the Home Office Guidance. For the first time, it **specifically** includes immigration offences in the list of matters Licensing Committees are required to take into consideration, and says:-

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

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

A civil penalty of up to £20,000 can only be levied if there is a contract of employment: however, the use of the words “disqualified from that work” suggest the Guidance also covers those who under the employment protection legislation are referred to as “Limb B” workers.

This Guidance repeats and reinforces the ratio of the decision of Mr Justice Jay in the *East Lindsey* case [2016] EWHC 1265, where he states *“The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder....the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence....criminal convictions are not required.”* We respectfully adopt this. Furthermore, His Lordship then said *“...the respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked”*. This case is on all fours with the one before us today, and in the light of the revised Guidance reinforcing the point, we agree with His Lordship’s conclusion.

The evidence we have seen shows that the individuals concerned admitted working without the proper immigration checks having been undertaken, and furthermore, that one of them also admitted to working less than minimum wage, ie for board and lodging, which is also a breach of other employee rights legislation. Finally, we cannot overlook the fact that this is not a first offence: this is the fourth time immigration officers have visited the premises, we also take into account the incident at the Pride of Sylhet, and we also appreciate that an Illegal Working Civil Penalty may only be imposed if the existence of a contract of employment can be established.

The grounds upon which the Police have made this application are that Licensing Objective One, the prevention of crime and disorder, has been breached. The important word is “prevention” and Mr Chowdhury and Mr Sharif have failed to prevent, not for the first time, illegal working. We have considered the decisions of *R on the application of Bassetlaw District Council v Worksop Magistrates Court [2008] EWHC 3530* and *East Lindsey District Council v Hanif t/a Zara Restaurant [2016] EWHC 1265* and are satisfied that even though on this occasion so far as we are aware Mr Chowdhury has not been subject to any penalty, the licensing objective is nevertheless engaged.

This Committee’s primary function is the protection of the public. Though we are not a Court and the standard of proof before us is the civil one of the balance of probabilities, we are satisfied that Mr Chowdhury engaged the people referred to in the Police submissions to work unlawfully in this country.

We therefore consider that the premises licence should be revoked under S52 (4) (e) of the Licensing Act 2003 and that revocation is an appropriate step with a view to promoting the crime prevention licensing objective.

There is a right of appeal against this decision which must be exercised within a period of 21 days and during this period the license remains in force. Mr Chowdhury will receive a letter from the Legal Department explaining this.

The meeting ended at 3.10pm.