

**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	
Bombay Brasserie Vine Road Johnston Haverfordwest	
Post town Dyfed	Post code (if known) SA62 3NZ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Werner Ewald Fuchs, Silverdale Inn, Vine Road, Johnston, Haverfordwest SA62 3NZ.

<b>Number of premises licence or club premises certificate (if known)</b>

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates

☐

(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

☐

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

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

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional) 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 type="checkbox"/>

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

We have grounds to believe the license holder will fail to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

**Please provide as much information as possible to support the application**

On Saturday 13/04/2019 a team of 5 officers attended the address entering under S179 Licensing Act 2003(aa) at 18:30. The premises was open when the team entered. 1 person was encountered working and had no permission to work in the UK. The employer Mr Fazlur RAHMAN was present at the time of the visit.

Male #1 was in the kitchen cooking at the tandoori oven on officers' entry. Mr RAHMAN was cooking alongside him and immediately told officers "HE DOES NOT WORK HERE, HE IS JUST VISITING" however male #1 immediately admitted to being illegally in the UK, explaining he had overstayed permitted leave. He stated he resides in a room above the premises provided by the employer. He admitted to working 5 days per week, 7-8 hrs per day for £250 cash in hand plus accommodation with the employer fully aware he was illegally residing in the UK and had no permission to work.

An illegal working civil penalty referral notice was served to the employer with male#1 named as having no permission to work, meaning a potential fine of up to £20,000. The civil penalty is presently awaiting an outcome.

The premises has previously been visited by officers from Immigration Enforcement on 16/08/2018 where 2 persons were encountered working illegally, and an illegal working civil penalty referral notice was served to the employer.

A civil penalty of £15,000 was issued to Mr Rahman in relation to this visit. The Civil Penalty remains unpaid.

A further visit was conducted on 09/11/2018 where 1 person was encountered working illegally. An illegal working civil penalty referral notice was served to the employer. No civil penalty was issued in regard to this visit. Mr Rahman was present during both these visits.

The employment of people who do not have the right to work in the UK is a serious crime and can be linked to exploitation of vulnerable people. Employing people without making the legally required checks and having measures in place to prevent such allegations, demonstrates that the premises license holder is not robust and does not take the responsibilities towards licensing objectives seriously.

**Tackling illegal working**

The ability to work illegally is a key driver of illegal migration; it encourages people to break the UK's immigration laws and provides the practical means for migrants to remain unlawfully in the UK.

It encourages people to take risks in trying to enter the UK illegally by putting their lives in the hands of people smugglers and leaves them vulnerable to exploitative employers.

We are committed to tackling the economic motivation behind illegal migration and those people who facilitate it. However, employers also have an important role to play in preventing illegal working by undertaking simple checks on their employees' right to work in the UK.

### Employers' responsibilities

Employers have had a responsibility since 1997 to ensure they do not employ illegal workers. Since 2008, this requirement has been underpinned by civil and criminal sanctions for non-compliance, set out in the Immigration, Asylum and Nationality Act 2006 - sections 15 and 21. Under these sanctions, an employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker.

Employers may prevent a liability for a civil penalty by undertaking simple right to work checks on all those they intend to employ and repeating the checks if the employee has time-limited permission to live and work in the UK.

**Please tick ✓ yes**

☐

Day Month Year

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**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 P. Thomas

Date 24/04/2019

Capacity **Responsible Authority**.....

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

**Alcohol Licensing Team**

**Lunar House**

**40 Wellesley Road**

**Post town**

**Croydon**

**Post Code**

**CR9 2BY**

**Telephone number (if any)**

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