

Licensing Authority: Oldham Metropolitan Borough Council

Reference: AL19719

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 | |
| Chadderton Bar & Grill 422-424, Middleton Road | |
| Post town Oldham | Post code (if known) OL9 6PY |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| Mustafa Kemal Serbest 124, Ashley Brook Close, Bolton BL1 8SP |

| |
|---|
| Number of premises licence or club premises certificate (if known) |
| |

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

3) a member of the club to which this application relates
(please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--|
| Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY |
| Telephone number (if any) |
| E-mail address (optional) IE.Alcoholreviews@homeoffice.gsi.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 ✓

-
-
-
-

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 (please read guidance note 3)

Following intelligence that they were employing illegal workers, an Immigration Enforcement visit was conducted to the Chadderton Bar & Grill, 422-424, Middleton Road, Oldham, OL9 6PY on 15/4/2016.

During the visit two persons were found working illegally.

One of the persons found working illegally was a director and co-owner of the business. He had no permission to be in the UK as his visa had expired. As such he had no permission to work.

A civil penalty of £10,000 was served on the business for employing illegal workers. This remains outstanding.

Following further intelligence of illegal working, another Immigration Enforcement visit was conducted on 31/08/2018.

On this occasion two persons were again encountered working illegally, one of which was the director and co-owner of the business that had been encountered on the previous visit. He still had no permission to work in the UK.

During the enforcement visit, a Closure Notice was served on the premises and the business was shut down until the following day when Immigration Enforcement attended court and obtained a compliance order putting in place conditions for carrying out staff checks.

A further civil penalty is being considered by the Home Office for employing illegal workers.

In light of the 2 persons found working illegally during both visits to the premises and particularly the fact that one of the illegal workers encountered during both visits was the co-owner and director of the business, and was in the UK illegally, and therefore had no right to work at the time of both visits, Home Office Immigration Enforcement wish to seek revocation of the licence.

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 22/11/2018

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

| | |
|--|-----------------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Alcohol Licensing Team Lunar House 40 Wellesley Road | |
| Post town Croydon | Post Code CR9 2BY |
| Telephone number (if any) | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) IE.Alcoholreviews@homeoffice.gsi.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.

