

**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 Chris Haward (Chief Constable of Lincolnshire Police) \_\_\_\_\_  
(Insert name of applicant)

**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 (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> City Stores 110 Bridge Road Sutton Bridge	
<b>Post town</b> Lincolnshire	<b>Post code (if known)</b> PE12 9SA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Arumugam SARANKAN
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<b>Number of premises licence or club premises certificate (if known)</b> PL 0346
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**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**

Please tick  yes

**I am 18 years old or over**

**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**

Lincolnshire Police  
Alcohol Licensing  
Myle Cross Centre  
Macaulay Drive  
LN2 4EL

Telephone number (if any)  
101 - Lincolnshire – Alcohol Licensing

E-mail address (optional)  
Countylicensinggroup@lincs.pnn.police.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 | X                               |
| 2) public safety                        |                                 |
| 3) the prevention of public nuisance    |                                 |
| 4) the protection of children from harm | X                               |

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

This review application relates to a premises which operates as an off-licence offering mostly alcohol with some food, drink and groceries to the local community. It has been granted a premises licence by South Holland District Council, authorising the sale of alcohol for consumption off the premises. The sale of alcohol is authorised between the hours of 08:00 and 23:00, 7 days a week.

Lincolnshire Police have obtained evidence which indicates that the management of these premises has been operating it in such a manner that amounts to criminal activity and thus undermines the licencing objectives of the prevention of crime and disorder and protection of children from harm.

The premises sold alcohol to two 15-year-old test purchaser volunteers.

The premises was found to have employed an illegal worker, someone who was in the country illegally and has therefore not been granted the right to work.

The premises was also found to be in breach of annex 1, 2 and 3 conditions. Namely no personal licence holder authorisation, no incident and refusals log, no age verification policy, staff not aware of responsibilities regarding alcohol sales, no staff training, CCTV not conforming to specification of Lincolnshire Police, DPS spending majority of time in other locations, in the absence of DPS no personal licence holder was present, not to trade unless at least 2 trained members of staff working, and not operating challenge 25.

#### Revised Guidance issued under Section 182 of the Licensing Act 2003

11.23 ...where the premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

11.24 A number of reviews may arise in connection with crime that is not directly related with licensable activities. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is the matter for the courts. The licensing authorities role when determining such review is not therefore to establish guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 There is no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings....it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

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 crime prevention objective. It's important to recognise that certain criminal activity or associated problems may be taking place or have been taking place despite the best efforts of the licence holder and staff working at the premise despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take 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 to licensed premises which should be treated particularly seriously – for employing a person who is disqualified from that work by reason of their immigration status.

11.28 It is envisaged that licensing authorities, the police, The Home Office (Immigration Enforcement) and other law enforcement agencies will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determined 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 provide as much information as possible to support the application** (please read guidance note 3)

Officers from the Lincolnshire Police Alcohol Licensing Team and Trading Standards conducted a test purchase operation on Tuesday 24 August 2021. Where by two 15-year-olds volunteers were authorised for the duration of the operation to purchase alcohol. Their role was to visit licenced premises and attempt to buy alcohol in areas of South Holland where there have been issues with alcohol related anti-social behaviour from youths.

At 1830hrs the test purchasers entered City Stores without face masks and chose a bottle of pink Hooch at 4% Abv. There was a sole male working in the premises. The test purchasers approached the counter with the bottle of Hooch. The worker asked for ID, the test purchasers said they'd left it at home, the worker sold them the alcohol and the test purchasers left the premises. The sale was captured on the stores CCTV, this was later recorded as evidence should the purchase be contested.

Police and Trading Standards then entered the premises and conducted an inspection. Immigration checks showed the worker was Sri Lankan, his visa had expired in 2014 and he was therefore an overstayer, here in the county illegally, and therefore with no right to work. He was arrested and transported to custody for Immigration.

The stores CCTV was reviewed and the male was found to have been working in the shop at various times over the 3 previous weeks. Still photographs were taken of the CCTV to evidence the male working over the 3 weeks, should it be contested. The worker stated that he had been working at the premise since November 2020 and lived in a room in the rear of the shop premises (enquiries are ongoing with SHDC Planning to see if the room has the correct permissions in place be used as living accommodation). He stated he was paid a percentage of the shops takings and estimated his working week at 50 hours. The worker said he was a relation of the premises licence holder (PLH), who is also the designated premises supervisor (DPS).

It is an offence to employ an illegal worker under Section 21 of the Immigration, Asylum and Nationality Act 2006, as amended by section 35 of the Immigration Act 2016, if the employer knows or has reasonable cause to believe that they are employing an illegal worker. The employer by law has to carry out various checks to ensure that their staff are legally allowed to work.

Where an employer pays wages to illegal workers off record with no tax or national insurance deductions which are then deliberately omitted from an employers End of Tax Year P35 returns to HMRC, the employer may be dealt with by means of the Fraud Act 2006. Similarly, HMRC may take action as a civil proceedings case and raise a tax debt against the business.

Illegal workers are more than likely poorly paid for the hours they are required to work and are not subject to the benefit of a minimum wage or restricted hours

as prescribed in law. Nor are they afforded the benefit of the protections offered by UK employment legislation and are therefore often exploited.

The premises licence itself has history, evident from the 2 sets of annex 3 conditions, place on after hearing. The first set was after representations from the public to the original licence application and the second was after review for the exact same circumstances as this review, an illegal worker selling alcohol to children in 2011, less than a year after the licence was granted.

The current PLH and DPS took over the premises relatively recently having applied in December 2020, but due to the festive period, incomplete forms and payment issues this didn't go through until February 2021.

There was no written authorisation for alcohol sales from the current DPS to the worker, or the other workers at the premises. There was written authorisation on the wall above the most recent premises licence summary, but it was from the previous DPS and the names on the sheet were not that of any of the current workers. An annex 1 mandatory condition stipulates that every retail sale or supply of alcohol made under the licence must be made or authorised by a person who holds a personal licence.

There was also non-compliance with the premises licence conditions from Annex 2 and 3 in relation to:

Incident and refusals logs – none found.

Age verification – nothing appeared to be in place.

Staff aware of responsibilities regarding alcohol sales – staff not aware.

Evidence of staff training – no evidence found.

CCTV conforming to specification of Lincolnshire Police - it was recording for 23 days. Lincolnshire Police would have requested 31 had they been asked when the premises licence was transferred. The PLH/DPS should have checked the licence conditions and called Lincolnshire Police Licensing to carry out due diligence with regards to this.

DPS not being required to spend time in other locations – DPS stated he was in London at time of visit. Worker said he attended roughly once a week. Therefore, the DPS rarely spends anytime at the premises.

In the absence of the DPS a personal licence holder is to be present – no personal licence holder present when the DPS wasn't there.

Not to trade unless at least 2 trained members of staff are employed, who are suitably trained – only one person working, who didn't have the right to work, and who wasn't suitable trained.

Operate challenge 25 – not being operated, as wouldn't have sold alcohol to 15-year-olds. It should be no ID, no sale for those that look under 25.

Non-compliance with premises licence conditions is an offence under Section 136 Licensing Act 2003 – unauthorised licensable activity, thereby carrying out unauthorised licensable activity each time alcohol is sold.

The licensing sub-committee conditioned the licence at previous hearings in such a way as to protect the very licensing objectives concerned. However, through poor management and deliberate action and inaction the PLH who is also the DPS has undermined those very licensing objectives.

Since the last review of the premise licence in 2011 the employment of illegal workers in licenced premise has become an ever more present issue. This has been recognised by the Government and legislation and guidance has changed to reflect this. Proof of entitlement to work for personal licences and individual premises licence holders is now required. Any offence under any of the Immigration Acts is now a relevant offence for personal licence holders. More personal details are required of DPS's. Immigration officers can now enter licenced premises as if they were a Police Constable and the Guidance to the Licensing Act's most recent update reflects how to address these issues.

Lincolnshire has led the way with how illegal working within licenced premises and its impact on the crime prevention objective should be viewed. The stated case East Lindsey District Council v Abu Hanif in 2016 involved an illegal worker in a licence premise in Lincolnshire in April 2014, where a civil penalty was later issued by Immigration. The premises licence was reviewed and revoked, an appeal followed which was successful, based on the argument that a civil penalty was not a prosecution and so did not concern the crime prevention objective. East Lindsey then appealed that decision by way of case stated, arguing that it was not necessary for a crime to have been reported, prosecuted or established in a court of law in order for the crime prevention objective to be engaged. That the licensing objectives were prospective and were concerned with the avoidance of harm in the future. Mr Justice Jay upheld the Councils appeal, citing defrauding the Revenue and exploitation of vulnerable individuals by not paying minimum wage as evidence of the commission of criminal offences, and the fact that the employee could not provide the required paperwork, as clear inference that Mr Hanif well knew that he was employing an illegal worker.

Lincolnshire Police request that the Licensing Sub-committee seriously consider a revocation of the premises licence due to the PLH/DPS undermined the licensing objectives through active criminality and serious failings.

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

Please tick  yes

Yes

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**

Representations from the public were made to the original premise licence application – heard 15/12/10. No representations were received from responsible authorities. There had already been a hearing for a personal licence application for the applicant of the premises licence, and that had been granted.

Review of premise licence application from Lincolnshire Police. The grounds being sale of alcohol to underage by illegal worker. Heard 9/12/11.

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 Pc 642 Gina McConville

.....

Date 03/9/21

.....

Capacity for and on behalf of Chief Constable of Lincolnshire Police

.....

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

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**Post town**

**Post Code**

**Telephone number (if any)**

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