

OFFICIAL (when complete)**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 PC 12319 GUISE on behalf of Kent 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

Postal address of premises or, if none, ordnance survey map reference or description Londis 3 School Mews, Iwade, Sittingbourne, Kent	
Post town Sittingbourne	Post code (if known) ME9 8UW

Name of premises licence holder or club holding club premises certificate (if known) Trio Management Limited Unit 1A Alencon Link Basingstoke Hampshire RG21 7TN

Number of premises licence or club premises certificate (if known) SIT/SWALE/189/0499

Part 2 – Applicant details

I am

Please tick yes

1) an interested part (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |

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d) a body representing persons involved in business in the vicinity of the premises

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 a applicable)

Please tick

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)

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E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 12319 Guise Medway Police Station Purser Way Gillingham Kent ME7 1NE
Telephone number (if any) 07929 048327
E-mail address (optional) Alexander.guise12319@kent.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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Please state the ground(s) for review (please read guidance note 1)

Kent Police submit this application to review Londis / Nisa, in order to promote the licensing objectives of the Licensing Act 2003.

- (1) The prevention of crime and disorder.
- (2) Public Safety.

This review is following a result of an immigration enforcement visit. The purpose of the visit was to locate any persons working illegally or to locate persons that may be in the Country unlawfully.

As a result, two members of staff were found to be working illegally and interviewed.

Both persons were interviewed, and it was concluded that they were both working in excess of the 20-hour allowance stated on their Visa, which breached immigration Rule 9.8.8.

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Please provide as much information as possible to support the application

(please read guidance note 2)

This premises has been granted a premises licence by Swale Borough Council authorising the sale of alcohol Sunday to Saturday 07:00 to 22:00 hours.

Londis operates as a convenience store providing Household items, food and alcohol for sale. The premises licence holder is Trio Management Ltd. The licence shows that the designated premises supervisor is Arudchelvam UTHAYANAN. Further checks at Company House show that UTHAYANAN is also the Secretary and company director for Trio Management Ltd. The shop front displays a sign for Nisa although the premises licence is shown as Londis.

Londis was visited by Home Office Immigration and Kent Police approximately 09:00 hours on Wednesday 9th November 2022, after recent intelligence stating this employer was employing students for full time work and had recruited people with no valid visas in the past. Person checks conducted by immigration Officers at the premises found that two of the males were found to be working illegally.

One of the males, Person 1, was arrested under Schedule 2 paragraph 17(1) of the immigration Act 1971 as there was reason to believe he was working in breach of his student Visa, as he admitted to working 30 hours a week. Person 1 made admissions to having worked at the premises for one month, working three days a week in the off licence and on the tills. During interview, Person 1 said he had met the boss once, although he didn't know his name and that the boss is aware he is a student and has limits on his visa. Subsequent checks revealed that Person 1 was working in excess of the 20-hour allowance stated on his Visa. Due to this he was issued with a Notice of liability to Removal, form RED.0001.

Person 2 stated that he had been studying at university for one year and working at Londis two days a week. Subsequent checks revealed that they had failed to enrol on the University course in September 2021. Person 2 stated that he knew the owner as 'UDHAY'. Attempts were made to contact UDHAY, but this was unsuccessful. Due to this an Illegal Working Civil Penalty Referral Notice Form was issued to Person 2 to provide to UDHAY, advising him that he was potentially liable to be fined for employing persons in breach of their Visa conditions.

Subsequent checks by Police show that UDHAY could be the same male shown as the DPS for the premises, Arudchelvam UTHAYANAN.

It is apparent that Trio Management have displayed a total disregard and lack of responsibility for ensuring that their employees are legitimately available for employment or responsibility for promotion of the licensing objective for the prevention of Crime and disorder.

The licensing Act 2003 is clearly intended to prevent Crime and Disorder from occurring in relation to licensed premises but also to deter and prevent criminals from operating under the auspices of a Premises Licence granted by the Local Authority.

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Section 11.27 states that there is certain criminal activity which should be treated particularly seriously, one of these being knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person leave to enter. (It is pertinent to note that the inclusion of this in the statutory guidance indicates the offence has now become a particular concern.)

Section 11.28 states that where 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.

The employment of people who do not have the right to work in the UK is a serious crime and can be linked to the exploitation of vulnerable people.

Illegal working results in businesses that are not playing by the rules and undercutting legitimate businesses that are. It also negatively impacts on the wages of lawful workers and can be linked to other labour market abuse such as tax evasion, breach of the national minimum wage and exploitive working conditions.

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

Employers have an important role to play in preventing illegal working by undertaking simple checks on their employees right to work in the UK. This has not been done in this case by Trio Management.

Employers have had a responsibility since 1997 to ensure that 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 & 21. Under these sanctions, an employer who employs an illegal worker may be liable for a civil penalty up to £20,000 per illegal worker and an employer who knowingly or has reasonable cause to believe that the employment is not permitted may on conviction after indictment be subject to a custodial sentence of up to five years and an unlimited fine.

This incident is also a high priority under the current Kent Police control strategy 2022/2023 in relation to exploitation. This includes Organised immigration crime, human trafficking, and criminal exploitation. A strong message needs to be sent to individuals exploiting people for their own financial gain and having considered the available options, Kent Police seek revocation of the premises licence. Allowing the premises to continue to operate with the benefits of a premises licence will merely serve to perpetuate this act to the detriment of the vulnerable in our society.

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Please tick yes

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

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 this premises please state what they were and when you made them

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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, 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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

 (12319)

Date 4th January 2023

Capacity - Police Licensing Officer PC 12319 GUISE

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.