

Licensing Panel

Tuesday, 9th January, 2024, 1.00 pm

Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

Agenda

1 Apologies for absence

2 Declarations of Interests

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

3 Procedure

The procedure to be followed for the hearing.

(Pages 3 - 4)

4 Premises Licence Review

Report of the Interim Deputy Chief Executive attached.

(Pages 5 - 36)

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Licensing Panel Councillors
Hilary Bedford, Jane Bell and Mathew Forshaw

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Agenda Item 3

**LICENSING ACT 2003 SUB-COMMITTEE
HEARING PROCEDURE
REVIEW OF CLUB PREMISES CERTIFICATE / PREMISES LICENCE**

1. CHAIR OF SUB-COMMITTEE:

- opens meeting
- introduces Members and Officers
- confirms details of all parties in attendance
- outlines procedure to be followed

2. LICENSING OFFICER OUTLINES THE APPLICATION AND RELEVANT REPRESENTATIONS

3. QUESTIONS TO THE LICENSING OFFICER FOR CLARIFICATION FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other Persons
- The Licence Holder

4. THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE MAKES REPRESENTATIONS REGARDING THEIR APPLICATION

5. QUESTIONS TO THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE FROM:

- Sub-Committee
- Responsible Authorities/Other Persons
- The Licence Holder

6. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

7. QUESTIONS TO RESPONSIBLE AUTHORITIES FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Other Persons
- The Licence Holder

8. REPRESENTATIONS FROM OTHER PERSONS

9. QUESTIONS TO OTHER PERSONS FROM:

- Sub-Committee
- The Applicant and/or Legal Representative

Agenda Item 3

- Responsible Authorities
- The Licence Holder

10. **REPRESENTATION FROM LICENCE HOLDER**

11. **QUESTIONS TO LICENCE HOLDER FROM:**

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other Persons

12. **APPLICANT INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)**

13. **RESPONSIBLE AUTHORITIES INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)**

14. **OTHER PERSONS INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)**

15. **LICENCE HOLDER INVITED TO SUM UP (IF THEY WISH)**

16. **DECISION MAKING**

All parties retire whilst Sub-Committee makes decision. A written decision notice will be provided to all parties within five working days.

There is a right of appeal to the Magistrates Court within 21 days of the notice of decision being issued.

Agenda Item 4



Report of	Meeting	Date
Deputy Chief Executive	Licensing Panel	Tuesday, 9 January 2024

Premises Licence Review

Is this report confidential?	No
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Is this decision key?	Not applicable
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Savings or expenditure amounting to greater than £100,000	Significant impact on 2 or more council wards
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Purpose of the Report

1. To provide an overview of the application and inform Members of the relevant parts of statute and guidance relating to the review application.

Recommendations

Members are requested to;

2. Note the contents of the report; and
3. Conduct the hearing in accordance with the hearing procedure and;
4. Determine what steps are appropriate to promote the Licensing objectives.

Reasons for recommendations

5. At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives

Corporate priorities

6. The report relates to the following corporate priorities: (Please bold one)

An exemplary council	Healthy and happy communities
Opportunities for everyone	Green and clean neighbourhood

Agenda Item 4

Review Application Received

7. A review application has been submitted on 16th November 2023 by the Licensing Authority, on the grounds that the licensing objective;
8. “*The Prevention of crime and disorder*” - has been undermined at the premises;

Best One
Poplar avenue
Bamber Bridge
Premises licence number PREMA0047
9. The premises is a small retail store that stocks a range of everyday items and is licensed to sell alcoholic products.
10. The review application documents can be found attached to this report as **Appendix 1**.
11. On 11th March 2023 a joint visit to Best One took place by representatives from the Home Office, authorised to carry out Immigration Enforcement as well as South Ribble Borough Council Licensing Manager, Chris Ward.
12. Officers identified that two individuals were working in the store, enquiries were made by Immigration officers regarding both individuals and it was found that one individual did not have rights to work in the UK.
13. A fine was issued by the Home Office Civil Penalties team on 20/06/2023 for £10,000 for employing an illegal worker. This fine was paid by the business owner.
14. On 12th July 2023 officers from the Immigration Service conducted a second visit, after the visit, South Ribble Borough Council were informed of two further alleged illegal workers. Both illegal workers were found in the premises and arrested by immigration officers.
15. Following this the business owner was served an illegal working civil penalty notice.
16. Witness statements were provided from 2 Immigration officers on duty on the evenings of 11th March 2023 and 12th July 2023. These can be found attached to the review application submitted by Chris Ward, Licensing Manager, as **Appendix 1**.

Representations from Responsible Authorities

Home Office - Immigration Officer

17. Additionally, to the witness statements provided by 2 Home Office – Immigration Officers, a representation in support of the review of the licence, was received from Home Office Immigration Officer.
18. The representation received also identifies that the licensing objective “*The prevention of crime and disorder*” has also be undermined at this premises. This can be found attached to the report as **Appendix 2**.

Lancashire Constabulary - Police

Agenda Item 4

19. Subsequently, a supporting representation to the review was received on 8th December 2023 from PC Connolly of Lancashire Constabulary.
20. He adds that on 19th May 2023, during part of a joint underage test purchase exercise with Lancashire Trading Standards officers, a member of staff sold a knife to children aged 13 and 14 during the test purchase exercise.
21. His representation states that the premises has additionally also undermined the licensing objective 'Protecting Children from Harm' and "The Prevention of Crime and Disorder".
22. The representation from PC Connelly can be found attached to the report as **Appendix 3**.

Representations from Members of Public

23. There have been no representations made either in support or against the review application from members of the public.

Decision to be made by the Licensing Panel

24. The Panel are asked to consider the seriousness of the issues disclosed and determine this application by taking account of SRBC's Licensing policy and Secretary of State Guidance (section 182 of the Licensing Act 2003).
25. Determining the review application, under Section 52 of the Licensing Act 2003, the committee have the following options;
 - make no changes to the premises licence;
 - to modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence;
26. Numerous paragraphs of the Section 182 Guidance are worthy of mention;

9.25

The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late-night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

11.18

However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing

Agenda Item 4

authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

11.20

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

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 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.

11.27

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;*

Agenda Item 4

- *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;*
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol*

11 .28

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.

Climate change and air quality

27. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

28. South Ribble Borough Council is responsible for the licensing of Premises who sell alcohol within the Borough, under the Licensing Act 2003. This policy applies to all licence holders regardless of gender, age, disability, religious belief, race or ethnic minority or sexual orientation. No overall impacts have been identified across the equality strands within this report.

Risk

29. Reputation of the Council, if any party feels aggrieved with the decision taking by the panel this can be appealed to the magistrate's court within 28 days.

Comments of the Statutory Finance Officer

30. No Financial Implications within the report.

Comments of the Monitoring Officer

31. The legal implications have been identified within the body of the report. It should be noted that any party to the Review Hearing has a right to appeal the decision of the Panel to the Magistrates' Court.

Agenda Item 4

Appendices

Appendix 1 – Review Application

Appendix 2 - Representation Home Office - Immigration Officer

Appendix 3 - Representation Lancashire Constabulary

Report Author:	Email:	Telephone:	Date:
Febuary Loughlin (Licensing Officer)	february.loughlin@southribble.gov.uk	01772625330	20/12/2023

South Ribble Borough Council

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 Christopher Ward — Licensing Manager

(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 Best One Poplar Avenue	
Post town Bamber Bridge	Post code PR5 6JJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Markandu Lingarasa

Number of premises licence or club premises certificate (if known) PREMA0047

Part 2 Applicant details

I am

Please tick v/ 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 or INDIVIDUAL APPLICANT (fill in as applicable)

Please tick y/ yes

Miss

Other title
(for example, Rev)

Surname

First names

Please tick yes

First names

I am 18 years old or over

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

IC-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

Name and address South Ribble Borough Council Licensing Civic Centre West Paddock Leyland PR25 1DH
Telephone number (if any) 01772 625330
E-mail address (optional) Licensing@southribble.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes v/

- 1) the prevention of crime and disorder 6.
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Introduction

Joint Immigration and Licensing Visit - 11/03/2023

At approximately 17:30, a joint visit to the premises took place, by representatives from the Home Office, authorised to carry out Immigration Enforcement and Chris Ward from the Licensing Authority.

On entry to the premises, upon turning into the store to the counter, it was clear, two males were present behind the counter. All officers were identified to them and an explanation of the reason for the visit was given.

Male one identified himself to immigration officers as Mr Markandu Lingarasa, he was in charge at the premises.

Male two identified himself as [REDACTED] as

Enquires were made by Immigration Officers regarding [REDACTED] status. After about 5 minutes it had been revealed that he did not have rights to work in the UK.

Whilst the immigration officers continued their work in questioning [REDACTED], a separate interview by Immigration Officers took place with Mr Lingarasa.

Immigration Officers asked Mr Lingarasa if [REDACTED] was working at the premises.

Mr Lingarasa denied that [REDACTED] was working at the premises and stated that he was just a friend who was visiting him.

A third member of staff attended the premises [REDACTED].

CCTV

Mr Lingarasa was asked by Immigration officers to provide access to the shop's CCTV system.

Mr Lingarasa stated, "CCTV system not working"

Immigration officers asked, why one of the cameras behind the till had a green light displayed?

Mr Lingarasa stated again, {"no, CCTV isn't working".

Upon inspection of the stock room at the rear of the premises, Immigration officers then found that Mr Lingarasa did in fact have a CCTV system at the rear of the premises in the stock room. The system was fully functional and in operation.

Immigration officers then operated the CCTV system, replayed the recorded footage, which revealed had [REDACTED] been working behind the counter before officers attended, and was clearly observed completing sales of alcohol to customers, clearly working at the premises.

The Immigration Officer's notes and statements are attached as Document 1

2nd Immi ration Visit 12th Jul 2023

On 12th July 2023, Officers from the immigration service, conducted a second inspection of the premises for illegal workers, following information that had been passed through from the Licensing teams.

2 alleged illegal workers were found in the premises and arrested by immigration officers on the scene.

[REDACTED] was spotted walking to the back of the premises and was encountered at the rear of the premises and subsequently arrested as a worker in breach.

[REDACTED] who was also considered to be working at the premises as he was spotted in a staff area at the storage room at the back, he revealed he had an outstanding asylum claim with no right to work in the UK. He was subsequently arrested.

The immigration Officers statement can be found attached as Document 2.

Employment of Illegal Workers

In employing these individuals, the Licence Holder committed an offence, the Secretary of State's Guidance takes robust approach to illegal workers in Licensed Premises;

The latest revision of the Section 1 82 Guidance makes numerous references to the employment of illegal workers,

The paragraphs below explain how the employment of illegal workers ties in with the Crime and Disorder Objective and also highlights it as an issue that Licensing Authorities should take very seriously;

9.25

The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late-night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

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 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.

11.27

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; for unlawful gambling; and for the sale or storage of smuggled tobacco and alcohol.

11.28

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.

Given the seriousness of being caught employing an illegal worker, you would expect a responsible licence holder to make sure this doesn't happen again, checks should be made on all employees right to work before they are employed. For this to happen a second time, with two additional illegal workers found working at the premises is unacceptable.

For licensed premises based in South Ribble to be found in this position causes this authority huge concern and I believe the premises have traded irresponsibly and the licence should be revoked.

The following licensing objectives have been undermined at this premises;

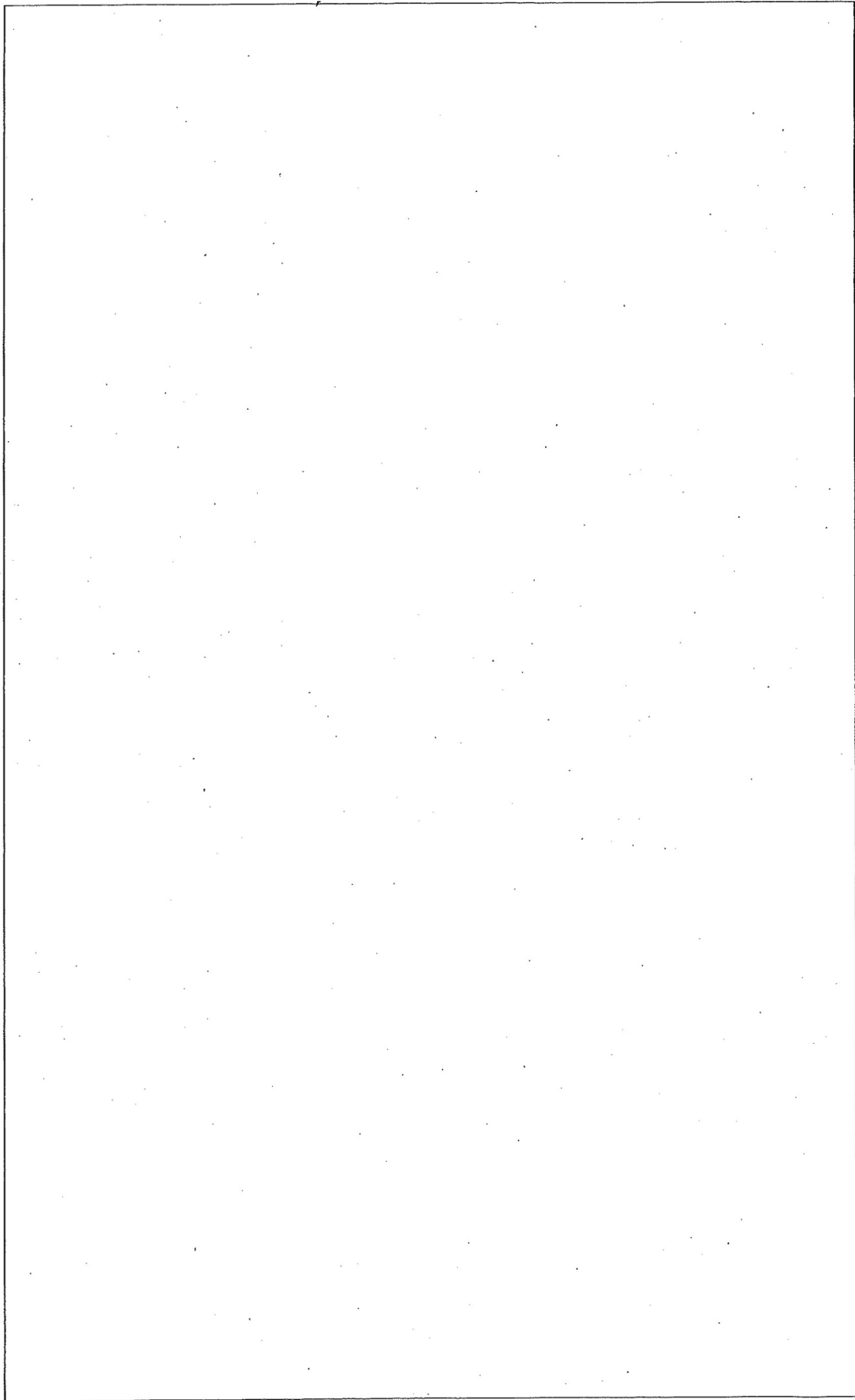
The prevention of crime and disorder

With regards to the view of revoking the licence, the following sections of the S182 are relevant;

However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement either orally or in writing — that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. 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.

11.23

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where 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



Please tick v" yes

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

If yes please state the date of that applicationDay

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Month Year
Month Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick v' 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 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



.....
guidance note 5). If signing on behalf of the applicant please state in what capacity.

Date

16/11/2023

Capacity

LICENSING MANAGER

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

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.

DOCUMENT 1

OFFICIAL

OFFICIAL SENSITIVE (when completed)

.MG II

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980 s.5B

Statement of Jack O'Brien..... URN:

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Age if under 18 Over 18 (if over 18 insert 'over 18') Occupati

Immigration Officer — Home Office

OFFICIAL

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: J. O'BRIEN Date: 18/10/2023

Tick if witness evidence is visually recorded (supply witness details on rear)

I am an Immigration Officer based at HOME OFFICE IMMIGRATION COMPLIANCE AND

ENFORCEMENT, DALLAS COURT, 1-2 SOUTH LANGWORTHY ROAD, SALFORD, MSO 2GF. On Wednesday 12th July 2023 I was the officer in charge on duty as part of an enforcement team that visited Best One Convenience Store. Officers present on the visit were myself (10 O'BRIEN), 10 ELLIS, 10 SAMUELS, 10 HUNT, 10 TAYLOR, 10 DUKE.

The visit was conducted following intel received from Lancashire licencing team after during a previous visit they had encountered [REDACTED], a Sri Lankan male born [REDACTED] working at the premises. Following later checks conducted on Home Office systems it was revealed he had been working in breach of his visa conditions.

Officers arrived at the premises at approx. 16:50hrs under a 17(2) warrant.

Best One is a reasonably large convenience store with several aisles going across the shop and a large storage area in the back. There were several customers waiting to be served when officerds entered. Officers allowed staff to carry on working whilst checks were being conducted.

As officers entered, the target of the visit, [REDACTED] was spotted walking to the back of the premises and was encountered at the rear of the premises by 10 Ellis and subsequently arrested as a worker in breach. He was taken to a cell van parked at the back of the premises where an illegal working interview was conducted. He was eventually taken to police custody as he was liable to be removed from the UK.

(o)ther checks were conducted by 10 Duke and 10 Samuals on three other males considered to be working at the store, as they they shown various adverse reactions to the officer's presence which led them to believe they were also working illegally. Checks conducted led to two staff being cleared however a check on another male, [REDACTED] who was considered to be working at the premises as he was spotted in a staff area at the storage room at the back, revealed he had an outstanding asylum claim with no right to work in the UK. He was subsequently arrested by SAMUELS and an illegal working interview was conducted where he was later walked offthe premises.

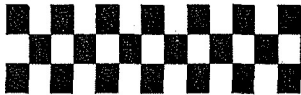
An illegal working interview was also conducted with the owner, Markandu Lingarasa, by 10 Duke in relation to the two males found illegally working at the premises. Following this he was served an illegal working civil penalty notice.

The team were then stood down and left the premises at approx. 18:15 hrs.

Signature:Signature witnessed by:.....

03/2015 MG II

OFFICIAL



OFFICIAL SENSITIVE - WHEN COMPLETED



MG11

Witness contact details

URN: / / /

Name of witness: Jack O'Brien.....

Home address: [redacted] Postcode: [redacted]

Email address: jack.obrien@homeoffice.gov.uk..... Mobile: [redacted]

Home telephone number: [redacted] Work telephone number: [redacted]

Preferred means of contact (specify details for vulnerable/intimidated witnesses only): Email..... Home address^s:

Home telephone number:

Gender: Male..... Date and place of birth: [redacted]

Former name: N/A..... Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? Yes [] No [] No [3 If 'No', include reason(s) on form MG6.
b) What can be done to ensure attendance?.....
c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case)
Yes C] No [3 If 'Yes', submit MG2 with file in anticipated not guilty, contested or indictable only cases.
d) Does the witness have any particular needs? Yes [3 No [3 If 'Yes', what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No C]
b) I have been given the Victim Personal Statement leaflet Yes
c) I have been given the leaflet "Giving a witness statement to the Home Office... Yes No C]
d) I consent to police having access to my medical record(s) in relation to this Yes [3 No matter (obtained in accordance with local practice)
e) I consent to my medical record in relation to this matter being disclosed to the Yes No defence:
f) I consent to the statement being disclosed for the purposes of civil proceedings Yes C] No C] if applicable, e.g. child care proceedings, CICA g) Child witness cases only. I have had the provision regarding reporting Yes [3 restrictions explained to me.

I would like the CPS to apply for reporting restrictions on my behalf. Yes No N/A I understand that the information recorded above will be passed on to the Witness Sewice, which offers help and support to witnesses pre-trial and at court.

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

OFFICIAL

Address and telephone number if different from above:

[Empty rectangular box for address and telephone number]

Statement taken by (print name): Station:

Time and place statement taken:



OFFICIAL SENSITIVE (when completed)

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

Statement of **SHAUN WRIGHT (IO 19652)**..... URN:

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Age if under 18 (if over 18 insert 'over 18') Occupation: **Immigration Officer**

This statement (consisting of: 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: **S WRIGHT** Date: **11/10/1023**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I was OIC (Officer in Charge) during an Immigration Enforcement visit to Best One Convenience Store , 9-11 Poplar Avenue, Bamber Bridge , Preston, PR5 6JJ on 11/03/2023.

During this visit [REDACTED] - [REDACTED] - LKA Sri Lanka was arrested having Overstayed in the UK following his failed Asylum claim. [REDACTED] as of 11/03/2023, had no permission to work in the UK.

CCTV evidence viewed by officers on 11/03/2023 showed [REDACTED] working at the premises for an extensive period.

[REDACTED] was behind the counter in the premises when Immigration Officers entered.

The owner Markandu Lingarasa was served a Referral Notice, notifying him that the Home Office Civil Penalties team would write to him in respect of the illegal worker found at the premises.

A fine was issued by the Home Office Civil Penalties team on 20/06/2023 for £10,000 for employing an illegal worker. This fine was paid by the business owner.

OFFICIAL

Signature: _____

Signature witnessed by:.....

1 0/2017 MG 11

Representation Form.

Interested Person/Body in the vicinity of the premises detailed below

Your Name/Company Name/Name of Body you represent.	Shaun Wright – Immigration Officer 19652 – Immigration Enforcement
Postal and email address	The Capital Building, Liverpool, L3 9PP
Contact telephone number	

Name of the premises you are making a representation about.	Best One Convenience Store
Address of the premises you are making a representation about.	9-11 Poplar Ave, Bamber Bridge, Preston PR5 6JJ

Your representation must relate to one of the four Licensing Objectives. Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of Harm to Children		
To prevent Public Nuisance		
To prevent Crime and Disorder	Yes	<p>On 11/03/2023 I was Officer in Charge for an Enforcement visit to the above premises. On this occasion, 1 illegal worker was encountered and the business paid a fine of £10,000 issued by The Home Office Civil Penalty Team.</p> <p>On 12/07/2023, my colleague IO O'Brien was Officer in Charge for an Enforcement visit to the same premises. On this occasion, another person with no permission to work was encountered working within the premises and the business was issued a notification that they would receive a fine of up to £20,000.</p>
Public Safety		

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	
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N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: 

Date: 12/12/2023

Please return this form along with any additional sheets to: Licensing Unit, South Ribble Borough Council, Civic Centre, West Paddock, Leyland, Lancashire PR25 1DH or email to: licensing@southribble.gov.uk

This form must be returned within the Statutory Period. Generally 28 days from the day the notice was displayed on the premises or the date specified in the Public Notice in the newspaper.



Lancashire
Constabulary

Lancashire Constabulary South Division Review File

Name: Best One

Address: 9 Poplar Ave, Bamber Bridge

Licensing Authority: South Ribble

Licence Number: PREMA0047



1. Summary

Best One is a Licensed Premises situated on Poplar Avenue, Bamber Bridge which is within the South Ribble Borough Council. The premises itself is a single-story premises and has a single entrance / exit on to Poplar Avenue and forms part of several business premises in a row surrounded by largely residential premises. Also of note is St. Aidan's Primary School which is a short walk to the rear of the premises. Whilst only licensed for 'off sales' of alcohol, the premises operates as a wider convenience store selling food goods, tobacco produces and non-food items. The premises has held a licence since it was converted in 2005 from the former Licensing Act.

2. History

i. Premises Licence Holder/Designated Premises Supervisor

Markandu LINGARASA is the current Premises Licence Holder and Designated Premises Supervisor, positions which he has held since January 2023, between this time and the original conversion there has only been one other Premises Licence Holder.

ii. Police involvement with the premises

9th January 2023 - as part of the transfer and variation of DPS a member of staff from Police Licensing attended the premises unannounced to speak with LINGARASA who was not present. The member of staff from Police Licensing spoke with two males inside the premises, one was behind the service counter, and another was stacking stock. Both males spoken limited English and the male stacking the shelves refused several times to provide the staff member with any details and denied working at the premises claimed to be a friend visiting from another shop, he eventually provided this information. The male behind the counter did advise that LINGARASA was at his other shop in Liverpool, the member of police staff then contacted LINGARASA on the telephone and arranged to see him the following day. Upon returning to the police station the member of police staff referred the premises and details of the male working behind the counter to Immigration enforcement as she had concerns over their right to work, other concerns raised were the staff members ability to understand some of the licensing responsibilities.



10th January 2023 - The following day the member of police staff returned to the premises and met with LINGARASA, who advised that he was a DPS at three other premises in the Liverpool area and would visit the Bamber Bridge premises 3 times per week. LINGARASA talked through the check 25 training that he put into place and showed a refusal register. The member of police staff advised that there would be test purchase operations in the future but that there. The member of police licensing advised that there would be no objection to the transfer for variation of DPS, she also noted that neither males from the day before were present at the premises and it was the wife of LINGARASA behind the counter during this visit.

11th March 2023 - PC Connolly attended the premises with Immigration Enforcement & South Ribble Council Licensing however afterwards and had no involvement with the member of staff having no right to work in the UK.

18th April 2023 - PC Connolly attended the premises in company with South Ribble Borough Council Licensing with Lancashire Trading Standards. An inspection was carried out and staff member was found to have restricted work but was not relevant to being employed at the premises. An old packet of cigarettes was found at the bottom of the display, it was deemed to have been accidentally left over from discontinued stock. When spoken with regarding the sale of alcohol and other age restricted items by PC Connolly, the member of staff claimed that he had not had any training.

19th May 2023 - the premises was subject to a test purchase for a knife by Lancashire Police and Lancashire Trading Standards as part of a national wide knife crime campaign called Operation Sceptre. During this initiative the premises failed by selling a trimming knife to children aged 13 and 14. The premises were issued with a warning following this and directed toward free check 25 training available in Lancashire.

2nd June 2023 - the premises was subject to a test purchase for alcohol by Lancashire Police and Lancashire Trading Standards. On this occasion the premises passed and refused the sale of alcohol.

12th July 2023 - police licensing received an email from immigration enforcement providing an update that a male without permission to work was located at the premises and that a notice of intention to issue a fine of up to £20,000 was served on the premises.

16th November 2023 - the premises was once again subject to a test purchase for a knife by Lancashire Police and Lancashire Trading Standards as part of a national wide knife crime campaign called Operation Sceptre. The premises passed the operation and refused to sell a knife to a 15-year-old test purchaser.



3. Reason for Review

Mr Ward has outlined in his application under Section 51 of the Licensing Act 2003 that the Section 182 guidance ties the employment of illegal workers to the Prevention of Crime & Disorder Licensing Objectives. Lancashire Constabulary support this view and furthermore, the sale of a trimming knife to two children aged 13 and 14 on 19th May 2023 is a criminal offence under Section 141A of the Criminal Justice Act 1988 and clearly undermines the Prevention of Crime & Disorder and the Protection of Children from Harm Licensing Objectives.

4. Outcome Sought

Lancashire Constabulary seek for the Licensing Sub-Committee to revoke the premises licence. The Section 182 guidance outlines criminal activity that may arise in connection with Licensed Premises and specifies employing a person who is disqualified from that work by reason of their immigration status in the UK as criminal activity that should be treated particularly seriously. 11.23 of the Section 182 guidance clearly states "But where 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 – it is irresponsible for any employer not to take reasonable steps to check a potential employees immigration status.

Whilst other options could be available removal of the DPS would likely prove ineffective as the DPS and Licence Holder are the same person and have been complicit in the criminal activity at the premises. Furthermore, the Licence Holder has shown acts of dishonesty towards officers from Responsible Authorities during inspections.

Applying conditions would likely prove ineffective, 1.16 of the Section 182 guidance clearly states that Licence Conditions should not replicate offences already in legislation.

Suspension of the Licence for a maximum period of three months would simply allow the premises to continue trading irresponsibly after such time.

Revocation is necessary and proportionate in these circumstances.



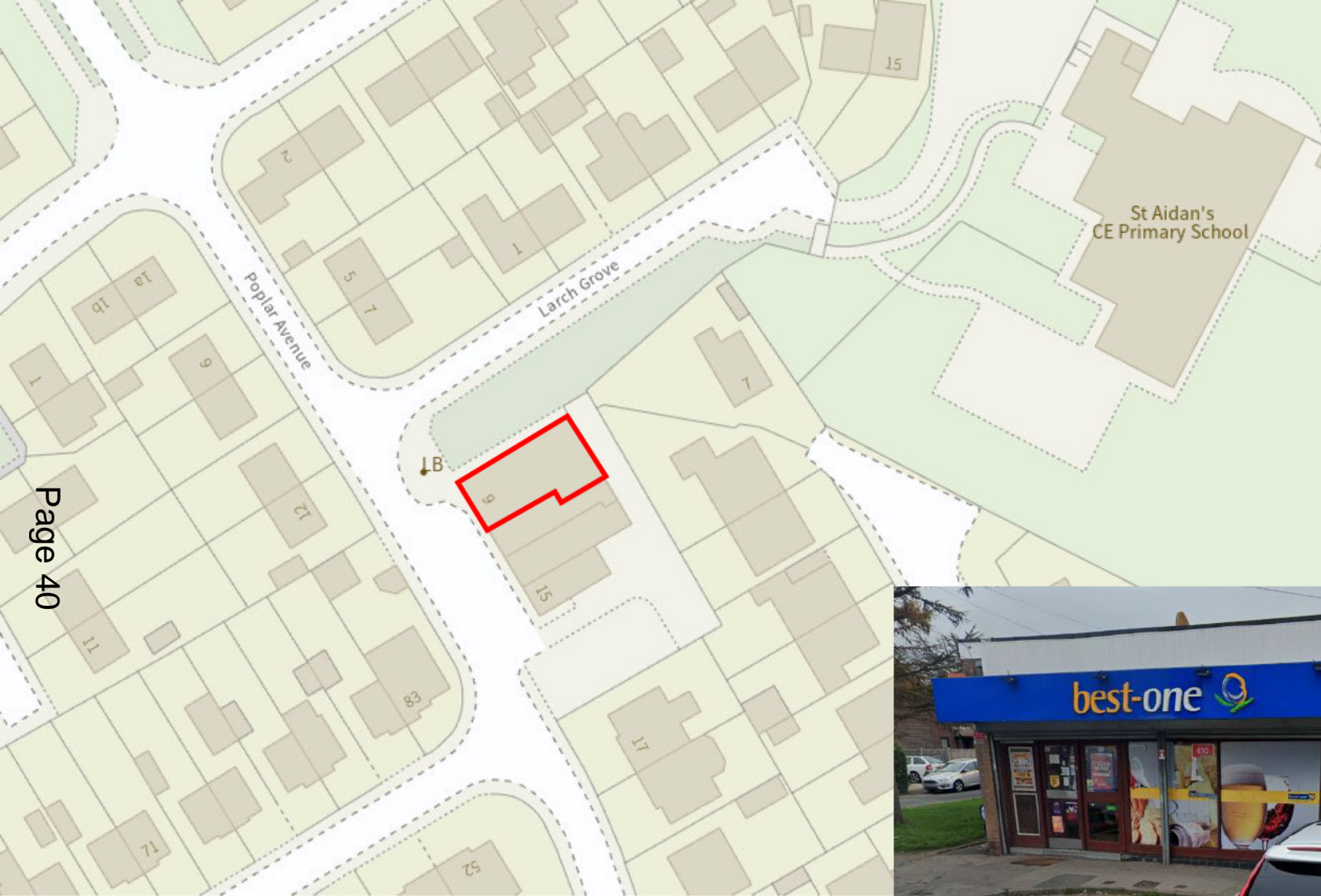
Lancashire
Constabulary

5. Supporting Evidence

LC01 – Street view of the premises

LC02 – Redacted visits from Police Licensing

LC02 – Letter from Lancashire Trading Standard



BEST ONE

Printed: 08/12/2023

Visit Details:

Premises ID: 361
Reference: LICENSING VISIT
Date: 09/01/2023

Time: 11:30

Address:
9 POPLAR AVENUE
BAMBER BRIDGE
PRESTON
LANCASHIRE
PR5 6JJ

Main Phone: [REDACTED]
Alt Phone: [REDACTED]
Email: [REDACTED]
Fax: [REDACTED]

Description:

STE

I HAVE VISITED THE ABOVE PREMISES THIS MORNING REGARDING A DPS & P/L TRANSFER APPLICATION.

THE PROPOSED DPS MARKANDU LINGARASA WAS NOT PRESENT, BUT THERE WAS A GENTLEMAN SERVING BEHIND THE COUNTER AND ANOTHER MALE STACKING SHELVES, BOTH WHO SPOKE VERY LIMITED ENGLISH AND FROM WHAT INFORMATION I COULD ESTABLISH, THEY WERE NOT PLH. THE P/L IS AN OUTDATED ONE WITH VERY LIMITED CONDITIONS. THERE WAS NO AUTHORITY TO SELL IN PLACE AND THE GENTLEMAN BEHIND THE TILL HAD NO IDEA WHAT I WAS TALKING ABOUT. I ASKED ABOUT A REFUSALS BOOK AND HE JUST SAID THE BOSS HAD IT. THERE IS CCTV, BUT THIS IS NOT A CONDITION ON THEIR LICENCE.

WHEN I ASKED WHERE MR LINGARASA WAS, I WAS INFORMED THAT HE WAS AT HIS SHOP IN LIVERPOOL. THE YOUNG MAN BEHIND THE TILL CONTACTED HIM BY TELEPHONE, AND I HAVE ARRANGED TO RE-VISIT TOMORROW MORNING AT 11AM. ALL HE KEPT SAYING ON THE TELEPHONE WAS THAT HE HAD A LICENCE!

I OBTAINED THE PERSONAL DETAILS OF THE MAN BEHIND THE TILL – [REDACTED] WHEN I ASKED FOR THE PERSONAL DETAILS OF THE YOUNG MAN STACKING SHELVES, HE WAS VERY QUICK TO SAY THAT HE WAS NOT WORKING (WHEN HE QUITE CLEARLY WAS). HE STATED THAT HE HAD JUST CALLED TO SEE HIS FRIEND FROM ANOTHER SHOP AND WHEN I ASKED WHERE THE OTHER SHOP WAS, HE REPLIED LIVERPOOL. HE POINT BLACK REFUSED TO GIVE ME HIS PERSONAL DETAILS.

I MANAGED TO PERSUADE HIM TO GIVE ME HIS DETAILS (RELUCTANTLY) – [REDACTED] HE REPEATED HIMSELF QUITE A FEW TIMES TELLING ME THAT HE WAS NOT WORKING (WHICH MADE ME VERY SUSPICIOUS)!

ALSO, BEHIND THE COUNTER IS A LARGE DISPLAY OF VAPING LIQUIDS (ELF BAR 600).

ON VISITING THE PREMISES, I DID NOT GET A GOOD FEELING ABOUT THE 2 MALES PRESENT, OR THE PROPOSED DPS WHICH I SPOKE WITH ON THE TELEPHONE. [REDACTED]

BEST ONE

Printed: 08/12/2023

Visit Details:

Premises ID: 361
Reference: DPS INTERVIEW
Date: 11/01/2023

Time: 11:10

Address:
9 POPLAR AVENUE
BAMBER BRIDGE
PRESTON
LANCASHIRE
PR5 6JJ

Main Phone: [REDACTED]
Alt Phone: [REDACTED]
Email: [REDACTED]
Fax: [REDACTED]

Description:

I HAVE RE-VISITED THE PREMISES THIS MORNING FOR A DPS INTERVIEW WITH MARKANDU LINGARASA. CHRIS WARD FROM SRBC WAS SUPPOSED TO BE MEETING ME AT THE PREMISES, BUT DID NOT TURN UP AND WHEN I HAVE CONTACTED HIS OFFICE, I WAS ADVISED HE WAS STILL IN A MEETING AT SRBC.

ALTHOUGH LINGAN HAS 3 FURTHER PREMISES IN THE LIVERPOOL AREA WHERE HE IS DPS, HE ASSURES ME THAT HE WILL BE VISITING THE BAMBER BRIDGE STORE ABOUT 3 TIMES PER WEEK. LINGAN SHOWED ME THE SIGNED AUTHORITY TO SELL AND ALSO TALKED ME THROUGH HIS CHECK 25 TRAINING AND ALSO HIS REFUSALS REGISTER (I HAVE ADVISED THAT WE WILL BE CARRYING OUT A TEST PURCHASE).

I FOUND LINGAN TO BE AN EXTREMELY PLEASANT GENTLEMAN ALONG WITH HIS WIFE WHO WAS SERVING IN THE SHOP (ALSO A PLH) AND I AM HAPPY TO ADVISE SRBC THAT WE HAVE NO OBJECTION TO THE DPS & TRANSFER APPLICATION.



Best-One
9-11 Poplar Avenue
Bamber Bridge
Preston
PR5 6JJ

Phone:

Fax:

Email:

Your ref:

Our ref: 212431

Date: 05/06/23

WRITTEN WARNING

Dear Sir/Madam,

The Criminal Justice Act 1988

Sale of trimming knife to an underage person on 19th May 2023 from Best-One, 9-11 Poplar Avenue, Bamber Bridge, Preston PR5 6JJ

On Friday 19th May 2023 a test purchase exercise was carried out by Trading Standards and Lancashire Police at Best One, where a member of staff sold a trimming knife to two underage volunteers aged 13 and 14.

The sale of knives to underage children is taken very seriously by Trading Standards and Police. The offence can be committed by both the seller (i.e. the shop assistant) and the business owner and can result in prosecution through the Magistrates Court leading to imprisonment for up to 6 months, or an unlimited fine, or both.

On this occasion we are issuing you with this **warning letter**.

You should now take steps to prevent further offences being committed, including retraining any staff on age restricted sales and asking anyone appearing to be under 25 to provide a valid identification.

I would advise you to access Trading Standards' online Check 25 resources, which can be found by visiting www.lancashire.gov.uk/iancan/check-25/retail-premises and selecting 'Resources - knives'. Here you will find legal guidance, a good practice guide, posters and a link to The National Business Crime Centre online training package, which

Trading Standards Service
Lancashire County Council
4th Floor Lancashire Point
County Hall
Pitt Street
Preston
PR1 0LD



I recommend that you and your staff complete. As part of your due diligence your staff should also complete records of refusals.

If your business sells other age restricted products, including alcohol, tobacco and e-cigarettes, then I recommend you and your staff access our online Check 25 training, which can also be accessed using the link provided above. Upon successful completion of the training you will receive a certificate which you can print or save for your records.

Following this test purchase it is likely that your business will be tested again in the future. Should further underage purchases be made, the fact that you have received this warning will be used as evidence when considering further enforcement action.

If you have any queries in relation to this matter, please contact me on the above number.

Yours faithfully,

A handwritten signature in black ink that reads "L Manning". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

Lauren Manning
Senior Trading Standards Officer
Lancashire Trading Standards Service