

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

Other title

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 Immigration 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 182 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;

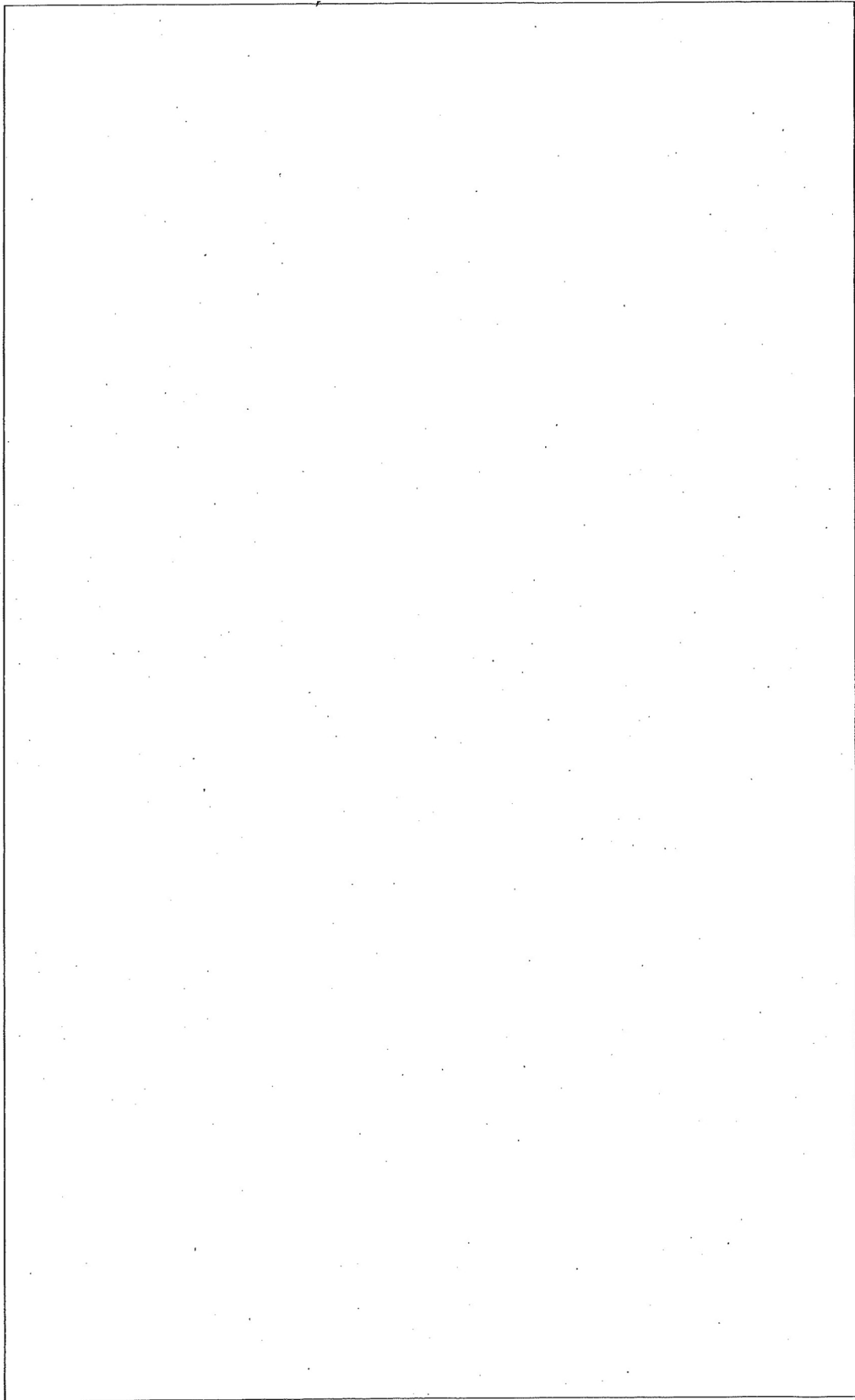
The prevention of crime and disorder

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

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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.

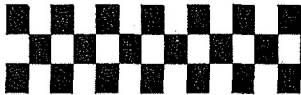
(o)ther checks were conducted by 10 Duke and 10 Samuals on three other males considered to be working at the store, as they they shown various adverse reactions to the officer's presence which led them to believe they were also working illegally. Checks conducted led to two staff being cleared however 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:.....

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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:

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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.

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Signature: _____

Signature witnessed by:.....