

Appendix B

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 David Whelan

(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 Moss Lane Convenience Store 41 Moss Lane	
Post town Leyland	Post code (if known) PR25 4XA

Name of premises licence holder or club holding club premises certificate (if known) Ranga RATNASEKERA
--

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

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible

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authority (please read guidance note 1, and complete (A) or (B) below)

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

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

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Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Licensing Authority Civic Centre West Paddock Leyland PR25 1DH
Telephone number (if any)
E-mail address (optional)

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

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

Please tick one or more boxes ✓

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

Introduction

4th June 2018

The premises was visited by Mark Marshall in order to carry out a routine compliance check. Numerous matters were found and later communicated in writing to the licence holder, a summary of the problems were;

No Proof of Age Training available for Donna Bamber who had been employed at the premises for 1 month

Fire separation issues

Work Place safety problems particularly in relation to flooring and storage areas.

The matters are highlighted in the letter that was sent on the 5th June 2018 attached as **Document 1**.

24th August 2018

At approximately 17.30 hrs a joint visit to the premises took place, by representatives from the Home Office, authorised to carry out Immigration Enforcement, Lancashire Fire and Rescue and Officers from the Licensing Authority.

On entry there was one male behind the counter. All officers were identified and an explanation of the reason for the visit was given. There was one customer waiting at the till point with items due to be paid for, the male behind the counter who I now know to be NADEERA KAUSHIKA RUPASIGHE 21/11/81 served the customer.

Enquires were made by Home Office staff regarding RUPASIGHEs status and after about 10 minutes it had been revealed that he did not have rights to work in the UK. A search of the male's mobile phone revealed text messages going back to December of 2017 where offers of work had been made.

IO JOE WESST then interviewed RUPASIGHE where the following questions were put to him;

Q- Can you understand what I am saying?

Yes

Q- How long have you worked at Moss Lane Convenience Store?

December 2017

Q-What is your role here?

Serving customers

Q-Do you have a contract?

No

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Q-What time do you start?

4.30-5.00pm

Q-What time do you finish?

10pm

Q-Do you get paid?

Yes

Q-How are you paid?

Cash

Q-How much an hour are you paid?

£6.80

Q- Does someone replace you if you can't work?

Yes he has more staff.

A separate interview took place with the Premises Licence holder a short time later. This was conducted by a different Officer, IO Amanda Cahill, the following questions were put to her;

Q-How long has Mr Nadeera RUPASINGHE worked in the store?

He has been working on and off

Q- Since when?

Since December 2017.

Q-Did you ask him to provide any documentation to show he was allowed to work in the UK?

Not me, No, it was my husband asked him to provide documents, Mr RUPASINGHE said he was on a 5 year working visa, he had already applied.

Q-Did you chase it up and did you see a copy of the visa to show he could work?

Mr Ichira YAYTHUGODA 07/04/80, owners husband stated he saw Mr RUPASINGHE's application that he was making to the Home Office.

Q-Did you take a copy of the visa or the application?

No, stated that Mr RUPASINGHE would give them a copy when he got granted.

Q-How long ago was this?

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Around November or December 2017

Q-Did you chase him to supply a copy?

I asked, Mr RUPASINGHE told them his visa was still being processed.

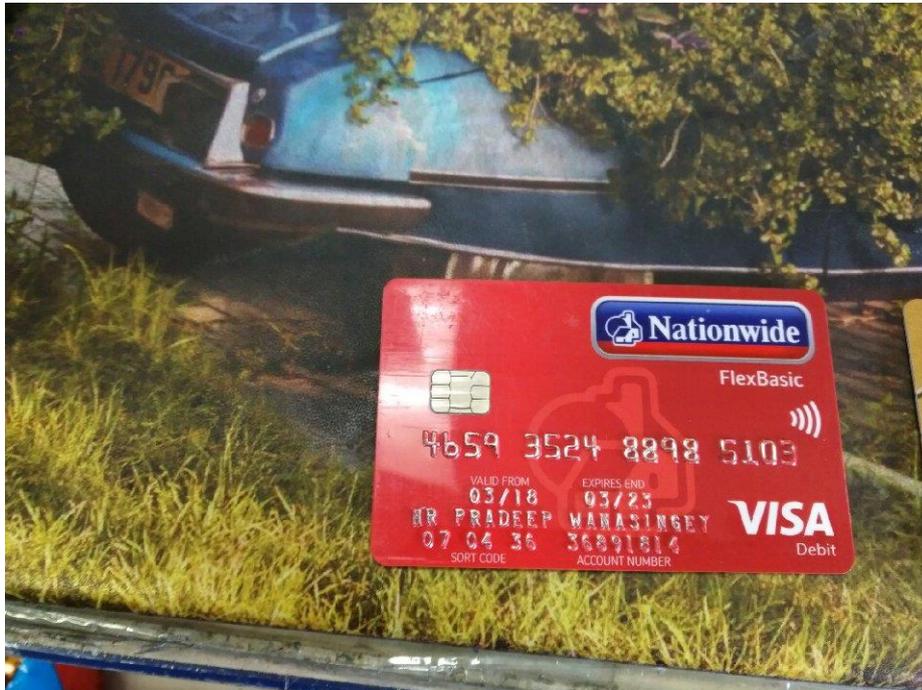
Q-How much do you pay Mr RUPASINGHE?

£7.80 an hour.

Q- Did you supply him with a wage slip?

The Immigration notes and statements are attached as **Document 2**

During the time in the shop Mr RUPASINGHE was asked to empty his wallet and 2 bank cards that did not belong to him were found in his wallet, his explanation was that these cards belonged to his friends who had left them at his house. Enquiries have been made with the Police and the Nationwide, the card below has not been reported lost or stolen.



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Employment of illegal Workers

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.

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

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11.26

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.

Public Safety

The matters that were highlighted in the letter of the 5th June had not been adequately attended to, there were significant obstructions to work place traffic routes and stair cases, the fire extinguishers were still showing the same out of

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date service stamp as they did on the 4th June 2018 which was 6/17 and the fire separation in the store room was a completely inappropriate repair.

The photos below demonstrate the general condition of the work areas of the shop.

The items shown do not all directly impact on Public safety, mainly due to the fact that the public do not spend any significant amount of time on the premises, but licence holders should respond to previous concerns raised especially where they are legal requirements or could directly compromise the safety of the building, all the matters that have not been rectified are either legal requirements or directly compromise the safety of the building.



Above.

The Ceiling has been repaired with thin plywood that would have no fire separation qualities what so ever. The appropriate repair needed to be plaster board with a layer of skim finish plaster.

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Above

The fire extinguisher show above has not been serviced as directed and the obstructions on the stairway would have been dangerously impeded the escape route

Protection of Children from Harm

7th September 2018

At 18.48hrs an underage volunteer was sent into the premises by a police constable to attempt to buy alcohol as part of a directed test purchase exercise. The sale occurred and 4 cans of Strongbow (dark fruits) at a price of £5.50 were sold to the volunteer.

At 18.55hrs Mark Marshall returned to speak with the seller in the company of the 1 Police Officer and a PCSO. The staff member was known to be Donna Bamber who was cautioned, she was asked;

Have you had any Proof of age training?

Yes in a folder

Where is it?

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I don't know but I can call my boss.

Do you recall the sale?

Was he a tall guy?

Yes

Why didn't you ask him for ID?

I thought he looked old enough.



Volunteer 2

DOB 16/06/2001

10th September 2018

At 10.50hrs the premises was visited in order to check if staff training was in place which may provide a defence for the licence holder for the unlawful sale. Section 146 (6) of the Licensing Act 2003 states;

Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

This is taken to mean staff training in relation to this particular matter, in addition the Premises licence also has a condition on the licence which states;

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All staff be trained regarding age related sales, details of which should be documented and produced on the reasonable request of any officer from a Responsible Authority.

When the Premises Licence holder was asked to produce training documentation for Donna Bamber she was unable to do so, at the time of the visit there was a male behind the counter called Balwinder Singh 04/04/84 there was also no training documentation for him. The final request was for training documentation for Nadeera RUPASINGHE, again none could be produced.

The licence holder claimed to have misunderstood the meaning of this condition and undertook to put things in place with immediate effect.

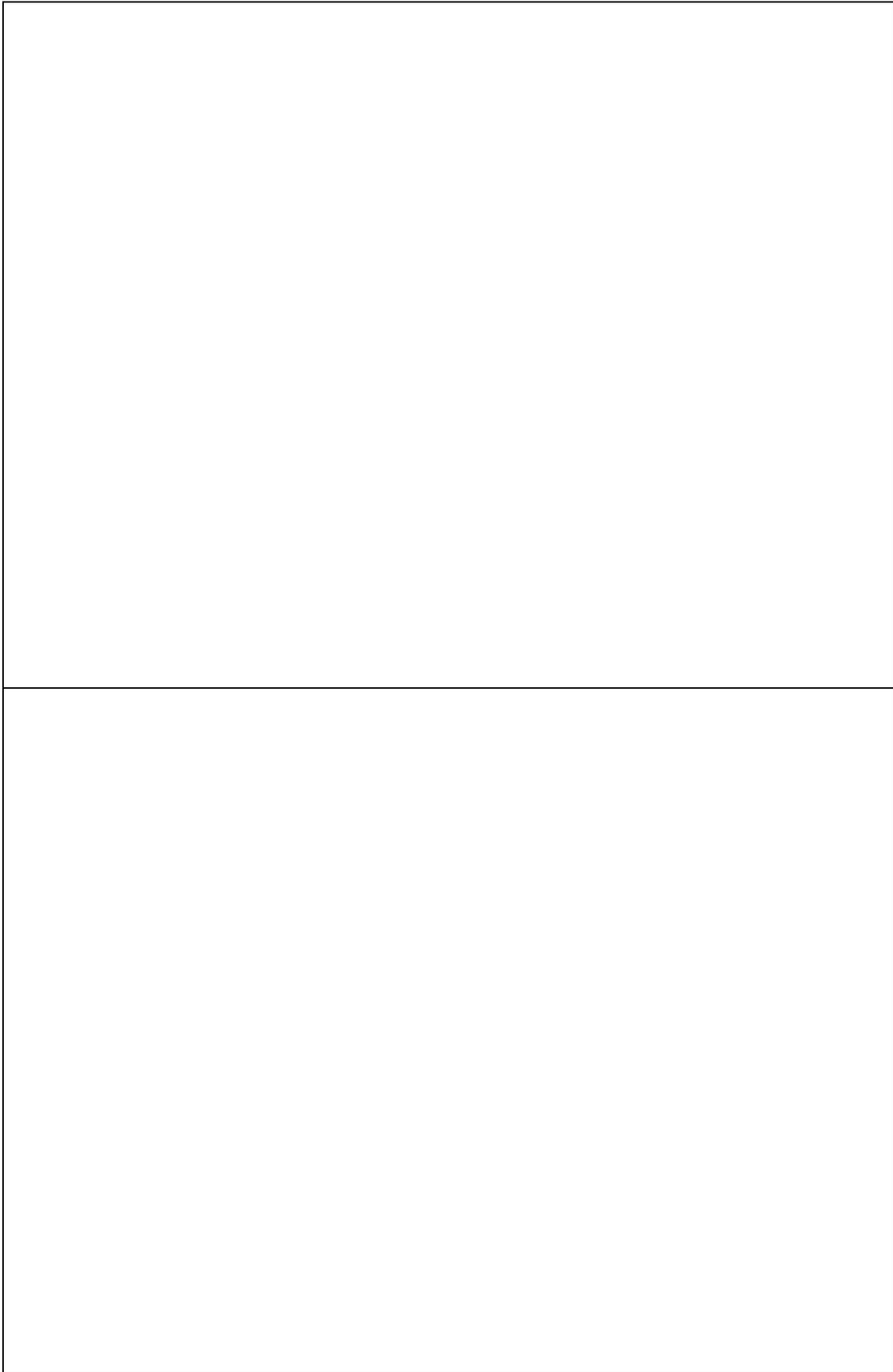
Conclusion

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 in the view of the Authority making this application the licence should be revoked.

Please see Para 11.23 of the Section 182 Guidance;

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.

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Please provide as much information as possible to support the application (please read guidance note 3)

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Please tick ✓ yes

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

If yes please state the date of that application

--	--	--	--	--	--	--	--

Day

Month Year

If you have made representations before relating to the 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 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

.....

Date

.....

Capacity

.....

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

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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.

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Immigration Enforcement

NOD REF: TS33BPA2293

Notice to Occupier

Address of Premises Moss Lane Convenience store, 41 Moss Lane, Leyland PR25 4XA

* Informed consent

I hereby consent to Immigration Officers [and Police Officers and JS]* entering and searching the above-named premises for on

I am aware of the extent of the proposed search and if, in the course of conducting the above search, criminal activity is found or a breach of immigration law is suspected, enforcement action may be taken. Enforcement action may include the seizure of property which may be used as evidence of an offence and may include the arrest of any person suspected of committing offences or breaching immigration law. (If illegal workers are found or the premises are let to tenants without leave to remain, evidence obtained during the course of this visit may lead to the issue of a civil penalty and/or the issue of an illegal working closure notice). I am also aware that, once lawfully on the premises, immigration officers may exercise statutory powers of search in connection with the removal of persons in breach of immigration law or the imposition of a civil penalty.

I understand that I am not obliged to provide consent and that my consent can be withdrawn at any time.

Signature Date Name Over 18 Yes No Status relative to premises

* STATUTORY POWER UNDER WHICH SEARCH WAS MADE With Warrant JS

Warrant (copy attached) issued under section of Date granted by

* Without Warrant POWER UNDER WHICH SEARCH MADE

Section 179 of Licensing Act 2005

Some of these powers require written authority of a Chief Immigration Officer or above, which will normally be recorded at 1 below. This notice will show at 2 if authority has been recorded elsewhere.

1. Recording on this notice

I hereby authorise the search of the above-named premises. Signature Date/Time Name Rank JS

2. Recorded elsewhere

Where authority recorded By whom (name/rank) Date/Time recorded

Entry forced:- Yes No Damage:- Yes No Premises Secured Yes No manager left @ premises

Officer in Charge of Search Name J. SHIRLEY 8635 Office LIVERPOOL I.E Address CAPITAL BUILDING, L39PP Date: 24/8/18 Time of entry 1721 Hrs Departure 1830 Hrs

* Delete as applicable

Referral Notice

Illegal Working Civil Penalty



Immigration
Enforcement

Employer name:

Kangranga RATNASEKERA

Employer registered address:

41 MOSS LANE

LEYLAND

PR25 4XA

Business type: Sole Trader/Limited Company

Franchise/Other.....

VAT No:

Company number:

Director(s)/Owner(s):

This is an important notice. Please do not ignore it. Your case will be referred for consideration of your liability for a civil penalty.

This Referral Notice is issued in respect of (a) suspected breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Tasking Reference:

TS33BPA2293

Notice given date:

24/8/2018

Issued to:

Mrs RATNASEKERA

Position:

Manager / Owner

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on 24/8/18 at the following business address: Moss Lane Convenience store, 41 Moss Lane, Leyland

PR25 4XA

Who we suspect of working illegally

	Names of suspected illegal workers	Nationality	DOB	Reason
1	Nadeja Kavshika RUPASINGHE	LKA	21/1/81	No right to work/Working in breach
2				No right to work/Working in breach
3				No right to work/Working in breach
4				No right to work/Working in breach
5				No right to work/Working in breach
6				No right to work/Working in breach
7				No right to work/Working in breach
8				No right to work/Working in breach

Reason for referral

Your case will be referred to the Home Office's Civil Penalty Compliance Team which will consider your liability for a civil penalty for employing the identified suspected illegal worker(s). It is **illegal** to employ an adult subject to immigration control if he has not been granted leave to enter or remain in the UK or his leave to enter or remain is invalid or has ceased to have effect, or he is subject to a condition preventing him from accepting the employment in question.

What this means

The Civil Penalty Compliance Team will consider whether you are liable for a civil penalty, and if so your penalty level.

- A **Civil Penalty Notice** will be issued if you are found liable. This Notice will require you to pay a penalty for a specified amount by a specified due date.
- A **Warning Notice** may be issued if you meet the mitigating criteria set out in our **Code of practice** on preventing illegal working which is on **www.GOV.UK**.
- A **No Action Notice** will be issued if you are not liable for a civil penalty. This Notice will inform you that no civil penalty action will be taken against you on this occasion, and that your case has been closed.

24/8/18 joint licensing visits with ²¹ Mark Marshall all entry

s179 Licensing Act.

① TS33BPA2293

MOSS LANE CONVENIENCE STORE, 41 MOSS LANE LEMLAND, PR25 4XA

~~② TS33KUM1051~~

~~School Lane Super Saver LTD
42 School Lane, Rumber
Bridge, PR5 6BD~~

~~③ TS33KUM1052~~

~~SIVA A&P Convenience
5 Station Road, PR5 6DR~~

~~④ TS33KUM1053~~

~~Sangam Bakti House, 14-15
Hill Street, PR5 5PL~~

~~⑤ TS33BPA2292~~

~~Diyah Spice, 753a Station
Road, PR5 6LE~~

~~⑥ TS33KUM1054, Chester's
29 Denton Hill Lane, PR25 3NP~~

① Premises entered Appendix B male was serving behind the counter. I identified myself and shown my warrant and explained we were accompanying local licensing officer Mark Marshall. I issued N.T.O. I O WEST took the details of the male and established he was not entitled to work. He was to be served papers and a call was made to the manager.

Both male and female (heavily pregnant) attended and 10 Calmill completed an illegal working i/v with the female who was happy to assist even though pregnant, an illegal working civil penalty referral notice was issued and premises then vacated and

male escorted off site @ 1830²³

~~② Premises entered @ 1844
warrant shown. NTO served
all cleared. Vacated 1848~~

~~③ Premises entered @ 1852
warrant shown. NTO served
All cleared. Vacated 1857~~

~~④ Premises entered @ 2013
warrant shown. NTO served
and explained to manager reason
for our visit. All persons cleared.
Five service serve notice to
manager. Vacated 2038~~

~~⑤ Premises entered @ 2054
warrant shown. NTO served and
reason for visit explained. All
cleared. Premises vacated 2113~~

- 24/8/18 GOLD - HMI Berrington —³⁵
 SILVER - ACIO Swayne —_{KS}
 BRONZE - 110 SHIRLEY —_{KS}
 LICENSING VISITS, SOUTH —
 RIBBLE, LANCS WITH _{KS}
 M MARSHALL. —_{KS}
 ① TS33BPA2293 —_{KS}
 MOSS LANE CONVENIENCE-
 STORE, 41 MOSS LANE, —
 LEYLAND, PR7S 4XA —_{KS}
 —_{KS}
 ② ~~TS33HUMIOS1~~ —_{KS}
~~SCHOOL LANE SUPERSAVER, —~~
~~42 SCHOOL LANE, PR5 6GD~~
 —_{KS}
 ③ ~~TS33HUMIOS2~~ —_{KS}
~~SIVA A & O CONVENIENCE STORE,~~
~~E STATION ROAD, PR5 6GR~~
 —_{KS}
 ④ ~~TS33BPA2292~~ —_{KS}
~~DUNAS SPICE, —~~ _{KS}

This is a true copy of my notebook

K Swayne

ACIO 8229

24/8/18

~~25a Station Road, - ks
Bamburgh, PRS 6LE - ks~~

⑤ ~~Sangham 1533 HOMIOS -
Sangham Balti House, -
14-15 Hope Terrace, -
Lestock Hall, PRS SRU~~

~~All visits hold licences - ks
and the power of entry -
has been authorised by -
HMI Berrington. - ks~~

~~Entry 5179 of LA 2003 -
All visits are sus illegal -
working. - ks~~

~~Log - ks~~

① Arrived at 17.20 - ks
Remained as front cover
as only one male staff
on the premises. - ks

Did not enter the ³⁷
premises. - ks

Stand down at 17.31 -
Asked to re-enter to
give an ops kit and to
speak to CIO SHIRLEY, -
at 18.21 and stood
down at 18.24 - ks

③ ~~Arrive at 18.44 -
NTO served by CIO SHIRLEY
One male has CBR
passport
Thulasithas SATHES-
KUMAR, 6/2/78, CBR -
Passport 539205481 -
Issued - 20/10/16
CLEARED as CBR national
Stood down at 18.44 - ks~~

① Copy of my PNB
 Moss Lane Convenience
 to Joe West
 On Job
 2/1/18

~~_____~~
~~_____~~
~~_____~~
~~_____~~

FRIDAY 24TH AUGUST 2018
 Licensing visits led by Leyland
 Licensing Team. Entry to all
 premises is by Section 179 Licensing
 Act 2003. at C10 Shirley.

- ① TS33BPA 2293, Moss Lane
 Convenience store, 41 Moss Lane,
 Leyland PR25 4XA.
- ② ~~TS33BPA 2294, School Lane,
 Superstore, 42 School Lane,
 Bamberbridge, PR5 6QD~~
- ③ ~~TS33BPA 2292, Six and P
 Convenience store 5 St James
 Bamberbridge, PR5 6QB~~
- ④ ~~TS33BPA 2293, Bryan Belli~~

~~Home, 14-16 Hope Terrace,
 Lostock Hall, PR5 5RU.~~

- ⑤ TS33BPA 2292, Digby's Farm
 23A Station Road, Bamberbridge,
 Preston, PR5 6RE.

Entered Moss Lane Convenience
 store 172hrs. 1 male behind
 counter. C10 Shirley served NFO
 & explained power genby. Male
 produced UK driving licence Madhava
 Kaushika RUPASIN GHE.

2/1/18, LKA, 99 Beverley Street
 Bolton. BL1 4DY. Armed UK
 2010 false via. v.2a finished

2015. Checks show 2 ULS
 C10 TLO dep partner 25/1/10-31/12/11
 C10 3/1/11 TLO dep partner 30/10/11 granted
 until 30/5/15. T2 dependent
 and

appeal reviewed + outcome maintained
Asylum 13/6/17 + refused

12/12/17. No appeal on appeal
screen. Had a 96 sent but
didn't have date + time. Ppl
until Aug 2019 at Croydon

App 1st tier review 13/7/18.

Safeguarding issues with wife,

she has appeal outstanding. Subject

is dependant on wife's claims +

appeal but has no right to

work. Mr 1757ho I conducted

a caution + 2 interview in English

as Mr Rupasinghe is not allowed

to work. Subject cautioned + made

no reply to caution.

Q Can you understand what im
saying?

Yes

Q How long have you worked at

Mass Lane Convenience store?

December 2017.

Q What is your role here?

Serving customers

Q Do you have a contract?

No

Q What days do you work?

4 days a week

Q What time do you start?

4.30 or 5pm

Q What time do you finish?

10pm

Q Do you get paid?

Yes

Q How are you paid?

Cash

Q How much are you paid on
hour?

£6.80

Q. DOES SOMEONE REPLACE YOU IF YOU CANT WORK?

A. YES HE HAS MORE STAFF.

Mr RUPASINGHE then signed my pocket notebook confirming he had understood me, all my questions and all his answers were true to the best of his knowledge and belief. I then served Mr RUPASINGHE all his papers, took his fingerprints and photos and then escorted him from the premises as he was not being detained and I then stood down at 1834hrs no further issues to note.

Signature: *[Handwritten Signature]* Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

Statement of: AMANDA CAHILL

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: IMMIGRATION OFFICER (IO)

This statement (consisting of 2 page(s) 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 in it, anything which I know to be false, or do not believe to be true.

Signature: A Cahill Date 27/08/18

I am currently employed as an Arrest Trained Immigration Officer by the Home Office, Immigration, Compliance and Engagement (ICE) Unit, based at THE CAPITAL, LEVEL 0, NEW HALL PLACE, L3 9PP

On Friday 24/08/2018 I was in full uniform as I took part in a Enforcement visit to Moss Lane Convenience Store, 41 Moss Lane, Leyland PR25 4XA. A Multi agency visit led by Ribble Licensing Team.

For the purpose of Home Office Immigration Enforcement procedures CIO Shirley was OIC of this visit. Entry to the address, Moss Lane Convenience Store, 41 Moss Lane, Leyland PR25 4XA was gained by Section 179 of the Licensing Act 2003 as amended by the Immigration Act 2016 explained and served by CIO Shirley. I was tasked with undertaking an illegal working interview with the Owner, Ranga RATNASEKERA DOB: 26/04/1983, Female. I showed my warrant ID card to Mrs RATNASEKERA and identified myself. Mrs RATNASEKERA had been advised that LKA male present Nadeera Kaushika RUPASINGHE DOB: 02/11/1981, did not have permission to work and asked if she would answer questions in respect to Mr RUPASINGHE working illegally at Moss Lane Convenience Store. She initially said that she wasn't fit enough as she is pregnant, I further asked if she was happy to answer questions, stated she was now happy to answer questions in respect to Mr RUPASINGHE working at Moss Lane Convenience Store..

Q1. How long has Mr Nadeera RUPASINGHE worked in the store?

A1. He has been working on and off.

Q2. Since when?

A2. Since December 2017.

Q3. Did you ask him to provide any documentation to show he was allowed to work in the UK?

A3. Not Me, "No", it was my husband asked him to provide documents, Mr RUPASINGHE said he was on a 5 year working visa, he had already applied.

Q4. Did you chase it up and did you see a copy of the visa to show he could work?

A4. Mr Ichira YAYHATHUGODA DOB: 07/04/1980, Owners husband stated he saw Mr RUPASINGHE's application that he was making to the Home Office.

Q5. Did you take a copy of the visa or the application?

A5. No, stated that Mr RUPASINGHE would give them a copy when he got granted.

Q6. How long ago was this?

A6. Around November or December 2017.

Q7. Did you chase him to supply a copy?

A7. I asked, Mr RUPASINGHE told them his visa was still being processed.

Q8. How much do you pay Mr RUPASINGHE?

A8. £7.80 an hour.

Q9. Did you supply him with a wage slip?

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police – what happens next?" Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA: Yes No
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:..... PRINT NAME:.....

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

Address and telephone number if different from above:.....
.....

Statement taken by (print name):..... Station:.....

Time and place statement taken:.....

Appendix B

Date: 5th June 2018

Your ref: _____ Our ref: n/a

Please ask for: M.Marshall

Extension: 5401 Direct Dial Tel: 01772 421491 (Gateway)

Fax: n/a email: Licensing@southribble.gov.uk



Civic Centre, West Paddock,
Leyland, Lancashire PR25 1DH
Tel: 01772 421491
Fax: 01772 622287
email: info@southribble.gov.uk
website: www.southribble.gov.uk

Mrs Ranga Ratnasekera
Moss Lane Convenience Store
41 Moss Lane
Leyland
PR25 4XA

Dear Madam

R;.Licensing visit, 41 Moss Lane Leyland, Lancashire PR25 4XA

I refer to our recent visit to your premises, the purpose being to check compliance with your licensing conditions and ensure the Licensing Objectives were being promoted.

Your Premises Licence includes various conditions licence, namely;

OFF-LICENCES AND OFF-SALES DEPARTMENTS OF ON-LICENCED PREMISES - PERMITTED HOURS

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (b) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (c) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

OFF-LICENSED CONSUMPTION



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1. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Licensing Sub-Committee on the 23rd September 2008 held a hearing in respect of an application from Lancashire Constabulary for a Review of the premises licence at J S Food & Wine, 41 Moss Lane, Leyland, Lancashire PR25 4XA

The Sub Committee imposed the following conditions on the licence:-

1. Installation of a CCTV system which has to be maintained and operated to the satisfaction of Lancashire Constabulary.
2. Adoption of the Challenge 21 Policy.
3. All staff be trained regarding age related sales, details of which should be documented and produced on the reasonable request of any officer from a Responsible Authority.
4. Provide and retain a documented refusals register which should be documented and produced on the reasonable request of any officer from a Responsible Authority.

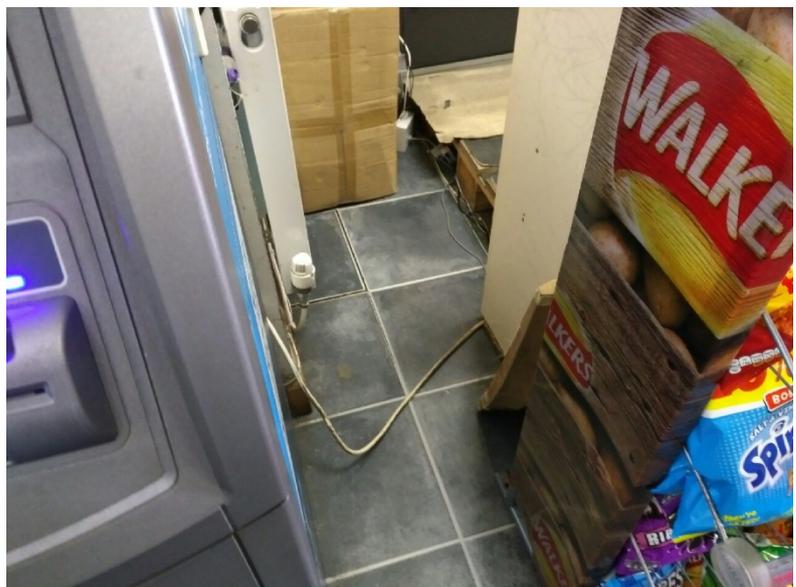
I have highlighted 2 conditions above in blue which I believe require your attention, there was no evidence that the staff had been sufficiently trained in relation to underage sales and no documentation was available on request and you seemed unfamiliar with the operation of the cctv and were unable to demonstrate that it was recording.

I have enclosed an example of training documents that would be satisfactory for your assistance. There were also a concerns with the general maintenance of the shop particularly with regards to staff welfare

I have enclosed a photograph to demonstrate the concerns;

Flooring behind the till needs to be replaced to
Provide a flat and solid base

The wire from the cash point presented a tripping hazard



Appendix B

The store room was disorganised and presented difficulties for staff who would need to manually handle stock.

The fire extinguishers were 12 months over due a service/inspection.



The flooring near the front entrance was in a poor condition with numerous tears that presented a tripping hazard for the public

A large hole in the ceiling in the store room comprised the fire separation between floors.



To summarise the issues raised, the training records being deficient does constitute a breach of your licence which is also an offence under the Licensing Act 2003, Section 136 of the Act and now carries an unlimited fine and or up to 6 months in prison. The poor maintenance of the premises could present a risk to the Public Safety Licensing Objective if not rectified. A relevant paragraph of the Section 182 Guidance is found below;

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Yours Faithfully.

Mark Marshall

Head of Licensing

South Ribble Borough Council

☎: 01772 625401

📍: Civic Centre, West Paddock, Leyland, PR25 1DH

🌐: southribble.gov.uk ✉: mmarshall@southribble.gov.uk



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