



### **Licensing Sub-Committee Monday, 18th March, 2019**

You are invited to attend the next meeting of **Licensing Sub-Committee**, which will be held at:

**Council Chamber - Civic Offices**  
on **Monday, 18th March, 2019**  
at **10.00 am** .

**Derek Macnab**  
**Acting Chief Executive**

**Democratic Services  
Officer**

Jackie Leither (Direct Line 01992 564243)  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors C P Pond (Chairman), S Heather, D Stocker and J M Whitehouse

**PLEASE NOTE THE START TIME OF THE MEETING**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**  
  
To declare interests in any item on this agenda.
- 3. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 3 - 8)**
- 4. NEW PREMISES LICENCE APPLICATION FOR IL BACCIO, 19B FOREST DRIVE, THEYDON BOIS (Pages 9 - 64)**

To consider the attached report.

- 5. REVIEW OF THE PREMISES LICENCE FOR WO FAT, 270-272 HIGH ROAD LOUGHTON (Pages 65 - 148)**

To consider the attached report.

- 6. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt

information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
NIL	NIL	NIL

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Background Papers:** Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## Licensing Committee - Terms of Reference

- (1) The full Committee shall comprise 15 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.
- (2) For the functions set out in Appendix 1, and the legislation listed in Appendix 2, a Subcommittee consisting of no more than any three Councillors drawn from the members of the full Committee shall be formed. Any such Subcommittee shall include, by rota, one of the six Licensing Subcommittee Chairmen appointed at each Annual Council meeting.
- (3) The Quorum for the Committee is set out in the Rules set out in Part 4 of this Constitution save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.
- (4) The Committee and Subcommittees shall have full authority to hear and determine licensing applications.
- (5) The Committee and Subcommittees shall be further empowered to determine appeals made against the decisions of the Director of Neighbourhoods taken under delegated authority on licensing applications. (See Council delegation schedule for more details)
- (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Appendix 3 (Conduct of Business by Licensing Committee and Subcommittees).
- (7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Appendix 2 to this Article.
- (8) To be responsible for the consideration and approval of Designation Orders under Section 13 of the Criminal Justice and Police Act 2001 (Exercise of Controls over the consumption of alcohol in Public Places).

**LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Subcommittee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

**LIST OF STATUTORY POWERS**

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963  
Breeding & Sale of Dogs (Welfare) Act 1999  
Breeding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Caravan Sites & Control of Development Act 1960  
Caravan Sites Act 1968  
Dangerous Wild Animals Act 1976  
Gambling Act 2005  
Guard Dogs Act 1975  
House to House Collections Act 1939  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Pet Animals Act 1951  
Pet Animals Act 1951 (Amendment) Act 1983  
Riding Establishments Acts 1964 & 1970  
Scrap Metal Dealers Act 1964  
Scrap Metal Dealers Act 2013  
The Game Act 1831  
Town Police Clauses Act 1847  
Town Police Clauses Act 1889  
Zoo Licensing Act 1981

**PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUBCOMMITTEES**

All references to committee in this annex shall be taken to infer a reference to the associated subcommittees.

**1. General Conduct**

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

**2. Declarations of Interest**

- 2.1 Members of the Committee are subject to the Council's Code of Conduct.

**3. Participation in the Hearing**

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.
- 3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Subcommittee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing.

#### **4. Attendance of the Public**

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

#### **5. Natural Justice**

- 5.1 There are two elements to natural justice:

##### **(a) Fairness**

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

##### **(b) Prevention of Bias**

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

#### **6. General Procedures for Hearings**

- 6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:

- (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
- (ii) The Chairman will outline the procedure to be followed.
- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.



## **Report to the Licensing Sub-Committee**

**Date of meeting: Monday 18<sup>th</sup> March 2019**

**Subject: New Premises Licence application for Il Baccio, 19b Forest Drive, Theydon Bois, Epping, Essex, CM16 7EX**

**Responsible Officer: Debbie Houghton, Licensing Officer**

**Democratic Services: Jackie Leither**



**Epping Forest  
District Council**

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### **Decisions Required:**

**To determine the application for a new Premises Licence under the Licensing Act 2003.**

### **Report:**

#### **Application**

An application has been made by S and F Catering Ltd, c/o Connect Accounting rear of Raydean House, 15 Western Parade, Barnet, Herts, EN5 1AH, for a new premises licence at Il Baccio, 19b Forest Drive, Theydon Bois, Epping, Essex, CM16 7EX.

The application is for the following licensing activities,

- 1 The Sale by Retail of Alcohol on the Premises only**  
Monday to Sunday 11.00 – 23.00

**Opening Times of the Premises**  
Monday to Sunday 11.00 – 23.00

- 2** The application was received on the 24<sup>th</sup> January 2019.

The Operating Schedule sets out conditions which will be attached to the licence if this application is granted.

- 3** When considering an application for a licence the licensing authority must have regard to steps that are appropriate to promote of the licensing objectives.

These are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

- 4** It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

## **Consultation**

- 1 The Responsible Authorities have all received a copy of the application, it was also advertised at the premises and in a local newspaper. A copy of the Blue Notice and Newspaper advert is attached to this report.
- 2 All residences and businesses within 150 meters radius of the premises were individually consulted.
- 3 The authority has received 3 representations, 1 from Epping Forest District Council Environmental Health, 1 from Theydon Bois Parish Council and 1 from a local resident, see emails and copies of letters attached.
- 4 There were no other responses or representations.
- 5 The Objections relate to the Prevention of Crime and Disorder, Prevention of Public Nuisance, and Public Safety and The Protection of Children from Harm.
- 6 There was a previous premises licence held at this premises but this licence lapsed on the 17<sup>th</sup> January 2019 due to the previous licence holder being the subject of a Bankruptcy Order which prevented him from remaining as a premises licence holder. This is why there is now a new application.
- 7 The agent acting for the applicant on this new application has copied some of the conditions from the previous licence and submitted them as part of the Operating Schedule, a copy of the previous premises licence is attached to this report.

## **Guidance Issued by the Secretary of State**

- 8 The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
- 9 Sections 2.15 to 2.21 of the Guidance are relevant to this application

## **Options**

In determining this application the Sub-Committee may take any of the following steps as it considers necessary for the promotion of the licensing objectives, namely:

- (a) to grant the licence as applied for subject to:
  - the conditions mentioned in the Operating Schedule modified as the Sub-committee considers necessary for the promotion of the licensing objectives, and
  - the mandatory conditions specified in the Licensing Act 2003, or
- (b) to exclude from the scope of the licence any licensable activities to which the application relates, or
- (c) refuse to specify a person as the premises supervisor, or
- (d) reject the application

## **Determination**

The Sub-committee is asked to determine the application having regard to:

- (a) the content of this report and representations;
- (b) any additional information obtained from the hearing;
- (c) the Council's statement of licensing policy;
- (d) Guidance issued by the Secretary of State; and
- (e) the steps appropriate to promote the licensing objectives.

## **Appeal**

If any party is aggrieved with the decision they can appeal to Magistrates court. The appeal period is 21 days from notification of the decision.

## **Background Papers Used In Preparing This Report:**

- The Licensing Act 2003  
<http://www.legislation.gov.uk/ukpga/2003/17/contents?view=plain>
- The Secretary of State's Guidance issued under Section 182 Licensing Act 2003
- Epping Forest District Council's statement of licensing policy.  
<http://www.eppingforestdc.gov.uk>

## **Attached documents**

- Application for a Premises Licence.
- Plan of the premises
- Newspaper advert and Public Notice
- Map of the area
- Copies of representations in the form of email or letter
- Copy of previous premises licence

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\* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)



Continued from previous page...

Private Limited Company

**Address**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Contact Details**

E-mail   
Telephone number   
Other telephone number   
\* Date of birth  /  /   
dd mm yyyy

\* Nationality

Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Ground Floor Restaurant with outdoor terrace area.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes

No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth  /  /   
dd      mm      yyyy

Continued from previous page...

**Enter the contact's address**

Building number or name	<input type="text"/>
Street	FOREST DRIVE
District	<input type="text"/>
City or town	THEYDON BOIS
County or administrative area	ESSEX
Postcode	CM16 7EX
Country	United Kingdom
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

**TUESDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**WEDNESDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**THURSDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**FRIDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**SATURDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

**SUNDAY**

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

*Continued from previous page...*

List here steps you will take to promote all four licensing objectives together.

#### General Outline of Application.

This Application is designed to permit a fully-functioning RESTAURANT to operate from the premises. It is not an application for a nightclub or vertical-drinking establishment and will be conditioned accordingly.

Every aspect of the licensing objectives has been considered as outlined under the Licensing Act 2003 along with other current legislation and the Licensing Policies of  
THE LONDON BOROUGH OF EPPING FOREST

When compiling this application and the following legislation and strategies were considered.

- Licensing Policy of LONDON BOROUGH OF EPPING FOREST Licensing Act 2003
- Crime and Disorder Act 1998
- Anti-Social Behavior Act 2003
- Violent Crime Reduction Act 2006
- Policing and Crime Act 2009
- The Health Act 2006
- The Clean Neighborhood and Environment Act 2005
- The Human Rights Act 1998
- Equality Act 2010
- LACORS

#### General Description of the Premises and an Overview of the Proposed Licensable Activities

The premises at 19 B, Forest Drive, Theydon Bois, Epping, Essex, CM16 7EX is operating as subject to the licence being approved to operate as a Italian Restaurant

This has been a large investment by the owner of the premises and is a classy Italian eatery catering to local community, The sale of alcohol will be ancillary to food only.

There will be no vertical drinking.

Service of alcohol will be table service only.

OUTSIDE TERRACE AREA

Has been conditioned in accordance to previous sub committee hearing

The venue consists of the following facilities :

PLEASE SEE ATTACHED LICENSING PLAN.

The submission of this Application for your consideration is to operate a fully functioning Pizzeria & RESTAURANT.

#### LICENSABLE ACTIVITIES APPLIED FOR:

- Sale of Alcohol by Retail

#### LICENSABLE HOURS:

- |  |                  |                        |
|--|------------------|------------------------|
| • Open to the Public                         | Monday to Sunday | From 11.00 until 23.00 |
| • Retail Sale of Alcohol (ancillary to food) | Monday to Sunday | From 11:00 until 23.00 |

#### IL BACIO Restaurant

This application is for a top end Italian restaurant laden with extraordinary attention to detail, IL BACIO Italian Restaurant will immediately transport each guest into an environment adorned with the elaborate paintings of the coast line of with warmth and sunshine hung far and wide and a Traditional Italian welcome for all its customers. Warm Italian bread placed on each table, reminiscent of those fantastic restaurants back in the old country.

#### CONCEPT & DESIGN

Continued from previous page...

A large investment by the owners of this Restaurant has been made in making this a first class Italian dining experience. The concept is to recreate those wonderful Italian Restaurants where clients can eat really good authentic food in authentic surroundings and enjoy typical Italian hospitality.

#### TARGET MARKET

This Restaurant is aimed towards everyone who enjoys traditional Italian food, and hospitality and with emphasis on the local community.

#### FOOD

Italian cuisine is one of a kind. Gourmets all over the world have been attracted for ages by the culinary temptations that Italy offers.

Cooking traditions in Italy are strong and are kept alive for many years by passing recipes from grandparents to parents to children to grandchildren. IL BACIO has captured the best of all the Italian recipes so you can enjoy them.

#### b) The prevention of crime and disorder

##### 1. RESTAURANT CONDITION

The premises shall only operate as a restaurant

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

#### DPS

2. The DPS is fully aware of his responsibilities under the LA 2003. And has successfully passed his APLH level 2 and gained his personal licence

3. The DPS or a deputy will also attend local PUB WATCH/ RETAIL WATCH meetings if available.

#### CCTV

4. CCTV has been installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced ( at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

#### PERSONAL LICENCE HOLDER

5. There will always be a Personal Licence holder on the premises throughout the time that licensable activity is taking place to authorise any sales or alcohol.

#### 6. CAPACITY LIMIT

80 persons seated can be accommodated without any risk of overcrowding or health and safety issues.

An Independent Fire Risk Assessment will be carried out and any capacity limit adhered to on the grounds that any overcrowding could lead Public Safety Issues.

#### 7. CRIME PREVENTION NOTICES

Notices with regard to potential crime have been placed in all public areas i.e. be aware of pickpockets bag snatching. Also Management Warning Notices with regards to Zero Drugs Tolerance, exiting the venue quietly and being respectful of our



Continued from previous page...

neighbours.

**8. PUBLICISE OPENING AND CLOSING TIMES**

All details of the premises opening and closing times will be clearly displayed on the premises and any website for the information of customers.

**9. CONTROL OVER OPEN CONTAINERS**

No open containers may be allowed to be removed from the premises and signs informing customers of this will be displayed for their information.

**10. DEVELOPMENT OF A DRUGS POLICY WITH LOCAL POLICE**

A drugs policy will be developed to the satisfaction of the local police licensing office.

Signs will be displayed at the entrance, toilets and other public areas of the premises informing that this premises is A DRUG FREE ZONE.

**11. STAFF TRAINING**

All staff will undergo full training in regards to the licensing objectives with particular attention to UNDERAGE SALES PREVENTION, DRUGS AWARENESS, ANTI VIOLENCE/ ANTI SOCIAL BEHAVIOUR and PUBLIC DRUNKENESS.

This will be fully documented training refreshed every 6 months.

**12. DISPERSAL POLICY**

A dispersal policy will be established for the venue aimed at encouraging customers to leave quietly and in an orderly fashion.

**13. RESTRICTIONS ON DRINKING AREAS**

The consumption of alcohol will only be permitted in licensed areas as per the submitted licensing plan.

**c) Public safety**

1. CCTV has been installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced ( at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

2. The DPS will ensure that the premises operates in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.

3. When considering the promotion of public safety the following relevant legislation and risk assessments have been applied.

The Regulatory Reform (Fire Safety) Order 2005

Health and Safety at Work Regulations 1999

Model National and Standard Conditions for Places of Public Entertainment.

**4. SITE AND GENERAL ARRANGEMENTS**

Site and layout arrangements for to include Emergency vehicle access, entry arrangements and pre-opening and closing safety checks.

**5. MEANS OF ESCAPE**

There are two means of escape in the event of an emergency all exit routes are well light, Escape Signage is in place and all

Continued from previous page...

conforms to current required legislation.

#### 6. FIRE SAFETY

All fire safety precautions have been considered and implemented under the fire risk assessment to include:- Fire Separation, fire resistant finishes, smoke detection and ventilation, emergency lighting Decorations and Furnishings.

#### 7. BUILDING SERVICES

All electrical installations weather permanent or temporary will be inspected on a regular basis by a qualified electrician. All permanent installations such as Emergency Lighting, heating / ventilation Generators or any other electrical equipment as deemed to be a permanent fixture has a current Certificate.

#### 8. HYGIENE

Thought has been given to this area and adequate changing facilities, toilets and the storage and disposal of refuse have been supplied or will be arranged.

#### 9. FIRE AND EMERGENCY SYSTEMS

All Fire and Emergency Warning Systems including Fire Extinguishing Equipment will be tested on a regular basis and documented.

#### 10. COMMUNICATIONS

All regulatory signage will be in place as an additional means of information.

#### d) The prevention of public nuisance

11. The premises Licence holder will operate a full digital or paper HR Management system where all relevant documents are stored for each individual member of staff. Relevant documents must include the Home Office to Work Checklists and other required documents.

12. The Premises Licence holder will work with an appropriate agency e.g. People Force International and carry out checks on the Home Office website to verify identification, visa and right to work documents.

13. No new member of staff will be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and right to work

14. All documents for members of staff will be retained for a period 12 months post termination of employment and will be available on the premises at all times to police, Immigration or licensing officer on request.

15. The Bi-fold doors are to be kept closed after 20:00 and the main entrance door to remain closed all times expect for entry and exit.

16. The premises licence holder shall ensure that any patrons eating, drinking, and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway. A member of staff shall be stationed outside to supervise the front and side terrace when in use until 20:30. The member of staff will remind customers, should it be necessary, to keep their voices down and then leaving to do so quietly and be respectful of the neighbours.

17. The use of the terrace will restricted to a maximum of 12 seated diners.

18.the number of smokers outside will be limited to 5 at any one time.

19. The outside area must be cleared of customers by 20:00 daily save for smokers using the bona-fide smoking area and tables and chairs removed from the outside by 20:30

20. No food or drink to be consumed on the patio area after 20:00

*Continued from previous page...*

21. Signs will be displayed at all times reminding customers to respect out neighbours when leaving or using the outside area.

22. No drinks or glassware will be permitted in any outside area after 20:00

23. The premises Licence holder will have in place an agreement with a local taxi company with an agreed pick-up and set down policy. This will include a requirement that the drivers will not double park or use their horns and that the drivers will call the restaurant when 5 minutes from pick up to reduce waiting times

e) The protection of children from harm

The DPS will ensure that all staff receives fully documented training in relation to Challenge 25 and the licensing Objectives. A refusal book will be kept on the premises for inspection by the authorities. All necessary signage will be displayed with regard to challenge 25 and the fact that NO ID NO SALE policy is in place. A personal Licence holder will be on duty throughout the time of licensable activity is taking place to authorise any sale of Alcohol.

All alcohol sales will be ancillary to a full table meal.  
There will be no vertical drinking.  
Service of alcohol will be table service only.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current Biometric Immigration Document (Biometric Residence Permit)** issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current Residence Card** issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current Immigration Status Document** containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with an official document** giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **Certificate of Application, less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific regulated entertainments please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
  - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
  - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 21 of 21

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

### DECLARATION

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK. The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name   
\* Capacity   
\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/epping-forest/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**



**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

**Consent of individual to being specified as premises supervisor**

**ANTONIO SINI**

I

*(full name of prospective premises supervisor)*

Of

Forest Drive,  
Theydon Bois,  
Epping,  
Essex,  
CM16 7EX

*(home address of prospective premises supervisor)*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

**APPLICATION FOR PREMISES LICENCE TO BE GRANTED**

*(type of application)*

by

**S & F CATERING LTD**

*(name of applicant)*

relating to a premises licence

**NEW APPLICATION**

*(number of existing licences, if any)*

for

**IL BACIO**  
19B, Forest Drive,  
Theydon Bois,  
Epping,  
Essex,  
CM16 7EX

*(name and address of premises to which the application relates)*

and any premises licence to be granted or varied in respect of this application made by

**S & F CATERING LTD**

.....  
*[name of applicant]*

concerning the supply of alcohol at

for

**19B, Forest Drive,  
Theydon Bois,  
Epping,  
Essex,  
CM16 7EX**

.....  
*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

.....  
[REDACTED]

.....  
*[insert personal licence number, if any]*

Personal licence issuing authority

.....  
[REDACTED]

.....  
*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

[REDACTED SIGNATURE]

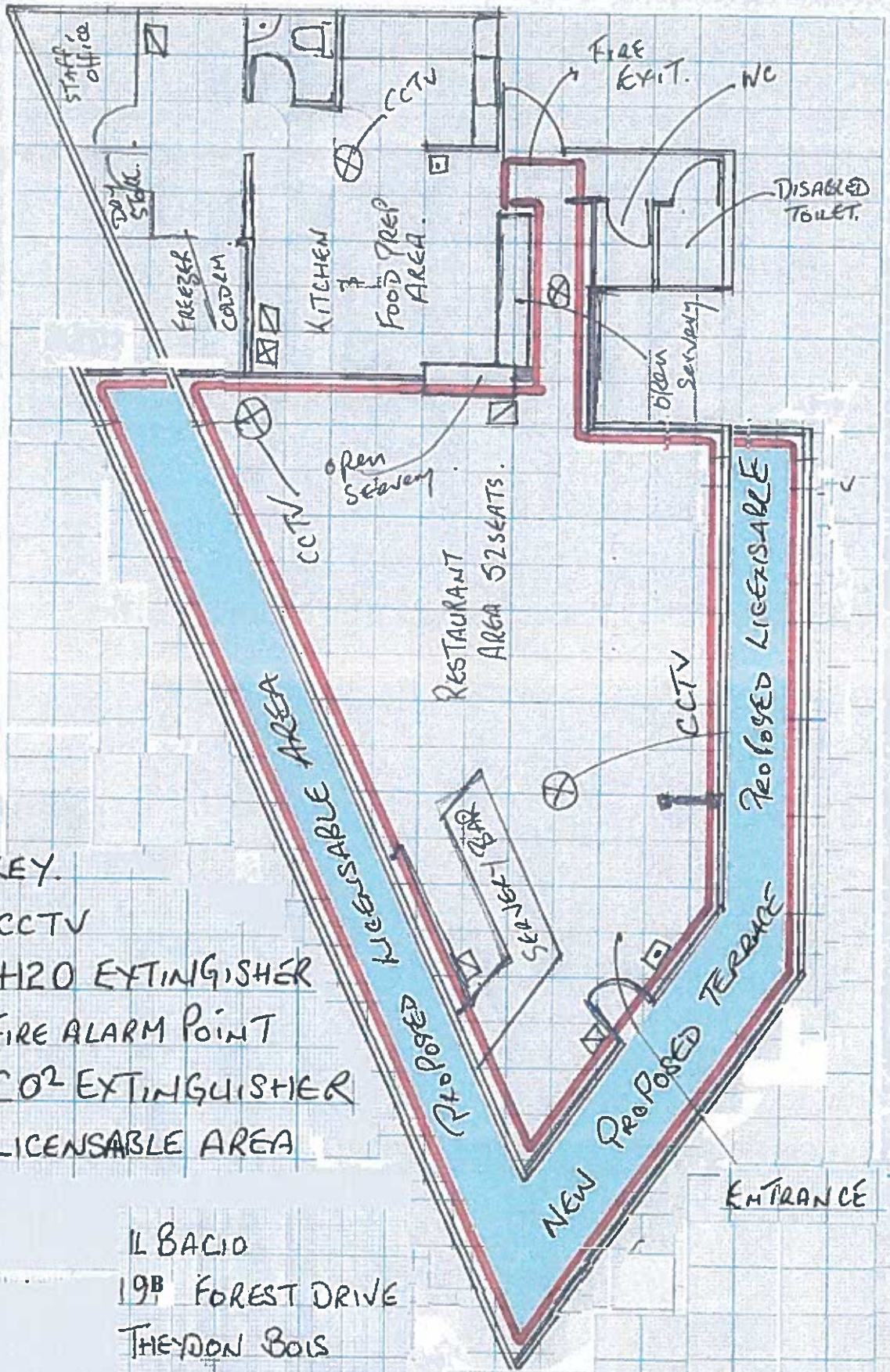
Name (please print)

.....  
**ANTONIO SINI**

Date

.....  
**23/01/2019**





- KEY.
- ⊗ CCTV
  - ⊗ H2O EXTINGUISHER
  - ◻ FIRE ALARM POINT
  - ◻ CO2 EXTINGUISHER
  - ⚡ LICENSABLE AREA

IL BACIO  
 19B FOREST DRIVE  
 THEYDON BOIS  
 EPPING  
 CM16 7EX

SCALE 1:100 A3



**Plumbing & Heating**

**PLUMBER Family Business**  
No call out charge  
Call Dave

- Bathrooms
- Blockages
- Burst pipes • Leaks
- Lead pipes

**8531 6655**  
OAP - BIG DISCOUNTS  
**07950 629125**

**LOCAL PLUMBER**

- All plumbing & boiler repairs
- New boilers supplied & installed
- Power flushing
- General plumbing & gas

**ALL DRAINS CLEARED**  
OAP Discounts  
Free estimates  
No call out charge  
**020 8521 5566**  
**07816 916952**

**ALAN'S PLUMBING**  
15 years experience  
All plumbing works and blocked drains

07973 670383  
01992 631929  
Local call rates

**Rubbish Clearance Services**

**LICENSED RUBBISH REMOVAL**  
Call for Free Estimates  
Cheapest in town  
**07958 659264**  
Discounts for pensioners

**Any Rubbish Cleared**  
Fully Licensed  
Cheapest Rates  
**020 8889 6700**  
**07930 111226**

**BAILEY'S RUBBISH CLEARANCE**  
Driver loads, 7 day service.  
Est. over 40 years.  
Fully licensed.  
**020 8500 8159** or **07956 360753**

**RUBBISH CLEARANCE**  
Fully Licensed

Recycling - 95% Recycled  
Big discounts for OAP's  
Very Competitive Prices

0208 816 8069 | 07564 602 790  
wefclearwaste@gmail.com  
www.wefclearwaste.net

**Gardening**

**Fencing & Decking**

**AK FENCING LANDSCAPING**  
All types of fencing supplied and fitted.  
Also garden decking, blocking, black paving and patios.

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**Announcements - Public Notices**

**Licensing Act 2003**  
Notice of application for the grant of a Premises Licence under section 17 of the Licensing Act 2003.

Notice is hereby given that Bradon Builders Ltd have applied to the London Borough of Waltham Forest for the grant of a Premises Licence at respect of 347 Hoe Street, Walthamstow, London E17 6AP.

The application seeks to permit the sale of alcohol for consumption on the premises. Opening hours: 10:00-19:30 Mon-Sat, 10:00-15:30 Sun. The Licensing register listing full details of the application is kept by the Waltham Forest Licensing Service, Neighborhood & Commercial Services, The Magistrates Building, 1 Farnham Avenue, Walthamstow, London, E17 4HX. The application may be viewed Monday to Friday between the hours of 9am - 5pm (except Bank Holidays). Any person wishing to make a representation in respect of the above activities may do so in writing to the Waltham Forest Licensing Service, Neighborhood & Commercial Services, The Magistrates Building, 1 Farnham Avenue, Walthamstow, London, E17 4HX. Representations must be received no later than 14th March 2019. It is an offence under section 154 of the Licensing Act 2003 to knowingly or recklessly make a false statement in connection with an application. A person is liable to an unlimited fine on conviction should such a false statement be made.

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**Epping Forest District Council**

Planning applications affecting a Conservation Area or Setting of a listed building

EPF/0192/19 15 Bell Common Epping CM16 4DY  
Rear extension and alterations EPF/0233/19 Merritt Cottage Leitching Green Mashing CM17 0PR Convert outbuilding to bedroom and amenity room  
Major Application or of wider concern  
EPF/3195/18 Chigwell Garden Centre 245 High Road Chigwell IG7 5BL Demolish dwelling, storage buildings, commercial structures and car park, erect 100-bedroom care home with associated works.

Thanks to Listed Buildings  
EPF/8232/19 Suttons Farm Turvey Lane Stapleford Tawney RM14 1EE External alterations including render work.

Any representations must be sent to the Planning Services Director by: **01/01/2019**  
Comment online at [www.eppingforestdc.gov.uk/](http://www.eppingforestdc.gov.uk/) if/plan.

**RICHARD ARMSTRONG (Deceased)**  
Pursuant to the Trustee Act 1925 any person having a claim against or an interest in the Estate of the above-named deceased, late of 12 Balfour Avenue, Chigwell, London E4 6LJ, who died on 22/12/2018 are required to send particulars thereof in writing to the undersigned on or before 19/04/2019, after which date the Executors will be satisfied having regard only to the claims and interests of which they have had notice.

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**JESSIE HELEN SMITH (Deceased)**  
Pursuant to the Trustee Act 1925 notice is hereby given that the undersigned executor of the Estate of the above-named deceased, late of 14 Park Road, Chigwell, London E4 6LJ, who died on 22/12/2018 are required to send particulars thereof in writing to the undersigned on or before 19/04/2019, after which date the Executors will be satisfied having regard only to the claims and interests of which they have had notice.

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**NOTICE OF APPLICATION FOR A NEW PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003.**

Notice is hereby given that North Weald Flying Services Ltd have applied to Epping Forest District Council for a new premises licence for The Squadron, North Weald Airfield, North Weald, North Weald, Epping, Essex, CM16 6AB to permit: 1) The provision of regulated entertainment (premises of films and the playing of live and recorded music) and the sale of alcohol for consumption on the premises on Monday to Thursday from 11.00 to 23.00, on Friday and Saturday from 11.00 to 00.00 (midnight) and Sunday from 12.00 to 22.30, 2) The provision of late night entertainment from 12.00 to 00.00 (midnight) Friday & Saturday. The address of the licensing authority where the application is kept and the application may be inspected during normal business hours is Licensing Team, Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ or on the council's website: [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk) Any representations by any other person or responsible authority must be received in writing by the licensing authority by 10th March 2019 stating the nature and grounds for making such representations. It is an offence under section 154 of the Licensing Act 2003 to knowingly or recklessly make a false statement in connection with an application. The maximum fine on summary conviction for this offence is an unlimited fine. G T Licensing Consultants Tel 07870 828778. E.M. gtlicensingconsultants@gmail.com

**ANTHONY WILLIAM LITTLE (also known as TOMMY LITTLE) (Deceased)**  
Pursuant to the Trustee Act 1925 any person having a claim against or an interest in the Estate of the above-named deceased late of 14 Park Road, Chigwell, Park Road, London E4 6LJ, who died on 22/12/2018 are required to send particulars thereof in writing to the undersigned on or before 19/04/2019, after which date the Executors will be satisfied having regard only to the claims and interests of which they have had notice.

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**Licensing Act 2003**

**NOTICE OF APPLICATION FOR A PREMISES LICENCE TO BE GRANTED**  
Notice is hereby given that P & F Catering Ltd has applied to the Licensing Authority of Epping Forest District Council for a Premises Licence to be granted, the retail sale of alcohol 11.00 to 23.00 Monday - Sunday for the premises 11 Books attached at 199 Forest Drive, Theydon Hall, Epping, CM16 7EJ. A register of licensing applications can be inspected at the Licensing Office at Epping Forest District Council, Civic Office, High Street, Epping, Essex, CM16 4BZ, during normal office hours. It is open to any interested party to make representations about the likely effect of the grant of the premises licence on the provision of the licensing objectives. Representations must be made in writing to the Licensing Service at the office address given above and received by the Service within a period of 28 days starting the day after the date shown below. Representations must relate to one or more of the four Licensing Objectives: the provision of safety and disorder, public safety, the prevention of public nuisance and the protection of children from harm. It is an offence liable on conviction to a fine up to £5000 under section 154 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application.

Dated 25 January 2019

**GLADYS PIVY BEAUMONT (Deceased)**  
Pursuant to the Trustee Act 1925 anyone having a claim against or an interest in the Estate of the deceased, late of 15 Marlborough Drive, Chigwell, E4 6LA, who died on 13/04/2018, must send written particulars of their claims to the undersigned on or before 19/04/2019, after which date the Executors will be satisfied having regard only to the claims of which they have had notice.

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**Licensing Act 2003:**  
Notice of application for the grant of a Premises Licence under section 17 of the Licensing Act 2003.

Notice is hereby given that Walthamstow Trades Hall & Institute Ltd has applied to the London Borough of Waltham Forest for the grant of a Premises Licence at: Walthamstow Trades Hall & Institute Ltd, 17 Hoe Street, London E17 4SB. The nature of the application is to permit the following: Recorded music; Monday, Tuesday & Thursday: 18.00 - 23.00, Wednesday: 12.00 - 16.00 & 18.00 - 23.00, Friday & Saturday: 12.00 - 01.00, Sunday 12.00 - 22.00. Live music: Friday-Saturday: 19.00 - 01.00, Sunday: 18.00 - 23.00. Sale of alcohol on the premises: Sunday-Thursday: 11.00 - 23.00, Friday & Saturday: 11.00 - 01.00. The Licensing register listing full details of the application is kept by the Licensing Service, Magistrates Building, 1 Farnham Avenue, London E17 4HX. The application may be viewed Monday to Friday between the hours of 9am - 5pm (except Bank Holidays). Any person wishing to make a representation in respect of the above activities may do so in writing to the Licensing Service, Magistrates Building, 1 Farnham Avenue, London E17 4HX. By email: [licensing@walthamforest.gov.uk](mailto:licensing@walthamforest.gov.uk) Representations must be received no later than 19th March 2019. It is an offence to knowingly or recklessly make a false statement in connection with this application. A person is liable to an unlimited fine on conviction should such a false statement be made.

**MARGARET ELLEN REARDON (Deceased)**  
Pursuant to the Trustee Act 1925 any person having a claim against or an interest in the Estate of the above-named deceased, late of 80 Harrow Road, Chigwell, Essex, CM16 4BZ, who died on 08/07/2018 are required to send particulars thereof in writing to the undersigned on or before 19/04/2019, after which date the Executors will be satisfied having regard only to the claims and interests of which they have had notice.

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NOTICE - EVERY OTHER day every person having a claim against or an interest in the Estate of the above-named deceased, late of 11 Hoe Street, Chigwell, Essex, CM16 4BZ, who died on 06/07/2018 are required to send particulars thereof in writing to the undersigned on or before 19/04/2019, after which date the Executors will be satisfied having regard only to the claims and interests of which they have had notice.

**ONE ESTATE PLANNING & MANAGEMENT LTD**  
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**THE ESTATE OF CAROL JILLIAN ARMSTRONG (Deceased)**  
NOTICE PURSUANT TO SECTION 17 TRUSTEE ACT 1925  
NOTICE - EVERY OTHER day every person having a claim against or an interest in the Estate of the above-named deceased, late of 11 Hoe Street, Chigwell, Essex, CM16 4BZ, who died on 06/07/2018 are required to send particulars thereof in writing to the undersigned on or before 19/04/2019, after which date the Executors will be satisfied having regard only to the claims and interests of which they have had notice.

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*Mixed salad*  
**Insalata Verde - £4.50**  
*Green salad*

*Mixed salad*  
**Caroto al Balsamico**  
*Carrots & balsamic*

*Spiced salad de cavendish*  
**Primavera - £5.50**

*Spiced e'z amare pils sincero*  
**Buon Appetito**

**LICENSING ACT 2003  
 NOTICE OF APPLICATION FOR A PREMISES LICENCE  
 TO BE GRANTED**

Notice is hereby given that S & P CATERING LTD  
 Has applied to the Licensing Authority of Epping Forest District Council for a  
 Premises Licence to be Granted.

**THE RETAIL SALE OF ALCOHOL  
 11:00 TO 23:00 MONDAY – SUNDAY**

for the premises: **IL RACIO**  
 situated at **19B FOREST DRIVE, THERYDON BOIS, EPPING, CM16 7EX**

A register of licensing applications can be inspected at The Licensing Office  
 of Epping Forest District Council, Civic Offices, High Street, Epping,  
 Essex, CM16 4BZ, during normal office hours.

It is open to any interested party to make representations about the likely  
 effect of the grant of the premises licence on the promotion of the licensing  
 objectives. Representations must be made in writing to the Licensing Service  
 at the office address given above and be received by the Service within a  
 period of 28 days starting the day after the date shown below.

Representations must relate to one or more of the four Licensing  
 Objectives: the prevention of crime and disorder, public safety, the  
 prevention of public nuisance and the protection of children from harm.

It is an offence liable on conviction to a fine up to £5000 under section 158 of  
 the Licensing Act 2003 knowingly or recklessly to make a false statement in  
 connection with an application

**Dated 25. JANUARY 2019**

*Pasta*  
**Focaccia**

*Pizza*  
**Mary**

*Tramite*  
**Quattro 7**

*Tramite*  
**Caprio**

*Tramite*  
**Fiorent**

*Tramite*  
**Quattro 5**

*Tramite*  
**Pizza 1/2**

*Tramite*  
**Compieta**

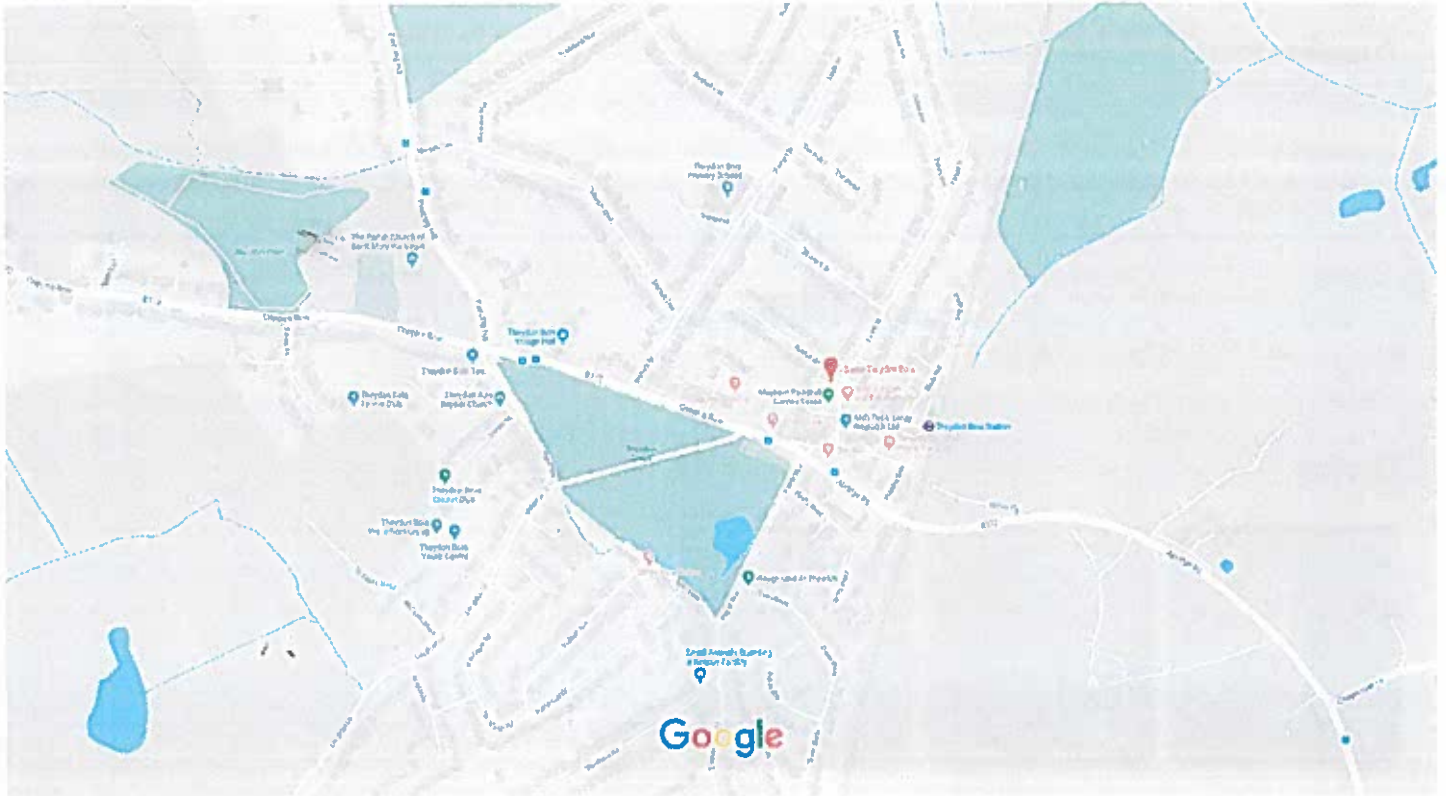
*Tramite*  
**Calzone Delle**

*Tramite*

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# Google Maps Il Bacio Theydon Bois



Map data ©2019 Google 50 m



## Il Bacio Theydon Bois

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Italian restaurant

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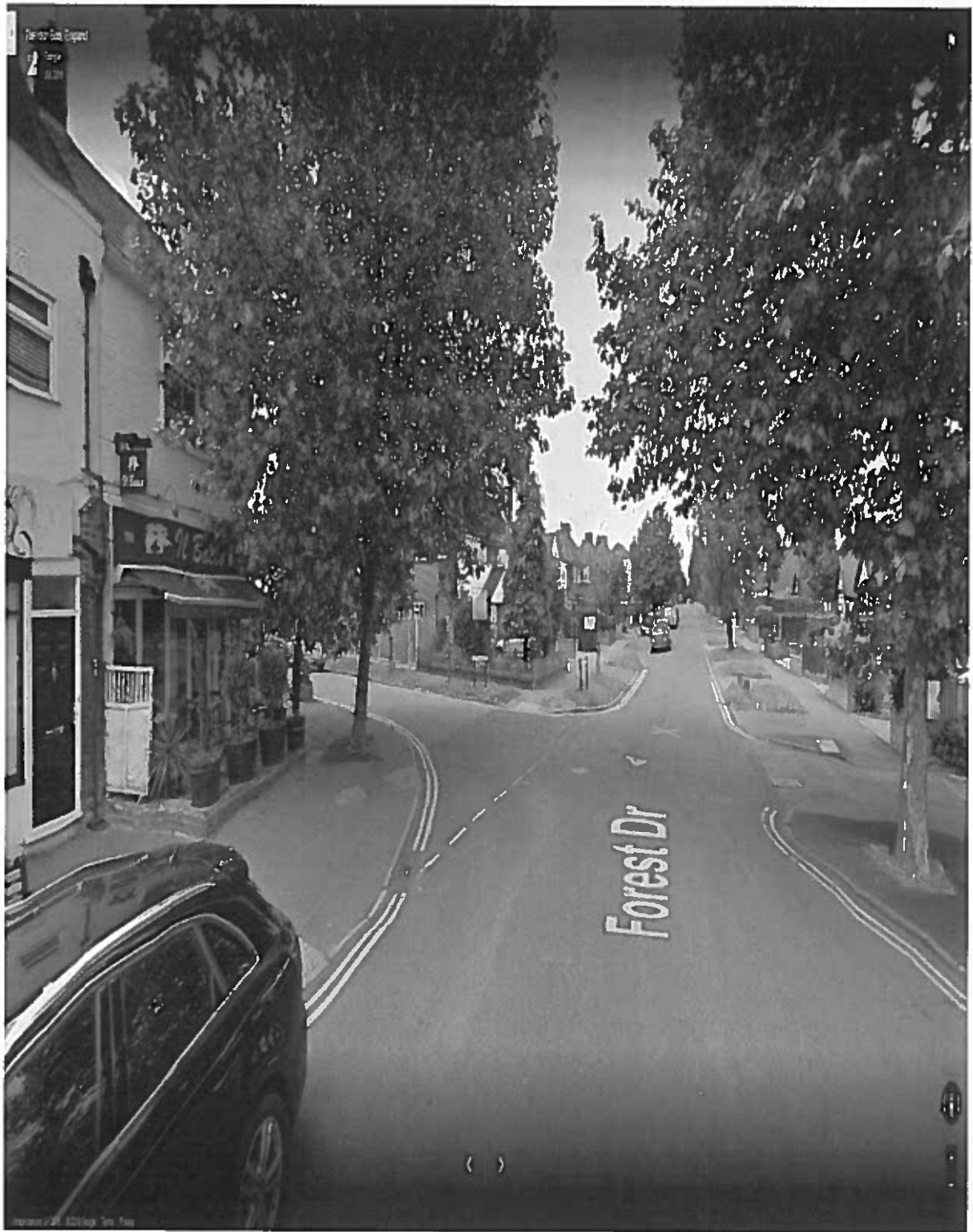
📍 19B Forest Dr, Theydon Bois, Epping CM16 7EX

📍 M4C2+WG Theydon Bois

🌐 [ilbaciotheydonbois.co.uk](http://ilbaciotheydonbois.co.uk)

☎ 01992 812826







## Debbie Houghton

---

**From:** Richard Thomason  
**Sent:** 21 February 2019 18:56  
**To:** Debbie Houghton  
**Subject:** Licence for the Sale of Alcohol - S & F Catering Ltd - 19B Forest Drive, Theydon Bois, Essex, CM16 7EX

Dear Debbie,

The Environment and Neighbourhoods Team at 'The Council' wishes to object to the above application on the grounds of the Licensing Objective... The Prevention of public nuisance.

The premises has been subject to a list of noise related complaints dating back to 2014.

The Environment and Neighbourhoods Team would withdraw its objections if members of the Licensing committee were to consider conditions to the application.

- The Licence for sale of Alcohol is restricted to 22:00 Hours Monday to Sunday.
- The Hours that the premises is open to the public is restricted to 22:30 Hours.
- The entrance doors are to be fitted with automatic self closing mechanisms and the doors are not to be propped open at any time.
- No use of the outside area for the consumption of drink or food.

Regards

Richard Thomason  
Environment & Neighbourhood Officer

Environment & Street Scene Directorate  
Epping Forest District Council, Civic Offices, High Street, Epping, Essex, CM16 4BZ  
Tel. 01992 564391 (Fax. 01992 561016)  
email: [rthomason@eppingforestdc.gov.uk](mailto:rthomason@eppingforestdc.gov.uk)



# Theydon Bois Parish Council

The Parish Office, The Village Hall, Coppice Row,  
Theydon Bois, Essex CM16 7ER

Clerk to the Council: Mrs Caroline Carroll  
Assistant Clerk to the Council: Sarah Shirley  
01992 813442  
parishclerk@theydon.org.uk

[licensing@eppingforestdc.gov.uk](mailto:licensing@eppingforestdc.gov.uk)  
Licensing Compliance Department  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
Essex  
CM16 4BZ

20<sup>th</sup> February, 2019

**SENT BY EMAIL**

Dear Sirs,

**RE: Il Bacio, 19B Forest Drive, Theydon Bois, CM16 7EX. Application for a Premises Licence under Licensing Act 2003, Mr Antonio Sini**

Theydon Bois Parish Council wishes to object to this application and would like to make a representation at any subsequent hearing.

The restaurant is situated in a semi-residential area with flats above and opposite and houses to the side in close proximity of the site. The whole area has a quiet ambience both during the day, and particularly during the hours of dusk. Our main concerns, therefore, relate to the prevention of public nuisance, any possible crime and disorder, excessive drinking and the protection of children from harm. Of specific concern is the use of the outside patio area.

Unfortunately, the restaurant has been the subject of a number of complaints in the past, particularly with regard to noise disturbances. Enforcement action has previously been taken against the premises by EFDC. The premises was also subject to a successful Police prosecution.

The Council also notes that the licence previously granted for this premises (LN/000000352) attached a number of detailed conditions relating to the conduct of the business (the "Conditions"). Such Conditions were further modified and extended by virtue of two hearings (dated 23 February, 2016 and 19 September, 2016). Given this context, the Council strongly feels that the grant of any new licence should be strictly subject to the Conditions being replicated in full and attached as an appendix.

Yours faithfully,  
Caroline Carroll

Parish Clerk.



**Debbie Houghton**

---

**From:** David jolly [REDACTED]  
**Sent:** 18 February 2019 12:24  
**To:** Licensing  
**Subject:** APPLICATION FOR A NEW RESTAURANT PREMISES LICENCE

Dear Sir/Madam,

I would like to make the following representation re the above licensing application.

Previous licensing agreement for IL Bacio had a number of restrictions placed on it. Presumably this will be the same which included ensuring that any alcohol consumed outside was monitored by IL Bacio staff and restricted to certain hours.

- The reason for this licence restriction was to prevent any crime and disorder outside of the restaurant as a result of alcohol being consumed outside. The previous restrictions should apply to this new application.  
I would like the licence provided worded so that provides legislation to prevent any crime and disorder which could happen as a result of the sale of alcohol not being monitored inside and outside the restaurant.
- I have a number of concerns about Public Safety which could be affected by having no restrictions on the sale of alcohol for consumption outside at tables. It is always noisy outside the restaurant when visitors decide to come outside to smoke and/or drink. This needs to be controlled as a matter of Public Safety.
- It is important to prevent a public nuisance of people urinating in the area outside the restaurant. Only yesterday a man was observed urinating in the street. I cannot state whether or not he had been to IL Bacio, but it does highlight the potential for further public nuisance as a result of consuming alcohol inside or outside at IL Bacio. There is a potential for further Public Nuisance if this is not controlled.
- It is important to remember that a number of children pass IL Bacio at different times of the day and they are not all family members of those people visiting the restaurant. Also some visitors walk up Buxton Road consuming alcohol and leaving there bottles, sometimes broken, on the pavement and in the road. This could be potentially dangerous for young children of which there are many in the area. This was supposed to be monitored by IL Bacio staff, but it has not been maintained.  
If this monitoring is carried out correctly then it will hopefully prevent any children being harmed as a result.

I look forward to hearing from you in due course.

Regards

David Jolly  
[REDACTED] Buxton Road  
Theydon Bois  
Epping  
Essex [REDACTED]

TEL: [REDACTED]

Mobile: [REDACTED]

e-mail



# PREMISES LICENCE

## Part A



Premises licence number:

LN/000000352

### Part 1 – Premises details:

Postal address of premises, or if none, ordnance survey map reference or description:

Il Bacio  
19B Forest Drive, Theydon Bois, Epping, Essex, CM16 7EX

Post Town: Post code: CM16 7EX

Telephone number:

Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence:

Sale of Alcohol

The times the licence authorises the carrying out of licensable activities:

Monday to Sunday 11.00 to 23.00

The opening hours of the premises:

Monday to Sunday 11.00 to 23.00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies:  
On only

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

██████████  
19B Forest Drive, Theydon Bois, Epping, Essex CM16 7EX

Registered number of holder, for example company number, charity number (where applicable):

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

[REDACTED]

---

## **Mandatory Conditions**

### **All Premises Licence authorising supply of alcohol**

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
  
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
  
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
    - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
  - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## **Minimum Drinks Pricing**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **If the Premises Licence allows Exhibition of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).



---

**If the Premises Licence has conditions in respect of Door Supervision  
except theatres, cinemas, bingo halls and casinos**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

- (b) in respect of premises in relation to:

- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

- (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to

## **Annex 2 – Conditions consistent with the Operating Schedule:**

### **The Prevention of Crime and Disorder.**

- The Premises Licence Holder will install CCTV which follows DCMS guidelines; the cameras will cover all licensed areas of the premises.
- The system will record for 31 days at a time and all recording will be made available to the police upon request, the system will be monitored by a trained member of staff.
- Signage will be in place to inform the public that CCTV is in operation.
- There will be a Personal Licence holder on the premises throughout the time that licensable activity is taking place to authorise any sales of alcohol.
- All alcohol sales will be ancillary to a full table meal.

### **Public Safety**

- All public areas will be monitored by CCTV to ensure there are no risks to health and safety.
- The DPS will be responsible for health and safety risk assessment checks and will ensure that suitable public notices are on display.
- The Premises Licence Holder and DPS will ensure that the premise operates and adheres to the existing health and safety legislation.

### **Prevention of Public nuisance**

- The Premises Licence holder and DPS will be responsible for ensuring that the premises do not cause any nuisance to the local residents, other business operators or the general public.
- They will monitor the external areas of the premises in relation to public nuisance or antisocial behaviour.
- Deliveries and rubbish collections will only take place during normal business hours and are at the rear of the premises.
- The DPS and Premises Licence holder will make available to the police any antisocial behaviour CCTV recordings.
- All alcohol sales will be ancillary to a full table meal.

### **The Protection of children from harm**

- The Premises Licence holder and DPS will ensure that all staff are fully trained in relation to Challenge 25 and the licensing objectives.
- The Premises Licence holder and DPS will ensure that a refusal book will be kept on the premises for inspection by the authorities all necessary signage will be displayed with regard to Challenge 25 and the fact that No ID No Sale policy is in place.

---

**Annexe 3 – Conditions attached after a hearing by the licensing authority:**

**Hearing 23.2.2016**

**For the prevention of public nuisance**

1. The premises licence holder shall ensure that any patrons eating, drinking, and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway. A member of staff shall be stationed outside to supervise the front and side terrace when in use until 20.30pm. The member of staff will remind customers, should it be necessary, to keep their voices down and when leaving to do so quietly and be respectful of the neighbours.
2. The use of the terrace will be restricted to a maximum of 12 seated diners.
3. The number of smokers outside will be limited to 5 at any one time.
4. The outside area must be cleared of customers by 20.00 daily save for smokers using the bonafide smoking area and tables and chairs removed from the outside by 20.30.
5. No food or drink to be consumed on the patio area after 20.00.
6. The Bi-fold doors are to be kept closed after 20.00 and the main entrance door to remain closed at all times except for entry and exit.
7. Signs will be displayed at all times reminding customers to respect our neighbours when leaving or using the outside area.
8. No drinks or glassware will be permitted in any outside area after 20.00.
9. The Premises Licence holder will have in place an agreement with a local taxi company with an agreed pick-up and set down policy. This will include a requirement that the drivers will not double park or use their horns and that the drivers will call the restaurant when 5 minutes from pick up to reduce waiting times.

---

## **Review Hearing 19.9.2016**

The decision of the Sub-Committee is that the following steps are necessary for the promotion of the licensing objectives:

To modify the condition of the premises licence as follows:

1. The Premises Licence holder will operate a full digital or paper HR management system where all relevant documents are stored for each individual member of staff. Relevant documents must include the Home Office Right to Work Checklists and other required documents.
2. The Premises Licence holder will work with an appropriate agency e.g. People Force International and carry out checks on the Home Office website to verify identification, visa and right to work documents.
3. No new member of staff will be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and right to work.
4. All documents for members of staff will be retained for a period of 12 months post termination of employment and will be available on the premises at all times to police, immigration or licensing officers on request.
5. To remove the current Designated Premises Supervisor Mrs Andrea Mosteanu from the licence.
6. Condition 6 annexe 3 to be amended as follows:

The Bi-fold doors are to be kept closed after 20.00 and the main entrance door to remain closed at all times except for entry and exit.

**Annexe 4 – Plans:**

**Plans held at Epping Forest District Council**

**PREMISES LICENCE  
SUMMARY**

**Part B**



**Premises licence number:**

**LN/000000352**

**Premises details:**

**Postal address of premises, or if none, ordnance survey map reference or description:**

**Il Bacio**

**19B Forest Drive, Theydon Bois, Epping, Essex, CM16 7EX**

**Post Town: Theydon Bois**

**Post code: CM16 7EX**

**Telephone number:**

**Where the licence is time limited the dates: N/A**

**Licensable activities authorised by the licence:  
The Sale of Alcohol**

**The times the licence authorises the carrying out of licensable activities:**

**Monday to Sunday 11.00 to 23.00**

**The opening hours of the premises:  
Monday to Sunday 11.00 to 23.00**

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies:**

**On only.**



Neighbourhoods

**Name, (registered) address, of holder of premises licence:**

[Redacted]

**Registered number of holder, for example company number, charity number (where applicable):**

N/a

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:**

[Redacted]

**State whether access to the premises by children is restricted or prohibited: Restricted**

Dated: 16<sup>th</sup> July 2013

Director of Corporate Support Services





**Report to Licensing Committee**  
**Date of meeting: Monday 18<sup>th</sup> March 2019**

**Subject: Wo Fat 270-272 High Road, Loughton,  
IG10 1RB**

**Officer contact for further information: Handan  
Ibrahim**

**Democratic Services: Jackie Leither**



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## **Decision Required:**

**To determine the application for a review of the Premises Licence**

## **Report:**

### 1. Application for Review

An application has been made by Essex Police to review the premises licence for Wo Fat 270-272 High Road, Loughton IG10 1RB on the grounds of:

- the prevention of crime and disorder,

The grounds for review are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office discovered disqualified persons working illegally on the premises. The statutory crime prevention objective in 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises.

2. A review application has been made by Essex Police Licensing Officer David Colwell 79057 on behalf of the Essex Police, under section 51 of the Licensing Act 2003 and to be determined under section 52 of the Licensing Act. A copy of the application for the review is attached to this report.
3. The premises licence was transferred to Mr Chi Chiu Wu 9<sup>th</sup> September 2008 and a copy of the Premises Licence is attached to this report.
4. Consultation

The application for review was advertised as required by the Licensing Act 2003 and 6 letters were received opposing the review and in support of Wo Fat Restaurant. Loughton Town Council had no comment, Safeguarding Service family operations stated that there was no safeguarding factors for review pertaining to children.

## 5. Guidance

The government has issued Guidance pursuant to section 182 of the Licensing Act 2003 that deals with reviews in paragraphs 11.1 – 11.28.

## 6. Options

Having considered the representations from all parties the Licensing Sub-committee has to determine the application for the review of the premises licence as it considers necessary for the promotion of the licensing objectives which are:

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance.
- Protection of children from

In coming to a view about whether such steps is necessary for the promotion of the licensing objectives, the Licensing Sub-committee would need to take into account the review application, any relevant representations, the evidence given at the hearing, the representations made by the premises licence holder, the Guidance issued by the Secretary of State and the Council's Licensing Policy.

Where it considers it necessary for the promotion of the licensing objectives, the options available to the Licensing Sub-committee are under section 52 (4) of the Licensing Act:

- to modify the conditions of the Licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence;

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

If the sub-committee decides to takes a step mentioned above, it may provided that the modification or exclusion shall take effect for only such period (not exceeding three months) as it may specify.

Any modified conditions should be practical and enforceable.

- Appeal

If any party is aggrieved with the decision on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court. Such appeals are by way of re-hearing. The Appeal period is 21 days from notification of the decision.

Attached documents below

- Application for the review and supporting documents from Essex Police
- Copy of premises license for Wo Fat
- 6 Letters from residents opposing the review/ in favor of Wo Fat
- Map showing the area
- Blue Notice

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**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 Colwell 79057, Licensing Officer, Essex Police.....

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 the Licensing Act 2003 for the premises described in Part 1 below**

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Wo Fat 270-272 High Road	
<b>Post town</b> Loughton	<b>Post code (if known)</b> IG10 1RB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Chi Chiu Wu
--

<b>Number of premises licence or club premises certificate (if known)</b> LN/210001332
---

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

**Surname**

**First names**

**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**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

<b>Name and address</b>  David Colwell on behalf of the Chief Officer of Police Essex Police Licensing Department Braintree Police Station Blyths Meadow Braintree CM7 3DJ
<b>Telephone number (if any)</b> [REDACTED]
<b>E-mail address (optional)</b> [REDACTED]

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

- Please tick one or more boxes ✓
- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

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

The grounds for review are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office discovered disqualified persons working illegally on the premises. The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated particularly seriously

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

At 18:13 hours on Thursday, 6th December 2018 Immigration Compliance & Enforcement (ICE) officers attended the Wo Fat situated at 270-272 High Road Loughton. They exercised their powers under the Licensing Act 2003 (as amended) to enter the premises.

Upon entry a number of persons were detained by Immigration Officers. Several persons were found to have no right to work in the UK and no leave to remain in the UK; and subsequently detained.

An Illegal Working Civil Penalty Referral Notice was completed and served in respect of the illegal workers.

Essex Police will also produce further documentary or other information in support of this application ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

In accordance with paragraph 11.9 of the Statutory Guidance Essex Police may amplify its representation at the subsequent hearing.

Furthermore, in accordance with Regulation 8 of those Regulations; Essex Police confirms that its representatives will attend the hearing and additionally requests permission for a Chief Immigration Officer, Immigration Compliance and Enforcement Team, East of England), or his representative, to appear at the hearing so that they may, if necessary, assist the Authority on any matter of immigration policy, procedure or practice arising in relation to the circumstances of the enforcement activity which forms the basis of this review application.



Have you made an application for review relating to the premises before  **Please tick ✓ yes**

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature.....  .....

Date            28/01/2019  
.....

Capacity        Licensing Officer  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b>	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.



## **Premises Licence Review**

**Wo Fat**

**270-272 High Road, Loughton Essex IG10 1RB**

**Supplementary documentary information in support of review.**

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

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I David Colwell 79057, Licensing Officer, Essex Police

*(Insert name of applicant)*

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<b>Post town</b> Loughton	<b>Post code (if known)</b> IG10 1RB
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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  
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**Post town**

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**Daytime contact telephone number**

**E-mail address  
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<input type="text"/>	<input type="text"/>	<input type="text"/>

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Signature.....

Date            28/01/2019  
.....

Capacity        Licensing Officer  
.....

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## 1.0 Outline of the Circumstances leading to the Review Application

1.1 In early October 2018, Immigration Enforcement received an allegation that illegal workers were working at Wo Fat 270-272 High Road Loughton Essex. The allegation specified that these individuals had been working there over the past 12 months and lived in accommodation above the business.

1.2 On the 6<sup>th</sup> December 2018, Immigration Compliance and Enforcement Officers (ICE) attended Wo Fat and entered using their powers under section 179 Licensing Act 2003.

1.3 At this location they encountered 7 persons working at the restaurant who had no leave to remain in the UK and no right to work in the UK. All 7 were subsequently detained.

1.4 Those detained were:

- Offender 1 – [REDACTED]
- Offender 2 – [REDACTED]
- Offender 3 – [REDACTED]
- Offender 4 – [REDACTED]
- Offender 5 – [REDACTED]
- Offender 6 – [REDACTED]
- Offender 7 – [REDACTED]

1.5 The immigration status of the seven persons detained is detailed in **Document 1** (statement of Chief Immigration Officer [REDACTED] IO1) but in summary none had leave to remain or work in the United Kingdom:

- **Offender 1** entered the UK illegally and was arrested in similar circumstances at a Chinese restaurant in Cambridgeshire in 2009. He was listed as an absconder and has failed to attend interviews. All processes are concluded and there is no valid leave to remain in the UK work or have access to public funds.
- **Offender 2** entered the UK in June 2009 when he claimed to be underage but had no genuine travel documentation. He was listed as an absconder in 2009 and nothing further was heard from him until his detention in 2018. All processes are concluded. There is no valid leave to remain or work in the UK.
- **Offender 3** Entered the UK in 2002. Since then he has made various applications to remain that were rejected. Following his arrest he has made a further application to remain in the UK. There is no leave to work in the UK.
- **Offender 4** following being detained at Wo Fat she admitted to entering the UK illegally. She has never been granted any permission to remain or work in the UK
- **Offender 5** was encountered at Wo Fat on the 6<sup>th</sup> December 2018. Home Office systems show he was granted short term entry for six months in 2003 and was detained as an over stayer. There is no leave to work in the UK.
- **Offender 6** claims to have entered the United Kingdom illegally in 2009, by boat. There is no trace on Home Office records of any applications being made by the subject to enter or remain in the United Kingdom. There is no leave to remain or work in the UK.
- **Offender 7** was issued with entry clearance on 8<sup>th</sup> January 2015 as a visitor until 8<sup>th</sup> July 2015. He was detained as an over stayer There is no leave to work in the UK.

- 1.6 At the time of the visit from Immigration Mr Chi Chiu WU was the designated premises supervisor and premises licence holder for the premises.
- 1.7 On entry to the premises a number of persons were detained by Immigration Compliance and Enforcement (ICE) Officers. All those on the premises were moved to a sterile area in the restaurant and questioned.
- 1.8 **Offender 1** was apprehended by Immigration Officer [REDACTED] (IO2) and at the time was working in the kitchen and had removed his apron before talking with the officer. He was questioned by IO2 concerning his work at the premises. He stated that he had been working there for two months as a chefs' assistant working between Thursday and Sunday for 8 hours a day. He had made a phone call and someone told him to come to the address. He earns £220 per week and is provided accommodation. He didn't know if he paid income tax and had no national insurance number (See document 2, statement Immigration Officer [REDACTED] (IO2)).
- 1.9 **Offender 2** was apprehended by Immigration Officer [REDACTED] (IO3) and at the time was working in the kitchen and carried out some cleaning duties in the kitchen and restaurant. He was questioned by IO3 and stated that he had been working there a few days, between one and six hours and got paid pocket money from the owners but lived upstairs and received meals for free. (See document 3, statement Immigration Officer [REDACTED] (IO3)).
- 1.10 **Offender 3** detained by Immigration Officer [REDACTED] (IO4) was at the time working in the kitchen frying some food. When questioned by IO4 he stated he had been working at the restaurant for between seven to eight years. He stated his boss was a male around fifty years old and he had not shown any identification that he had permission to work. He works up to eight hours a day five days a week and received between £300 and £400 in cash. He identified his boss as [REDACTED]. He received free accommodation and food. He showed IO4 where he slept and could produce no identification. (See document 4, statement Immigration Officer [REDACTED] (IO4)).
- 1.11 **Offender 4** was detained by Immigration Officer [REDACTED] (IO5) who at the time was brought to the sterile area from the kitchen. When questioned by IO5 she stated she had been working there for around five months and found the job online accessed in the UK. She identified her boss as a person who had identified himself as the owner when officers arrived. She had no documentation and told the boss she had been smuggled into the country and had no legal status. She worked for around forty eight hours per week as a kitchen assistant starting at 11:00hrs to 14:00hrs and again 17:00hrs to 22:30hrs and was paid cash in hand £320 per week plus accommodation and food. (See document 5, statement Immigration Officer [REDACTED] (IO5)).
- 1.12 **Offender 5** was detained by Immigration Officer [REDACTED] (IO6) as he was trying to leave the kitchen area and taken to the sterile area. When questioned by IO6 and stated he had been working at the premises for 3 months and helping in the kitchen between 18.00 and 22.00 4 days a week was not asked to provide documentation when interviewed for the job. He showed the officer where his accommodation and where he slept above the restaurant. (See document 6, statement of Immigration Officer [REDACTED] (IO6)).

- 1.13 **Offender 6** was detained by Immigration Officer [REDACTED] (IO7); at the time was working in the kitchen and wearing an apron. When questioned by IO7 he stated he had been working there for one to two months and helped in the kitchen working around eight hours a day, five days a week. He received around £350 in cash including food and accommodation and did not pay tax or national insurance. He was not asked for identification when he was offered the job. (See **document 7**, statement Immigration Officer [REDACTED] (IO7)).
- 1.14 **Offender 7** was detained by Immigration Officer [REDACTED] (IO8) at the time was working in the kitchen. When questioned by IO8 he stated he did not have permission to work in the UK. He told IO8 that he had got the job through a friend and had started earlier that month. No documentation was shown to the employers before he started. He received around £3 per hour with free accommodation and food for working in the kitchen as a pot washer. He worked around 10 hours per day six days a week. (See **document 8**, statement Immigration Officer [REDACTED] (IO8)).
- 1.15 Following the identification and detention of the seven immigration offenders, the premises manager [REDACTED] was spoken to by Chief Immigration Officer [REDACTED] (IO9) who questioned him (See **document 9**, statement Chief Immigration Officer [REDACTED] (IO9)).
- 1.16 During questioning, the manager confirmed he had been the manager for about 10 years and stated that he had not taken any right to work documentation from staff as they were there part time. He confirmed that they lived upstairs and got accommodation as part of their employment and called them down if they needed to work paying them a wage. He confirmed all seven detained he knew and was issued a Civil Penalty Referral Notice for employing illegal workers.
- 1.17 Essex Police Licensing Officer Peter JONES (see **document 10**) also spoke with the manager [REDACTED] who confirmed he was the brother of the Premises Licence Holder and Designated Premises Supervisor Chi Chiu WU.
- 1.18 Chi Chiu WU then arrived at the restaurant and produced his personal licence to Peter JONES. He was asked whether he carried out any right to work checks on his employees and said they were at home. He left the premises and returned some 30 minutes later and presented payroll paperwork (see **document 11**). This paperwork did not relate to the individuals detained by Immigration.
- 1.19 The premises above the restaurant was attended by Peter JONES who found them to be dirty and in a poor state of repair. He took images on his mobile device. (See **document 12**).
- 1.20 Those employed were required to be paid the national Living Wage (the highest rate of the National Minimum Wage). This is currently £7.83 an hour. The management has demonstrated a cynical exploitation of several workers who cannot go to the authorities to complain about pay and living conditions and whose employment lines the pocket of their exploiters

- 1.21 In short, this is an example of modern day slavery. Modern slavery is an umbrella term that encompasses the offences of human trafficking and slavery, servitude, forced or compulsory labour, as set out in the different anti-slavery legislation in place in the UK.
- 1.22 This flagrant disregard of employment and revenue legislation has allowed this employer to absolve himself of liability for employer pension and National Insurance contributions. This is evident by the payroll records (see **document 11**) shown to Peter Jones that did not account for any of the seven persons detained. Furthermore by employing the subjects and enabling them to remain in the UK this employer contributed to a continued (and unlawful) drain on the NHS by reason of the subject receiving prescription services recorded by IO4 (see **document 4**) .
- 1.23 This employer has enabled seven persons to commit the offence of working illegally, has employed illegal workers and committed criminal offences in regards failure to pay the minimum wage, contribute to an employee's pension, make employer NI contributions and made no PAYE return as regards the subjects. All is criminal behaviour by the management of the premises licensed by the Authority. Without the prospect of work, illegal immigrants would not be attracted to the UK.
- 1.24 Wo Fat and its management were already known to Immigration and Compliance Officers as on the 13<sup>th</sup> September 2013 a similar enforcement visit was carried out where seven people were arrested as immigration offenders. This is recorded by IO1 (see **document 1**).
- 1.25 Mr Chi Chiu WU has been the Premises Licence Holder and Designated Premises Supervisor (DPS) since the 9<sup>th</sup> September 2008. This is the second such incident during his tenure at Wo Fat.
- 1.26 This is not a trivial matter and the evidence points to a sustained period of employing illegal workers, in excess of some years at Wo Fat with the full knowledge of the Premises Licence Holder and Designated Premises Supervisor.

## **2.0 Reasons for Review**

- 2.1 Whether by negligence or wilful blindness seven illegal workers was engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person is allowed to work. It is an offence to work when a person is disqualified to do so and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.
- 2.2 The case of *East Lindsey District Council v Hanif* (see 8.11) determined that in such circumstances, even without a prosecution, the crime prevention objective is engaged. The statutory Guidance issued under the Licensing Act provides that certain criminal activity (in particular employing illegal workers) should be treated particularly seriously and it is envisaged that the police will use the review procedures effectively to deter such activities and crime.

2.3 Essex Police submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of a review is inappropriate; this is why Essex Police has proceeded straight to review.

### 3.0 Outcome Sought

3.1 Essex Police asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally.

3.2 This submission and appended documents provide the licensing sub-committee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.

3.3 It is in such circumstances as this review application that a respondent may suggest that conditions are imposed which would prevent a reoccurrence of the employment of illegal workers in the future; an argument that the sub-committee should take remedial and not punitive action.

3.4 However since 2006 (with the introduction of the Immigration, Asylum and Nationality Act 2006) employers have had a duty to conduct checks to ensure employees and potential employees are not disqualified from working. Only by completing the required checks and maintaining records of such checks can an employer demonstrate a 'statutory excuse' and evade liability for a civil penalty issued by Immigration Enforcement. In order to protect themselves, reputable employers have been conducting these checks since 1996 when it first became a criminal offence to employ illegal workers.

3.5 The 2006 Act already imposes duties and responsibilities on a company or individual seeking to employ a person – whether in the licensed trade or otherwise - to conduct right to work checks.

3.6 In seeking revocation, Essex Police has considered and rejected conditions as an alternative, in part because this is specifically addressed paragraph 1.16 of the Guidance, viz:

*"(...) Licence conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the employer (my emphasis) by other legislation".*

3.7 Conditions requiring an employer (or its agent) to undertake checks that are already mandated and where advice is readily available and clearly set out for employers, keep copies of documentation and to restrict employment until these checks are made etc. replicate the requirements of the 2006 Act and should be discounted.

- 3.8 Essex Police contends that a licence holder who has himself or through his agents negligently or deliberately failed to conduct right to work checks which have been a requirement since 2006 should not be afforded an opportunity to do so until caught and then merely be asked to do what they should have been doing already. Deterrence and not mere remedy is appropriate and is supported by case law (as set out within section 8 of this submission).
- 3.9 Respondents who fail to convince a sub-committee that the imposition of conditions to undertake proper right to work checks is a suitable alternative to a deterrent outcome often point to the option of suspension of a licence; pointing out that this may be a suitable punitive response instead which will deter others.
- 3.10 Often this will include claims that the business has 'learnt its lesson' and that since its criminal activity has been discovered it has reconsidered its position, brought in new procedures, 'parachuted in' consultants and new managers etc. On occasion it is hinted that the respondent will 'accept' a suspension as an alternative to revocation, assuaging an authority's concern that an appeal may otherwise be launched. This is not a deterrent - a suspension merely warns other potential perpetrators that they may trade illegally until caught and then suffer only a brief hiatus in carrying out licensable activity before continuing with it. The risk of being caught is low so the consequence of being caught must be stiff in order to qualify as deterrence.
- 3.11 Essex Police would counter such claims and point to the continuing changes made to both immigration law and the Guidance (paragraphs 11.26 – 11.28) which point to a requirement to send a clear message to potential illegal immigrants that UK authorities will do all they can to prevent them finding illegal employment and a similar message to employers that those employing illegal workers will face severe disruption and penalties. There are simple processes (set out in section 5 of this submission) to avoid the hire of illegal workers and the legislative thrust is in avoiding the occurrence in the first place – not remedying the situation once discovered.
- 3.12 If it were not for criminally minded or complicit employers; illegal workers would not be able to obtain a settled lifestyle and deprive legitimate workers of employment. The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.
- 3.13 A firm response to this criminal behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and (unlawfully) inflate their profits to the expense of others.



## 4.0 Immigration Offences

- 4.1 Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or the revocation/suspension of their premises licence.
- 4.2 Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document checks, i.e. that they were duped by fake or forged documents.
- 4.3 The Immigration Act 2016 came into force in July 2016 and its explanatory notes state that "*these offences were broadened to capture, in particular, employers who deliberately did not undertake right to work checks in order that they could not have the specific intent required to 'knowingly' employ an illegal worker*".
- 4.4 Since 2016 an employer may be prosecuted not only if they knew their employee was disqualified from working but also if they had reasonable cause to believe that an employee did not have the right to work: what might be described as **wilful ignorance**, where either no documents are requested or none are presented despite a request. This means an offence is committed when an employer 'ought to have known' the person did not have the right to work.
- 4.5 Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant employer, an illegal worker cannot work. Such an employer facilitates a criminal offence and Essex Police highlights this as relevant irrespective of whether a civil penalty is imposed or a prosecution launched for employing an illegal worker.
- 4.6 In this context, under section 3(1) (C) (i) Immigration Act 1971 (as amended by the 2016 Act) restrictions are not limited simply to employment (i.e. paid work) but now includes all work.
- 4.7 Thus an individual with no right to work in the UK commits offences if they undertake paid or unpaid work, paid or unpaid work placements undertaken as part of a course etc. are self-employed or engage in business or professional activity. For instance, undertaking an unpaid work trial or working in exchange for a non-monetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the 'employer'.

## **5.0 Steps to Avoid the Employment of an Illegal Worker**

- 5.1 It is a straightforward process for any employer, no matter how small, to prevent themselves employing an illegal worker. If an employer has failed to take even the most basic steps then Essex Police contends they have chosen to remain ignorant of the immigration status of their workforce and no amount of potential imposed conditions is sufficient, in our opinion, to avoid the legitimacy of revocation in proving a deterrent to others to the employment of illegal workers.
- 5.2 The Home Office has made checklists widely available which set out what a responsible employer should ask for ahead of employing any person in order to demonstrate 'due diligence' and avoid liability for inadvertently employing an illegal worker.
- 5.3 Since April 2017 these checklists have been embedded in the statutory applications for personal licences and premises licences, the transfer of premises licences and designated premises supervisor variations.
- 5.4 The first 4 'hits' on a Google search for "right to work" are links to employer checklists and information on the GOV.UK website.
- 5.5 The first link (<https://www.gov.uk/check-job-applicant-right-to-work>) details general advice, checking the documents, taking a copy of the documents, what if the job applicant can't show their documents and provides details of an employers' telephone helpline. This page has a direct link to what documents are acceptable proofs of a right to work in the UK and also allows an employer to fill out an online enquiry about a named individual they are considering offering employment to.
- 5.6 Appendix A sets the above out in some detail.

## **6.0 Relevance/Irrelevance of a Civil Penalty or Prosecution**

- 6.1 An employer found to have 'employed' an illegal worker may, dependent on culpability and the evidence available, be issued with a civil penalty or prosecuted or indeed neither.
- 6.2 Where an illegal worker is detected a civil penalty may be issued against the employer in accordance with the Home Office Code of Practice on Preventing Illegal Working (May 2014). In the case of a civil penalty the balance of probabilities test applies whereas a prosecution requires a higher burden of proof.
- 6.3 However, to issue a civil penalty under section 15 Immigration, Asylum and Nationality Act 2006 the Home Office Code of Practice requires some proof that not only was an illegal worker working at the premises but they were 'employed'. Usually this is taken as meaning the illegal worker was under a contract of service or apprenticeship, whether express or implied and whether oral or written.

- 6.4 But where an employer has not bothered with the basics of return to work checks, placed an employee on 'the books', paid the minimum wage or paid employer national insurance contributions – it becomes difficult to 'prove' the employment statement where the only evidence may be the word of an illegal worker who has since been detained or who has 'moved on'.
- 6.5 In such cases where paid employment cannot be demonstrated, a civil penalty may not be issued even where the premises licence holder or his agent has facilitated a disqualified person committing an offence under section 24B Immigration Act 1971 (as amended by Immigration Act 2016) of working illegally.
- 6.6 This does not however prevent the crime prevention objective being engaged with as the premises licence holder has nonetheless facilitated a criminal offence taking place and the lack of checks suggests that in the past (and is likely in the future) has employed illegal workers. In drawing its conclusion the sub-committee is entitled to exercise common sense and its own judgment based on the life experiences of its members. The *East Lindsey* case (see section 8) provides that action (revocation) to prevent what is likely to happen in the future is legitimate.

#### **7.0 Statutory Guidance (s182 LA 2003) and the Authority's Licensing Policy**

- 7.1 In order to avoid punitive action, respondents to review hearings sometimes refer to both the statutory guidance issued under section 182 Licensing Act 2003 and those parts of the Authority's own policy which replicate paragraph 11.10 of that Guidance, viz:

*Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holder's 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.*

- 7.2 Essex Police submits that in the particular circumstances of cases where Immigration Compliance and Enforcement receive intelligence concerning the employment of illegal workers and act upon it; such warnings are inappropriate.
- 7.3 Not only would advance warning of enforcement activity prevent the detention of persons committing crimes and the securing of evidence; a warning after the event to comply with immigration legislation serves as no deterrent.
- 7.4 In particular; Essex Police submits that paragraph 11.10 of the Guidance must be read in conjunction with the more specific paragraphs relating to reviews arising in connection with crime (paras. 11.24 – 11.29).

7.5 Paragraph 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. (...). 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.*

7.6 Thus the financial hardship occasioned by the suspension or revocation of the premises licence should not sway the sub-committee but instead it should look at what is appropriate to promote the objective within the wider business and local community given "illegal labour exploits workers, denies work to UK citizens and legal migrants and drives down wages" (Rt. Hon James Brokenshire, Immigration Minister on the introduction of the 2016 Act).

7.7 In particular; the sub-committee are asked to consider (below) the cases of *R (Bassetlaw District Council) v Worksop Magistrates' Court*; [2008] WLR (D) 350 and *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway)*, [2016] EWHC 1265 (Admin) where in both cases the High Court stated remedy of the harm or potential harm is not the only consideration and that deterrence is an appropriate consideration in dealing with reviews where there has been activity in connection with crime.

7.8 Paragraph 11.27 of the Guidance states:

*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 employing a person who is disqualified from that work by reason of their immigration status in the UK.*

Essex Police would draw the sub-committee's attention to the change in wording of this paragraph following the April 2017 revision of the guidance, where the previous reference to 'knowingly employing' was removed.

7.9 Paragraph 11.28 of the Guidance states:

*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.*

Essex Police considers this paragraph self-explanatory; where an enterprise employs illegal workers it is the duty of Essex Police to work with Immigration Enforcement to bring forward reviews and for the authority to consider revocation in the first instance.

7.10 In support of this statement; Essex Police would draw the sub-committee's attention to the "Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England and Wales" (Home Office)[April 2017] where at section 4.1 it states;

*"It is envisaged that licensing authorities, the police, Home Office (Immigration Enforcement) and other law enforcement agencies will use the review procedures effectively to deter illegal working".*

7.11 Since the main draw for illegal migration is work, and since low-skilled migrants are increasingly vulnerable to exploitation at the hand of criminal enterprises, the government has strengthened enforcement measures and the statutory Guidance to deter illegal workers and those that employ them.

7.12 Deterrence is a key element of the UK government's strategy to reduce illegal working and is supported by both the Guidance and Case Law.

## 8.0 Case Law

8.1 Deterrence as a legitimate consideration by a licensing sub-committee has been considered before the High Court where remedial measures (such as the imposition of additional conditions) were distinguished from legitimate deterrent (punitive) measures such as revocation.

8.2 *R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350.*

This was a case where a premises had sold alcohol to under age persons and subsequently the licensing authority suspended the licence. This was overturned on appeal to the Magistrates' Court and subsequently appealed to the High Court by the authority. The premises licence holder argued that they had a policy in place for checking the age of customers but this was not a perfect policy and had not been adhered to and that rather than revoke the licence, instead stringent conditions on proof of age should instead be imposed on the licence.

8.3 Issues relevant to the case before today's sub-committee which were considered in the *Bassetlaw* judgement included whether a licensing authority was restricted to remedial action (as opposed to punitive action such as revocation); and the precedence of wider considerations than those relating to an individual holder of a premises licence when certain criminal activities (as specified in the Guidance) took place.

8.4 It specifically examined (and set aside in the case of 'certain activities') those parts of the Guidance now contained within paragraph 11.20 and 11.23, viz.

*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.*

*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 and for the prevention of illegal working in licensed premises.*

8.5 In her judgement, Mrs Justice Slade stated (at 32.1 & 33.1 of the citation):

*"Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State. (...) However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable."*

8.6 Having confirmed the legitimacy of punitive measures (suspension/revocation) for offences listed in what is now contained within paragraph 11.27 of the Guidance, Mrs Justice Slade concerned herself with another aspect of the appeal – namely the imposition of conditions which were already present but not properly implemented (paragraph 34.1). In this case the appellant was suggesting that proof of age conditions (rather than revocation) could be imposed to ensure that the legal requirement not to sell alcohol to those under 18 years of age was met by him and his staff.

8.7 This has some similarity with any argument that may be put forward in the case before the sub-committee today that the imposition of conditions to check immigration status either directly or through an agency (*essentially a requirement since 2006 under the Immigration, Asylum and Immigration Act 2006*) would serve as sufficient remedy for the employment of illegal workers and negate a deterrent (suspension/revocation) being imposed by the sub-committee despite the wording of the Guidance at paragraph 11.28.

8.8 Mrs Justice Slade stated: *"The sixth new provision was acceptable identification to establish the age of a purchaser shall be a driving licence with photographs, passport or proof of age scheme card recognised by or acceptable by the licensing authority. I am told these provisions were already in place, but not properly implemented. No doubt those are perfectly sensible and appropriate provisions to be included on a licence. However it is said that the action taken on appeal being confined in effect to reiterating existing practice with a minimal addition was entirely inappropriate to meet the situation where there have been sales of alcohol to 14 year old girls"*.

8.9 Essex Police contends that in the case before the sub-committee the facts are similar. In the cited case straightforward sensible enquiries could have been made as to the age of the children and the imposition of additional conditions as a form of remedy was considered inappropriate by Mrs Justice Slade for 'those serious cases' set out in the Guidance.

8.10 In the case before the sub-committee, simple steps (set out at Appendix A) were available to prevent the employment of illegal workers – none were taken; the imposition of conditions to remedy this situation is inconsistent with the section 182 Guidance and this case citation. A negligent employer should expect revocation in the first instance.

8.11 *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway), [2016] EWHC 1265 (Admin)*

This is a recent High Court decision (published April 2016) which has similarities with the one before the sub-committee in that it related to the employment of an illegal worker and where a prosecution for such had not been instigated.

Amongst other matters it had been argued for the premises licence holder that the crime prevention objective was not engaged where a prosecution or conviction for the employment of an illegal worker was not in place. Whilst the initial hearing may have suggested several illegal workers being employed, the High Court appeal and decision related to the employment of one individual and is therefore, Essex Police would argue, indistinguishable from the matter before the sub-committee today.

8.12 The case reaffirms the principle that responsible authorities need not wait for the licensing objectives to actually be undermined; that crucially in considering whether the crime prevention objective has been engaged a prospective consideration (i.e. what is likely to happen in the future) of what is warranted is a key factor. It also reaffirmed the case of *Bassetlaw* in concluding that deterrence is a legitimate consideration of a sub-committee.

Mr Justice Jay stated: *"The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence. In any event, I agree with Mr Kolvin that criminal convictions are not required."* (Paragraph 18)

Mr Justice Jay added: *"Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked."* (Paragraph 23)

## APPENDIX A

The first 4 'hits' on a Google search for "right to work" are links to employer checklists and information on the GOV.UK website.

The second link is to the Home Office document; "An Employer's Guide to Right to Work Checks" (published 16 May 2014 last updated 16 August 2017).

Another link provides a site (<https://www.gov.uk/employee-immigration-employment-status>) which guides an employer through the process AND allows an employer to make an online submission to the Home Office to check if the proposed employee is prohibited from working as well as providing a telephone helpline.

Specifically, the first link (<https://www.gov.uk/check-job-applicant-right-to-work>) provides as follows:

### General Advice

- You must see the applicant's original documents;
- You must check that the documents are valid with the applicant present; and
- You must make and keep copies of the documents and record the date you made the check.

### Checking the Documents

In relation to checking the documents it also adds that an employer needs to check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you;
- the dates for the applicant's right to work in the UK haven't expired;
- photos are the same across all documents and look like the applicant;
- dates of birth are the same across all documents;
- the applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work);
- for students you see evidence of their study and vacation times; and
- if 2 documents give different names, the applicant has supporting documents showing why they're different, e.g. a marriage certificate or divorce decree

### Taking a copy of the documents

When you copy the documents:

- make a copy that can't be changed, e.g. a photocopy
- for passports, copy any page with the expiry date and applicant's details (e.g. nationality, date of birth and photograph) including endorsements, e.g. a work visa
- for biometric residence permits and residence cards (biometric format), copy both sides
- for all other documents you must make a complete copy
- keep copies during the applicant's employment and for 2 years after they stop working for you
- record the date the check was made



### **If the job applicant can't show their documents**

You must ask the Home Office to check your employee or potential employee's immigration employment status if one of the following applies:

- you're reasonably satisfied that they can't show you their documents because of an outstanding appeal, administrative review or application with the Home Office;
- they have an Application Registration Card; or
- they have a Certificate of Application that is less than 6 months old

Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents don't allow the person to work.

The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

### **ACCEPTABLE DOCUMENTS**

A list of acceptable documents can be found via the link to

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/441957/employers\\_guide\\_to\\_acceptable\\_right\\_to\\_work\\_documents\\_v5.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441957/employers_guide_to_acceptable_right_to_work_documents_v5.pdf)

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

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Statement of: [REDACTED] IO1

Age if under 18: **OVER 18** . (If over 18 insert "over 18") Occupation: **CHIEF IMMIGRATION OFFICER**

This statement (consisting of 4 pages 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 which I know to be false or do not believe to be true.

Signature ..... [REDACTED] ..... Date: 4<sup>th</sup> February 2019

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

I am a Chief Immigration Officer of the Home Office Immigration Enforcement Immigration Compliance & Engagement Team East of England, based at Custom House, Viewpoint Road, Felixstowe, Suffolk IP11 3RF. I have been an Immigration Officer since April 1991 and have worked at a number of ports of entry to the UK, although my main work has been in the areas of enforcement and crime investigation. My current role is as the senior officer of the Immigration Enforcement arrest team, operating in the counties of Norfolk, Suffolk and Essex, responding to intelligence relating to alleged immigration offences in this area, liaising with local police and other law enforcement agencies and supporting other government departments, local authorities and relevant other organisations in enquiries or investigations relating to non-British nationals. As part of my duties I have responsibility for the compilation and custody of Home Office records in both written and electronic form. These records are compiled by officers and members of staff during their duties, from information which they have particular and specific knowledge of at the time of compiling, in light of the volume of records compiled and the length of time that has elapsed, they cannot reasonably be expected to have any recollection of the matters dealt with in relation to a specific record.

At the request of Essex Police Licensing Team, I have examined Home Office records relating to immigration offenders encountered during an enforcement visit conducted to the

Signature: ..... [REDACTED] ..... Signature Witnessed by: .....

**RESTRICTED (when complete)**

Continuation of Statement of: [REDACTED] [REDACTED] IO1

premises of "Wo Fat" located at 270-272 High Road, Loughton, Essex IG10 1RB.

Home Office records show that on 6 December 2018 Immigration Officers from this team conducted an enforcement visit to these premises to locate and arrest persons subject to immigration control who were suspected of working illegally in the United Kingdom. This enforcement operation was conducted following receipt of specific intelligence that the business was employing illegal workers and had been doing so for twelve months and that they also lived at accommodation above the business. Additional searches of Home Office records show that the same premises was subject to enforcement visit on 13 September 2013, when seven of the twelve staff present were arrested as immigration offenders.

Home Office records show that a total of seven immigration offenders were recorded as being encountered by the officers during the execution of the search which was conducted under section 179 of the Licensing Act 2003. They are recorded as:

**OFFENDER 1**

[REDACTED] a Chinese national born [REDACTED] who was first encountered by Immigration Officers following his arrest at a Chinese restaurant in Cambridgeshire on 5 November 2009; he subsequently applied to remain in the United Kingdom and was released as part of this process. On 9 April 2010 he was listed as an absconder as he had failed to attend two separate interview appointments. On 23 December 2014, legal representatives acting on his behalf contacted the Home Office but again he failed to attend an interview appointment and nothing more was heard from him until his arrest on 6 December 2018. He was detained and transferred into Immigration detention facilities on the same night, where he remains pending his removal. He has never been granted any permission to remain or to work in the United Kingdom.

**OFFENDER 2**

[REDACTED] a Chinese national born [REDACTED] originally arrived in the United Kingdom on 14 June 2009 when he claimed to be under the age of 18 and to have no genuine travel documentation. He applied to remain in the United Kingdom and was initially detained pending consideration of this, his application was refused but having been released, he absconded and was listed as an absconder on 15 October 2009. Nothing more was heard from him until his arrest on 6

December 2018. He was detained and transferred to immigration detention facilities the

Signature: [REDACTED]  
2004/05(1)

Signature Witnessed by: .....

**RESTRICTED (when complete)**

Continuation of Statement of: [REDACTED] ..... 101 .....

same night, where he remains pending his removal. He has never been granted any permission to remain or to work in the United Kingdom.

**OFFENDER 6**

[REDACTED] a Chinese national born [REDACTED] he had never been encountered prior to his arrest on 6 December 2018 but stated that he'd arrived in the United Kingdom illegally by boat in 2009. He was detained and transferred to immigration detention facilities the same night but has been released pending further consideration of his case. He has never been granted any permission to remain or to work in the United Kingdom.

**OFFENDER 7**

[REDACTED] a Chinese national born [REDACTED] was found to be working in the restaurant kitchen and on being spoken to admitted that he'd arrived in the United Kingdom with a visit visa, records show that this was issued valid from 8 January 2015 to 8 July 2015. He was arrested as an overstayer and was detained and transferred to immigration detention facilities the same night. He has since submitted an application to remain in the United Kingdom. He has never been granted any permission to work in the United Kingdom.

**OFFENDER 4**

[REDACTED] a Chinese national born [REDACTED]. She admitted having entered the United Kingdom illegally and there were no records created of her prior to her arrest, she was detained and transferred to immigration detention facilities the same night but has since submitted an application to remain in the United Kingdom. She has never been granted any permission to remain or to work in the United Kingdom.

**OFFENDER 5**

[REDACTED] a Malaysian national born [REDACTED]. He initially claimed to be a British national, however on further questioning by an Immigration Officer he was found to be Malaysian and his passport was produced which showed that he had received several grants of entry as a short term visitor, the last of which was shown as six months on 29 October 2003. He was arrested as an overstayer and was detained and transferred to immigration detention facilities the same night. He has since submitted an application to remain in the United Kingdom. He has never been granted any permission to work in the United Kingdom.

Signature:  
2004/05(1)



.....Signature Witnessed by: .....

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] DAVIS ..... 101 .....

Page 4

OFFENDER 3

[REDACTED] originally recorded as [REDACTED] a Chinese national born [REDACTED]. Records show that he originally arrived in the United Kingdom on 13 December 2002 when he sought to remain. His application was refused and he subsequently made further submissions in 2010 and 2014 but these were rejected, he failed to report to in line with his restrictions in 2015 and had not been heard of until he was arrested on 6 December 2018. He was detained and transferred to immigration detention facilities the same night. He has since submitted an application to remain in the United Kingdom. He has never been granted any permission to work in the United Kingdom.

I make this statement of my own free will from records that I have seen and accessed today, 4 February 2019. I am willing to attend court or any other judicial or review hearing if necessary.

[REDACTED SIGNATURE]

Signature:  
2004/05(1)

[REDACTED SIGNATURE]

..... Signature Witnessed by: .....

**WITNESS STATEMENT**

(CJ Act 1967, s.9 MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

URN 

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Statement of: [REDACTED] [REDACTED] ... IO2 .....

Age if under 18 **Over 18** ... (If over 18 insert "over 18") Occupation: Immigration Officer.....

This statement (consisting of 3 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 anything which I know to be false or do not believe to be true.

Signature ..... [REDACTED] ..... Date: 07/12/2018

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

I am an Immigration Officer currently based at EAST OF ENGLAND ICE, CUSTOM HOUSE, VIEWPOINT ROAD, FELIXSTOWE, SUFFOLK, IP11 3RF. I am an Arrest trained Immigration Officer. On 06<sup>th</sup> DECEMBER 2018, I was tasked to attend WO FAT, 270 – 272 HIGH ROAD, LOUGHTON, ESSEX, IG10 1RB.

My role on the visit was arrest Officer to remain as rear cover officer while the power of entry was gained.

I attended the address with IO [REDACTED] and made my way to the rear kitchen door, I was made aware that officers had entered the front of the premises, I remained at the rear door. I could see approximately 9 workers in the kitchen busy working away, they did not even notice our presence when stood next to them, One of the males then noticed us, he was wearing full black and he made a positive move to the restaurant door which I suspected was a move to evade Immigration Officers. I then stepped into the kitchen area, the male was apprehended by IO [REDACTED] who was coming into the address from the front, IO [REDACTED] later arrested that male.

[REDACTED]

All kitchen workers were asked to stop what they were doing and make their way to the front of the restaurant, it took several attempts of asking, at least 4 males then tried to hide their aprons in an attempt to deny they were ever working.

I followed through the last person and when into the restaurant seating area.

I spoke to one male, he was the last male to leave the kitchen as he was trying to bag up a takeaway order.

Q, WHAT IS YOUR NAME?

A, ■■■■

Q, WHAT IS YOUR DATE OF BIRTH?

A, ■■■■

Q, WHAT IS YOUR NATIONALITY?

A, GBR, BUT FROM CHINA

■■■■ then provided me with a GBR driving licence.

I then spoke to another male, this male had removed his apron in the kitchen area.

Q, WHAT IS YOUR NAME?

A, ■■■■

Q, WHAT IS YOUR DATE OF BIRTH?

A, ■■■■

Q, WHAT IS YOUR NATIONALITY?

A, CHINESE

■■■■

I conducted checks with IO ■■■■ who was back at the office looking at Home Office systems.

■■■■ was confirmed as GBR national, he was cleared and advised that he could go back into the kitchen and continue working.

■■■■ was confirmed as a CHN national, checks revealed that he is an Immigration Offender who had not complied with bail conditions.

I arrested ■■■■ as a person liable for detention, he was Arrested under 17(1) of Sch 2 of the 1971 Immigration Act AA.

I was aware that he could not fully understand the admin caution so I used one of the cleared males to translate for me, ■■■■ confirmed he understood and had no questions for me.

I suspected that ■■■■ could have a passport or some kind of evidence of his identity upstairs in his living area, CIO ■■■■ authorised a Para 25 Sch 2 search of his living accommodation, the living accommodation is ■■■■ HIGH ROAD, LOUGHTON.

A search was conducted, nothing relating to his identity was found, he was allowed to pack a bag to take into detention.

Detention was authorised by CIO ■■■■

The male was escorted to the vehicle, then transferred on to Immigration custody.

Once arrived at Immigration custody (Brook House) I asked my illegal working questions, these were asked using an interpreter using the Big Word translating service.

How long have you been working here?	More than 2 months
What is your job role/ what are your duties?	Chef assistant
What days/ hours do you work each week?	Works, Thursday, Friday, Saturday and Sunday, works 8 hours per day

■■■■



IO2

Do you work the same hours/ days every week?	Works 1200- 1400 everyday, then 1700 to 2030 every day same days
Who gave you this job (name and role in business)?	Made a phone call to someone they told him to come to the address for work
Who tells you what days/ hours to work?	The main chef
Who tells you what tasks/ duties to do each day?	The main chef
How are you paid (money, accommodation, food)?	£220 per week, I am provided accommodation from the boss on top of that
Who pays you?	Sometimes main chef, sometimes the manager
Do you pay income tax or have a National Insurance number?	I don't know, no national insurance number
What name does the employer know you as?	██████████
Did you show documents before being offered the job? If so, what?	No
Does your employer know you're not allowed to work in the UK?	Not sure,

The subject was then taken into the detention centre.

From Home Office records I can state the following concerning each of the detained persons:

██████████: Home Office computer records confirm that the ██████████ has no valid leave to remain in the United Kingdom. On 30/12/2015 the ██████████ became Appeal Rights Exhausted following his dismissed appeal regarding Asylum application

Home Office computer records show that the subject does not have a right to work in the United Kingdom.

This statement is made from my recollection of events and has been produced from the information noted on the (Police Report and Notebook Organiser) PRONTO reference EV8-4,212 .

Government Security Classification.....  
Approved for Immigration Enforcement use – April 2014

MG11T

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: [REDACTED] IO3

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

This statement (consisting of 3 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:..... [REDACTED] ..... (witness) Date: 17.12.2018

I am IMMIGRATION OFFICER (IO) [REDACTED] [REDACTED], I am employed as a warranted Immigration Officer with the Home Office for the EAST OF ENGLAND IMMIGRATION COMPLIANCE AND ENFORCEMENT team based at Unit 2, Franklin Court, Priory Business Park, Bedford, MK44 3JZ.

On Thursday 6<sup>th</sup> December 2018, I was in my full capacity, in full uniform and PPE as Spare Officer for an intelligence lead Immigration Enforcement visit to WO FAT 270-272 HIGH ROAD, LOUGHTON, ESSEX, IG10 1RB. For full run down of the team please refer to operational order. The visit was to be conducted by entering under Section 179 of the Licensing Act 2003. An officer from Essex Police Licensing was also present on the visit. Section179 authority was authorised by HMI [REDACTED] and the visit was authorised by CIO [REDACTED].

Officers deployed on scene at 18:09pm and made our way to the premises. I was on rear cover with CIO [REDACTED] and was then called in to enter the restaurant. On entry there was a sterile area where the team had placed all the employees. I encountered 1x male in the sterile area and asked him for identification he handed me a ARC card which clearly stated, "Forbidden from taking Employment". His name was [REDACTED] [REDACTED] CHN Male.

I completed checks with the duty office:

14.06.2009 arrived at port with no entry clearance and claimed Asylum.

18.08.2009 Asylum refused

20.10.2009 subject listed as an absconder.

Subject has failed to make any further applications to regularise his stay.

The subject could not speak English, so I began questions via Bigword interpreter P0041095.

2014

Government Security Classification.....

I advised the subject of the checks I had conducted, and he stated he was aware that he does not have the right to work.

I conducted employment questions with the subject at 18.44pm which went as follows:

Q How long have you worked here?

A FEW DAYS

Q How many hours do you work?

A 1-6 HOURS THEY ARE ALL DIFFERENT

Q How much do you get paid?

A I JUST HELP HERE

Q Do you live upstairs for free in return for your help here?

A YES

Q Did you show any documents to the employer?

A NO

Q Who said you can help here and live upstairs?

A A FRIEND I DON'T KNOW WHO THE BOSS IS

Q Do you eat food from the kitchen in return for your help/work?

A YES

Q did the landlord ask you for any documentation when you started?

A NO

Q Does the landlord know your immigration status in the UK?

A I DID NOT TELL HIM

Q Do you work full time?

A YES

Q Does anyone force you to work here?

A NO

Q Do you get any form of cash payment at all?

A THEY GIVE ME POCKET MONEY (Subject then showed me £20 in cash) THE PEOPLE FROM THE RESTURANT GIVE ME THIS MONEY

Q What are your duties?

A I CLEAN THE RESTURANT AND KITCHEN

Q Did you receive any form of training?

A NO

Subject then signed my notebook to verify that all the answers were correctly recorded. I read the questions and answers to the interpreter, who confirmed everything with the subject.

I made this statement on Monday 17<sup>th</sup> December 2018 from events recorded in my PNB and whilst the events of the enforcement visit are still fresh in my mind.

Signature:.......... Signature witnessed by:

### WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 

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Statement of: [REDACTED] IO4

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

Occupation: Immigration Officer 6759

This statement (consisting of 6 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: [REDACTED] ..... (witness) Date: 26/12/2018

I am the above named officer and a member of the Arrest Team at the Immigration Compliance and Enforcement Team (ICE), East of England, Immigration Enforcement, Home Office in Bedford. At approximately 15:30hrs on 06/12/2018 I was on duty in full uniform accompanied by Immigration Officers as recorded in my Pocket Note Book (IE017673). As a result of information received, and following a briefing given by the Officer In Charge (OIC), IO [REDACTED] [REDACTED] at 17:45hrs at Loughton Police Station, all officers deployed in Home Office vehicles to WO FAT, 270-272 HIGH ROAD, LOUGHTON, ESSEX, IG10 1RB to search for immigration offenders under Section 179 of the Licensing Act 2003 as authorised by HMI [REDACTED] [REDACTED] on 04/12/2018. As Cover 3 I deployed from my vehicle and with IO [REDACTED] [REDACTED] stood outside the already open kitchen door at the rear of the premises whilst IO [REDACTED] (in possession of Notice To Occupier), IOs and Essex Licensing Officer (PETER JONES), entered via the front. I could clearly see at least ten people in the kitchen standing around kitchen work surfaces and all were involved in various food preparation activities. At first none of the people in the kitchen noticed IO [REDACTED] and myself in spite of the kitchen lights illuminating us. As the visit progressed only a few staff looked at us momentarily then continued with their food preparation work.

Signature: [REDACTED] ..... Signature witnessed by:.....

At the far end of the kitchen a smartly dressed man, who initially provided false details but subsequently identified as [REDACTED], walked briskly into the kitchen from the restaurant area at the front of the premises, and appeared to be making his way towards the door where IO [REDACTED] and I were standing. However, IO [REDACTED] [REDACTED] was following [REDACTED] and, having shouted 'IMMIGRATION', asked him to return to the restaurant area, which he did. The staff in the kitchen then appeared to realise that we were immigration officers and some of them immediately began to remove aprons, chef's whites and food preparation hats. This adverse reaction to our presence was clear and the kitchen staff were escorted to the restaurant area at the front of the premises. At 18:20hrs I began speaking to a man who had presented his National Insurance card as proof of identity and, having called my office to verify his identity I was content that he was British as claimed and he was allowed to return to work in the kitchen. I then spoke to another man who gave his details as [REDACTED] born on [REDACTED] in CHINA. [REDACTED] claimed to have no identity documentation but to having made an application for Indefinite Leave to Remain at least ten years ago. Using a telephone interpreter (Mandarin) I spoke to [REDACTED] before arresting him at 18:40hrs as a person Liable to Be Detained (Para.17(2), Sch.2, IA 1971 (aa)) and issued him the admin caution to which [REDACTED] responded, "DO I NEED TO COME WITH YOU?" I asked [REDACTED] where he lived and he replied, "UPSTAIRS" and for "7-8 YEARS." Checks with Home Office records ([REDACTED] [REDACTED]) appeared to corroborate some of [REDACTED]'s claims however, he had no outstanding applications, no current valid leave, had failed to comply with bail reporting conditions and had never had any permission to work in the United Kingdom. I obtained Para.25A authority to search the upstairs accommodation from CIO [REDACTED] [REDACTED] at 18:45hrs.

Signature:... [REDACTED] ..... Signature witnessed by:.....

Due to the number of offenders encountered there were operational constraints in conducting

searches straight away so I asked [REDACTED] if he would be willing to participate in a voluntary interview in relation to his presence on site and explained that he was not obliged to and could withdraw his consent at any time. [REDACTED] agreed and I conducted a Question and Answer interview via a Mandarin interpreter in my Pocket Note Book as follows:

Q."HAVE YOU UNDERSTOOD EVERYTHING THE INTERPRETER HAS SAID?"

A."YES. I'M WILLING."

Q."WHAT WERE YOU DOING WHEN WE CAME IN TONIGHT AND WHERE WERE YOU?"

A."I WAS IN THE KITCHEN FRYING SOME FOOD."

Q."WHEN YOU SAW ME AND A COLLEAGUE OUTSIDE THE BACK DOOR, YOU AND SOME OF THE OTHER KITCHEN WORKERS TOOK OFF YOUR APRONS/WORK CLOTHES - WHY?"

A."I WAS NOT WEARING AN APRON TODAY BECAUSE I WAS JUST HELPING OUT."

Q."DO YOU USUALLY WEAR AN APRON WHEN YOU WORK?"

A."NORMALLY I DO."

Q."WHO GIVES YOU THE APRON OR WHERE DO YOU GET IT FROM?"

A."THERE'S A LITTLE ROOM I GET MY APRON FROM - JUST LIKE EVERYONE ELSE."

Q."HOW LONG HAVE YOU WORKED HERE AND IN WHAT CAPACITY?"

A."I HAVE WORKED HERE FOR SEVEN TO EIGHT YEARS BUT I HAVEN'T WORKED FOR THE PAST FEW MONTHS. I'VE BEEN POORLY."

Q."WHO EMPLOYS YOU HERE?"

A."I DON'T KNOW THE BOSS'S NAME."

Signature:...



Signature witnessed by:.....

Q."IS THE BOSS HERE TONIGHT?"

A."I HAVE NOT SEEN THE BOSS TONIGHT."

Q."IS IT A MAN/WOMAN – NAME?"

A."IT'S A MAN. APPROX. 50 YRS OLD."

Q."WHAT DOCUMENT DID YOU SHOW OR WERE ASKED TO SHOW TO PROVE YOUR ID AND PERMISSION TO WORK?"

A."I HAVE NOT SHOWN ANYTHING AND HAVE NOT BEEN ASKED TO SHOW ANYTHING."

Q."IS THIS THE SAME BOSS?"

A."I'M NOT SURE."

Q."HOW MUCH MONEY ARE YOU PAID, HOW, FOR HOW MANY HOURS AND BY WHOM?"

A."I WORK UP TO EIGHT HOURS A DAY, 5 DAYS A WEK AND GET PAID IN CASH (£300 - £400) BY THE BOSS."

Q."IS THE BOSS THE MAN TO MY RIGHT/YOUR LEFT WEARING THE JEANS AND BLUE/WHITE STRIPED SHIRT?"

A."YES."

At this point, [REDACTED] had identified [REDACTED] as his boss.

Q."YOU HAVE SAID THAT YOU LIVE UPSTAIRS – DO YOU GET TO LIVE THERE AS PART OF YOUR WORKING ARRANGEMENTS?"

A."I DON'T HAVE TO PAY RENT AS I WORK HERE."

Q."DO YOU GET FOOD AS PART OF YOUR WORK CONDITIONS?"

A."I DO GET."

Signature: [REDACTED] ..... Signature witnessed by: .....

Q."DOES YOUR BOSS KNOW YOU SHOULDN'T BE WORKING?"



A."I DO NOT KNOW."

Q."DO YOU KNOW IF ANYONE ELSE HERE TONIGHT IS ILLEGAL?"

A."I DON'T KNOW."

Q."DO YOU HAVE ANY MONEY UPSTAIRS FROM YOUR WORK HERE?"

At 19:14hrs the telephone interpreter dropped out so I rearranged another Mandarin telephone interpreter at 19:25hrs and repeated the above question and [REDACTED] replied:

A."I HAVE ABOUT EIGHTY POUNDS UPSTAIRS."

Q."YOU SAY YOU'VE BEEN POORLY – DO YOU HAVE ANY UK PRESCRIPTION MEDICATION UPSTAIRS?"

A."I HAVEN'T GOT MEDICATION BUT I MAY HAVE SOME UPSTAIRS."

Q."WHERE ABOUTS?"

A."BY MY BED."

Q."HAVE YOU UNDERSTOOD ALL OF MY QUESTIONS OR DO YOU WISH TO CHANGE/AMEND ANY OF YOUR ANSWERS?"

A."I'VE UNDERSTOOD EVERYTHING – NOTHING TO CHANGE OR AMEND."

I invited [REDACTED] to sign my Pocket Note Book, which he did, and I countersigned it at 19:29hrs.

At 19:33hrs, I escorted [REDACTED] upstairs to the accommodation above the restaurant and used one of a set of keys in his possession to initially unlock the external door then another key to open his bedroom door which was accessed via the kitchen. [REDACTED] identified his bed (bottom bunk to the immediate right of his bedroom door) and with IO [REDACTED] we conducted a search of his bedroom in relation to evidence of his identity as no copies of employee documentation had been provided by the employer.

Signature:..... [REDACTED] ..... Signature witnessed by:.....

Prescription medication for [REDACTED] (noting his name and the address of the property) was

located during the search but no Chinese identity documentation was found or seized. An Illegal Working Referral Notice was completed and served on [REDACTED] noting immigration offenders encountered on site all officers and offenders had left the premises by 20:45hrs.

I produce a copy of my Pocket Note Book as my exhibit MPS/01 and this statement from contemporaneous notes in my Pocket Note Book and my recollection of events during the visit.

Signature: [REDACTED] ..... Signature witnessed by:.....

**WITNESS STATEMENT**

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

URN 

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Statement of: 

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 IO5

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

This statement (consisting of (3) THREE) page, 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 

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 Date: THURSDAY 13TH DECEMBER 2018

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

I am an arrest trained Immigration Officer 

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 employed by the Home Office currently serving at EAST OF ENGLAND IMMIGRATION, COMPLIANCE AND ENFORCEMENT TEAM, based at UNIT 2, FRANKLIN COURT, STANNARD WAY, PRIORY BUSINESS PARK, BEDFORD MK44 3JZ. On THURSDAY 6TH DECEMBER 2018 I was on duty and part of the arrest team for enforcement visit; reference TS31CEP1096 to WO FAT, 270-272 HIGH ROAD, LOUGHTON, ESSEX IG10 1RB.

The arrest team consisted of IO 

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 as Officer in Charge, AIO 

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, IO 

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, IO 

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, IO 

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, IO 

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, CIO 

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 and myself. Also in attendance was Peter JONES of Essex Licensing.

I arrived at the premises at approximately hours and entered via the front entrance where the OIC gained entry under Section 179 of the Licensing Act 2003, authorised by HMI 

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 on 04/12/2018.

At 18:19 hours at the request of the OIC I commenced screening of one female brought from the kitchen to the sterile area. I utilised Cantonese interpreter P0028791 via the telephone who I used throughout my questioning of subject. The female identified herself to me as 

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 Chinese national and stated she had, "NO STATUS IN THE UK." She further stated she entered the United Kingdom illegally in June 2018.

At 18:30 hours I arrested 

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 as a Person Liable to be Detained under Schedule 2, Paragraph 17(1) of the Immigration Act 1971, as amended as an Illegal Entrant: Entry Without Leave.

I then commenced Illegal Working interview with 

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Q1. "HOW LONG HAVE YOU BEEN WORKING HERE?"

A1. "LESS THAN FIVE MONTHS."

Q2. "WHO GAVE YOU THE JOB HERE?"

A2. "I FOUND IT ONLINE. THE BOSS DAILAM IS WHAT I CALL HIM. IT MEANS BIG BROTHER IN CANTONESE.."

Q3. "WAS WEBSITE ACCESSED IN UK OR CHINA?"

A3. "WHILE IN THE UK."

Signature: 

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 Signature witnessed by:.....

Subject could not recall the name of the website. \_\_\_\_\_

Q4. "WHO WAS THE PERSON HERE AT THE RESTAURANT WHO GAVE YOU THE JOB?" \_\_\_\_\_

A4. "MY BOSS. HE IS STANDING NOT FAR FROM HERE. I DON'T WANT TO POINT HIM OUT." \_\_\_\_\_

Q5. "I UNDERSTAND THAT. IS HE WEARING GLASSES?" \_\_\_\_\_

A5. "YES." \_\_\_\_\_

Subject had identified the male who had entered the restaurant after our arrival and identified himself as the owner to the OIC. \_\_\_\_\_

Q6. "DID HE ASK YOU FOR ANY RIGHT TO WORK DOCUMENTS?" \_\_\_\_\_

A6. "THE BOSS ASKED ME FOR DOCUMENTS. I TOLD HIM I WAS SMUGGLED TO THE UK AND HAD NO LEGAL STATUS IN THE UK." \_\_\_\_\_

Q7. "CAN YOU CONFIRM YOU TOLD THE BOSS YOU HAD BEEN SMUGGLED AND HAD NO LEGAL STATUS IN THE UK?" \_\_\_\_\_

A7. "YES I CAN CONFIRM THAT." \_\_\_\_\_

Q8. "WHAT DAYS AND HOURS DO YOU WORK?" \_\_\_\_\_

A8. "ROUGHLY ABOUT FORTY EIGHT HOURS PER WEEK. I WORK SIX DAYS A WEEK, EIGHT HOURS A DAY, STARTING ELEVEN AM FINISH AT TWO, START AGAIN FIVE PM FINISH TEN THIRTY ELEVEN O'CLOCK." \_\_\_\_\_

Q9. "HOW MUCH PAID AND HOW PAID?" \_\_\_\_\_

A9. "CASH IN HAND, THREE HUNDRED AND TWENTY POUND PER WEEK, ACCOMMODATION AND FOOD INCLUDED ON TOP OF THAT." \_\_\_\_\_

Q10. "IS ACCOMMODATION ABOVE THE RESTAURANT?" \_\_\_\_\_

A10. "YES IT IS." \_\_\_\_\_

Q11. "ARE YOU ALLOWED TO LEAVE THE RESTAURANT OF YOUR OWN FREE WILL?" \_\_\_\_\_

A11. "YES, I AM ALLOWED TO LEAVE THE RESTAURANT OF MY OWN FREE WILL." \_\_\_\_\_

Q12. "DO YOU FEEL SAFE AT THE RESTAURANT?" \_\_\_\_\_

A12. "YES I FEEL SAFE AT THE RESTAURANT." \_\_\_\_\_

Q13. "OK. WHAT IS YOUR ROLE HERE AT THE RESTAURANT?" \_\_\_\_\_

A13. "KITCHEN ASSISTANT. I WASH AND CLEAN THE DISHES." \_\_\_\_\_

Q4. "DO YOU DO ANY OTHER ROLES? HERE IN THE RESTAURANT?" \_\_\_\_\_

A4. "ONLY IN THE KITCHEN. NOT IN THE RESTAURANT AREA.." \_\_\_\_\_

Interview complete at approximately 19:15 hours. \_\_\_\_\_

Signature: 

Signature witnessed by:.....



**WITNESS STATEMENT**

(CJ Act 1967, s.9 MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

URN 

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Statement of: ..... [redacted] IO6 .....

Age if under 18 **Over 18** ... (If over 18 insert "over 18") Occupation: Immigration Officer.....

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 anything which I know to be false or do not believe to be true.

Signature [redacted] ..... Date: 12/12/2018

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

*I am an immigration officer currently based at Immigration Compliance & Enforcement (ICE) East of England, Customs House, Viewpoint Road, Felixstowe, IP11 3RF; I have been an immigration officer since 2014.*

*At approximately 17:45hrs on the 06<sup>th</sup> December 2018 I was present at Loughton police station for the purposes of a briefing given by Immigration officer (IO) [redacted]; also present were IOs [redacted], [redacted], [redacted], [redacted], [redacted], [redacted] and CIO [redacted]. IO [redacted] informed us that there would be one business being visited that evening and the power of entry would be gained under Section 179 of the licensing Act 2003 having been authorised by Her Majesty's inspector (HMI) [redacted] [redacted]. The address to be visited was, Wo Fat, 270-272 High Road, Loughton, Essex, IG10 1RB.*

*. The Home Office had intelligence to suggest that the businesses was employing persons who have no permission to work within the United Kingdom, the visit was also being supported by Essex police licensing team.*

*At approximately 18:15hrs that same day, in company with the other IOs I attended the address. IO [redacted] engaged with a male who was working behind the till area of the business, on arrival we were informed whilst entering the front of the restaurant that a male was seen by rear cover officers attempting to leave the kitchen via the rear door and then moved towards the front door. I entered through this door and met the male who was attempting to leave. All of us were wearing full uniform identifying us as immigration officers on entering the premises and on encounter I immediately stated to the male who I was.*

I asked this male and multiple other males who were in the kitchen area to stop what they were doing and walk to the restaurant area. In total I counted 9 males in the kitchen and all of these were ushered to the restaurant area.

I spoke with the male who was attempting to leave the kitchen on arrival and he confirmed his details as, [REDACTED], born [REDACTED] a national of Malaysia. [REDACTED] stated that he had been in the United Kingdom for several years and that his lawyer had sorted his status out. I asked again if [REDACTED] had the correct permission to reside and work in the United Kingdom and he stated again that his lawyer had sorted it out. As approximately 1820hrs I arrested [REDACTED] as a person liable to be detained under Paragraph 17 (1) Immigration Act 1971 (as amended) as there were reasonable grounds to suspect that removal directions may be given, he was given the full administrative caution and stated that he understood what was said. With the information I had obtained from [REDACTED] I conducted checks with an Immigration Officer based at Bedford, IO [REDACTED]. [REDACTED] checked the details [REDACTED] had provided however these were returned as no trace. [REDACTED] confirmed at this point that he lived in the flat above the restaurant listed as 270A, High Road, Loughton.

I went on to ask [REDACTED] the following questions in regard to his employment at the restaurant.

Q: How long have you worked here?

[REDACTED]: 3 MONTHS

Q: What do you do?

[REDACTED]: HELP IN THE KITCHEN.

Q: Do you get paid?

[REDACTED]: SOMETIMES £10 PER HOUR.

Q: How many hours do you work?

[REDACTED]: START AT 1800 AND FINISH AT 2200.

Q: How many days a week do you work?

[REDACTED]: 4 DAYS.

At this point [REDACTED] changed the details given to me as [REDACTED]. I conducted checks with IO [REDACTED] again and these were also returned as no trace. I once again proceeded to ask questions to [REDACTED] in relation to his employment at the restaurant whilst waiting for an officer to aid in the search.

Q: Who gave you the job at the restaurant?

[REDACTED]: I CAME FOR AN INTERVIEW.

Q: Who interviewed you?

█: █. HE IS A MALE.

Q: Did he ask for a copy of your documents?

█: NO.

At 1831hrs I referred the case to CIO █ who was present in the restaurant and CIO █ authorised a 25A search of the accommodation above the restaurant. The search was authorised and IO █ and myself escorted █ from the restaurant, through the rear door and up some stairs located on the side of the parade of shops. █ pointed out the front door and we all entered the property. █ pointed to his bedroom and we entered the bedroom which consisted of a bed, wardrobe and a sink/kitchen area. I commenced the search at 1834hrs and whilst searching █'s beds pace I located a wallet within a black suitcase. Within this wallet I located an IND Application Registration Card in the name of █, born █, CHN. I asked █ if this was his card and he stated that it wasn't. I subsequently seized by me under Section 17 Asylum and Immigration Act 2004. █ then showed me and email on his phone and this had a copy of his Malaysian passport. I took a picture of this copy on my issued work phone to aid in the removal of █. I conducted checks on the details within the passport with HMI █ who confirmed that under the details in the passport █ was still no trace on any system. At this stage █ was asked to stand from his bed and leave the room with IO █ and myself. █ refused to stand and became vocally aggressive. █ then raised his right arm with a clenched fist. I took control of █ with █ and handcuffed his in a front stack technique. I ensured that the handcuffs weren't tight and double locked them. As IO █ and I went to escort █ from the address he threw himself on the floor refusing to stand or leave. At 1900hrs IO █ and I helped █ to his feet and escorted him from the address, down the stairs and to the cell van. Once in the van █ calmed down and apologised for his actions. █ was joined in the van by 3 other arrested males and at 1931hrs I referred █'s case to HMI █ who authorised the detention and service of papers on █ as an immigration offender. █ and the other males were transported from the restaurant at 2035hrs and travelled to Brook House Immigration Removals Centre. █ and the other males were fingerprinted and photographed on arrival and booked in with G4S Staff based at the IRC.

*This statement is made from my recollection of events and has been produced from the information noted within my pocket notebook pages 66, 67, 68, 69, 70 + 71.*



RESTRICTED (when completed)

MG 11 (M)

WITNESS STATEMENT

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

Statement of [redacted] [redacted] 107 URN:

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

This statement (consisting of: ...3... 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: [redacted] Date: Wednesday 12th December 2018

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

On THURSDAY 30TH AUGUST 2018, whilst in full uniform and personal protective equipment I attended, along with colleagues from FELIXSTOWE IMMIGRATION ENFORCEMENT OFFICE AND BEDFORD ENFORCEMENT OFFICE, WO FAT, 270-272 HIGH ROAD, LOUGHTON, ESSEX, IG10 1RB. The Officer in Charge (OIC) was IMMIGRATION OFFICER (IO) [redacted]. Officers present in the visit briefing lead by OIC [redacted] were IO [redacted], IO [redacted], IO [redacted], Assistant Immigration Officer (AIO) [redacted], IO [redacted], IO [redacted], IO [redacted] AND Chief Immigration Officer (CIO) [redacted]. Essex Licensing Officer Peter JONES was also in attendance. The power of entry would be gained under Section 179 of the licensing Act 2003 having been authorised by Her Majesty's inspector (HMI) [redacted]. The Home Office had received an allegation to suggest that the owner of WO FAT is employing persons who have no permission to work within the United Kingdom.

AT 18:16hrs on the same day, I entered WO FAT through the front doors of the premises and into the restaurant area of the premises. OIC [redacted] established who the person was charge was and explained our presence and powers under the Licensing Act 2003. On entry I saw approximately 5 members of staff behind the bar and around the restaurant. I heard over the radio that 1 male had attempted to exit the kitchen by the rear door when officers entered the front of the premises. This male was escorted back into the premises via the kitchen and approximately 9 other staff members were escorted to a sterile area within the restaurant by officers.

Once all staff were seated I began speaking to one of the males escorted from the kitchen. He was wearing an apron. I introduced myself to him by showing my warrant card. He informed me he couldn't speak English. I asked him if he spoke Mandarin and he nodded. I obtained Mandarin Interpreter and asked the male to provide me his name, date of birth and nationality, which he did. I asked him what his status was in the UK and he replied that he had no status. I asked him to confirm whether he has a visa to be in the UK at the moment and if he is currently legally in the UK. He replied that he had no visa and is not allowed to be in the UK. At 18:45hrs, based

Signature: [redacted] Signature witnessed by: N/A.....

Continuation of Statement of [REDACTED] [REDACTED] IO7

on the information that the male had told me and using the mandarin interpreter, I informed him that he was under arrest as a person liable to be detained under Paragraph 17(1) Schedule 2 of the Immigration Act 1971. I explained the administrative caution to the male and asked him if he understood the reasons for his arrest, he stated to me that he understood. I conducted checks on Home Office systems with HMI [REDACTED] who confirmed that the male was no trace of home office systems and therefore confirming that he is considered an illegal entrant to the UK and has no right to work or live in the UK. A case was created on Home Office systems for the male as an illegal entrant and he was assigned BEO/5198521 as a reference number.

I conducted a number of questions with the male regarding his health, welfare, family and home life. At 19:00hrs, CIO [REDACTED] authorised the detention of the male. CIO [REDACTED] authorised a 25A Schedule 2 search of the male's home address that he told me was at [REDACTED] High Road, Loughton. I was already aware of this address from the briefing as OIC [REDACTED] had informed us this was staff accommodation. The male who now has a reference number of BEO/5198521 provided me his key to his bedroom and stated that the manager of WOT FAT has a key to the front door of the premises. The manager of WO FAT provided me with a key that allowed me access to [REDACTED] High Road and at 19:35hrs I entered [REDACTED] High Road under 25A Schedule 2 of the Immigration Act 1971 accompanied by BEO/5198521, CIO [REDACTED] IO [REDACTED] and IO [REDACTED]'s arrested female. CIO [REDACTED] assisted me conducting a search of BEO/5198521's bedroom space. At 20:10hrs, the search was concluded, and no ID documents were located.

At 20:24hrs, I escorted BEO/5198521 from the premises and placed him in the rear of the immigration cell van. The male was now being compliant and therefore no restraints were used.

At 20:35hrs, all officers left the vicinity of WO FAT and BEO/5198521 and 6 other arrested person were transported to Brook House Immigration Detention Centre.

At 22:09hrs, I arrived at Brook House Immigration Detention Centre and whilst waiting to be booked in, I conducted illegal working questions with BEO/5198521. I used a Mandarin interpreter to conduct the questions. Interpreters reference number: 23081. The questions and answers were recorded as below:

Q. HOW LONG HAVE YOU BEEN WORKING HERE? (AT WO FAT)

A. ABOUT 1 TO 2 MONTHS

Q. WHAT IS YOUR JOB ROLE/WHAT ARE YOUR DUTIES?

A. JUST A HELPER IN THE KITCHEN.

Q. WHAT DAYS/HOURS DO YOU WORK EACH WEEK?

A. 5 DAYS A WEEK, EVERYDAY ABOUT 8-9 HOURS.

Q. DO YOU WORK THE SAME HOURS/DAYS EVERY WEEK?

A. PRETTY MUCH THE SAME.

Q. WHO GAVE YOU THIS JOB?

A. I DON'T KNOW THE BOSS NAME. I CALL HIM [REDACTED]

Signature: [REDACTED] Signature witnessed by: N/A.....

Continuation of Statement of [REDACTED] 107

Q. WHO TELLS YOU WHAT DAYS/HOURS TO WORK?

A. IT'S THE SAME EVERYDAY.

Q. WHO TELLS YOU WHAT TASKS/DUTIES TO DO EACH DAY?

A. KITCHEN STAFF TELL ME WHAT TO DO.

Q. HOW ARE YOU PAID (money, accommodation, food?) ?

A. PAID IN MONEY, FOOD AND DON'T HAVE TO PAY RENT.

Q. IF MONEY, HOW MUCH AND HOW DO YOU RECEIVE IT?

A. £350 A WEEK.

Q. WHO PAYS YOU?

A. THE KITCHEN CHEF.

Q. DO YOU PAY INCOME TAX OR HAVE A NATIONAL INSURANCE NUMBER?

A. NO I DON'T.

Q. WHAT NAME DOES THE EMPLOYER KNOW YOU AS?

A. HE CALLS ME [REDACTED].

Q. DID YOU SHOW ANY DOCUMENTS BEFORE BEING OFFERED THE JOB?

A. NEVER ASKED FOR ID.

Q. DOES YOUR EMPLOYER KNOW YOU'RE NOT ALLOWED TO WORK?

A. I DON'T KNOW.

I asked BEO/5198521 to sign my Police Report and Notebook Organiser (PRONTO) on my phone to signify I had recorded all questions and answers correctly and he did.

At 23:14hrs, all officers left Brook House Immigration Detention Centre after all persons encountered at WO FAT were booked in.

This statement was compiled with reference to my notes made on the scene on my Police Report and Notebook Organiser (PRONTO) under reference EV8-4,212.

Signature: [REDACTED] Signature witnessed by: N/A.....

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN 

TS	31	CEP1096	
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Statement of: [redacted] [IO8](#)

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

Occupation: Immigration Officer 17376

This statement (consisting of 3 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: ..... [redacted] ..... (witness) Date: 14/12/2018

I am Assistant Immigration Officer [redacted] [redacted], employed as a warranted Immigration Officer with the Home Office for the East of England Immigration Compliance and Enforcement team based at UNIT 2, FRANKLIN COURT, PRIORY BUSINESS PARK, BEDFORD, MK44 3JZ.

On 06/12/2018 in full uniform and Home Office issued Personal Protective Equipment as Arrest 1 for an intelligence lead Immigration Enforcement visit, I attended WO FAT, 270-272 HIGH ROAD, LOUGHTON, ESSEX, IG10 1RB. A brief was conducted by the Officer In Charge, IO [redacted], at Loughton Police Station in the presence of all immigration officers on the visit and a member of Essex police licensing team. I was informed that entry into the premises would be gained under Section 179 of the licensing Act 2003 having been authorised by Her Majesty's inspector (HMI) [redacted] [redacted] on the 04/12/2018. The visit was conducted following intelligence that the business was employing persons who have no permission to work in the United Kingdom.

Signature: ..... [redacted] ..... Signature witnessed by: .....

The team deployed at the address at approximately 18:16. I entered WO FAT via the public front entrance and went through to the restaurant area. There were members of staff behind the bar and in the restaurant and they were asked to gather in front of the bar where a sterile area was contained. IO [REDACTED] encountered people who were trying to leave the restaurant area and go through to the kitchen; those people working in the kitchen were subsequently directed to the sterile area. I engaged with one of the males who was encountered working in the kitchen. He did not speak English; a mandarin interpreter was obtained over the phone using BigWord, reference number: 9514. After confirming that the subject and the interpreter understood each other he gave his identity as: [REDACTED], [REDACTED], Chinese national. He stated that he did not have permission to be in the United Kingdom and he was arrested as a person liable to be detained under Paragraph 17 (1) Immigration Act 1971 (as amended). Home Office checks and his PPT, which was seized under Schedule 2, paragraph 25A (7) of the Immigration Act 1971 (as amended), confirmed that he entered the UK on 08/02/2015 on a visit visa. His visit visa was valid from 08/01/2015 until 08/07/2015. He had not subsequently obtained further leave to remain and he was therefore considered a person who had overstayed their period of granted leave. The full administrative caution was given. [REDACTED] was conveyed to BROOK HOUSE REMOVAL CENTRE.

While in WO FAT, using the BigWord interpreter as referenced above, I spoke to [REDACTED] regarding his employment at the address. He told me that he got the job via a friend who had introduced him to the business and started earlier last month. No documents were shown before he started work.

Signature:.....[REDACTED]..... Signature witnessed by:.....

He would not initially say how much he got paid, but subsequently stated that he got paid £3 per hour in cash. He also told me that he got free accommodation and free food in return for his duties, which involved working in the kitchen as a pot washer. He told me that he did not know who gave him the job, he did not know who paid him and 'someone' in the restaurant told him what shifts he must work. [REDACTED] said that he worked ten hours per day, six days per week. [REDACTED] said that he came to the UK to make money and that he was working at WO FAT willingly.

I have written this statement on 14/12/2018 from my recollection of events and with reference to my PNB, serial number 017664, pages 73 - 82.

Signature:..... [REDACTED] ..... Signature witnessed by:.....

**WITNESS STATEMENT**

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

Statement of [REDACTED] [REDACTED] ..... 109 ..... URN:

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

This statement (consisting of: .... 3..... 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: ..... Date: 10/12/2018 .....

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

I am currently employed as an Immigration Officer on the ICE East of England Felixstowe team. On Thursday 6<sup>th</sup> December 2018 I led an Immigration Enforcement visit to WO FAT, 270-272 HIGH ROAD, LOUGHTON, ESSEX, IG101RB. As the Officer in Charge of the visit I conducted a pre-visit briefing at Loughton Police Station at approximately 1745hrs. My team consisted of the following Officers: Chief Immigration Officer [REDACTED], Immigration Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and Assistant Immigration Officer [REDACTED]. Also present at the briefing was Essex Police Licensing Officer Peter JONES. During the briefing I clearly stated that our power of entry was Section 179 of the Licensing Act 2003 and that the WO FAT licence did not cover the kitchen area of the business. Officers were therefore not to enter the kitchen on initial entry and would observe the staff reaction to our presence before any further action would be taken.

I entered WO FAT at 1813hrs and was first through the front door. My team were all dressed in full Immigration Enforcement uniform and could be clearly identified. I asked to speak to the manager but none of the staff came forward and some stated that they could not speak English. A Romanian female who I now know to be [REDACTED] born [REDACTED] came forward and communicated in English. I explained to her who I was showing my warrant card and then served and explained a Section 179 notice and the Notice to Occupier. She confirmed her understanding. During this period, I was in constant radio communications with my team who had observed a strong adverse reaction to our presence from staff trying to escape from the kitchen area and so had entered the kitchen.

All members of staff were brought to the restaurant seating area and were questioned. In total, seven members of staff were found to be illegally present in the UK and were arrested.

At approximately 1850hrs a man came into the restaurant and identified himself as [REDACTED] born [REDACTED] a GBR national and the manager of WO FAT. I believe that he had been called by another member of staff and so had attended the restaurant. I explained to [REDACTED] why were at his restaurant and the initial power of entry as Section 179 of the Licensing Act 2003 and explained the Notice to Occupier to him. He confirmed his understanding.

At 1919hrs I conducted illegal working (employer) questions with [REDACTED] which was recorded on PRONTO and is shown below:

[REDACTED]: What are the Companies House and VAT numbers of the business?

[REDACTED]: 291736478 (VAT NO.)

[REDACTED]: What is your position here?

[REDACTED]: Manager

[REDACTED]: How long have you been working here?

[REDACTED]: About 10 years

[REDACTED]: Have you taken any right to work evidence from the 7 members of staff shown on the referral notice?

[REDACTED]: Most of them are part (time) so no.

[REDACTED]: Do the persons living upstairs get accommodation as part of their employment here?

[REDACTED]: Yes we give them accommodation and if we need them they come down and work.

[REDACTED]: Do you issue all the staff wages here?

[REDACTED]: Yes to everybody on your list (Civil Penalty Referral Notice)

[REDACTED]: Do you know all 7 on the referral notice?

[REDACTED]: Yes I recognise them all.

[REDACTED] then signed my phone to state that he understood all the questions and that the details were true and correct.

At 1926hrs I served and explained a Civil Penalty Referral Notice to Chi Kwong WU with the details of the seven illegal workers that had been encountered working in his restaurant. He confirmed his understanding and I photographed the notice.



After several Section 25A(2) Immigration Act 1971 searches were carried out at the addresses of ██████████ and ██████████ HIGH ROAD, LOUGHTON, ESSEX, IG101RB, which are the flats above the restaurant and used for staff accommodation, all Officers were off the premises by 2040hrs. The seven immigration offenders were then transferred directly to an Immigration Removals Centre and booked in.

This statement was compiled at Custom House, Viewpoint Road, Felixstowe, IP11 3RF on Monday 10<sup>th</sup> December 2018 at 1020hrs and has been produced from the information noted on the (Police Report and Notebook Organiser) PRONTO visit reference EV8-4,212 .

**WITNESS STATEMENT**

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: Peter JONES

Age if under 18: (if over 18 insert 'over 18') Occupation: Licensing Officer 7706

This statement (consisting of            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: [REDACTED]

(witness) Date: 28/01/2019

I am a Licensing Officer employed by Essex Police. I have been employed by Essex Police since May 2003; and a Licensing Officer since August 2011.

On Thursday 6<sup>th</sup> December 2018 at 18:45hrs and in company of Immigration Compliance and Enforcement Officers (ICE); I attended WO FAT, 270-272 High Road, Loughton, IG10 2RB.

ICE entered first in order to make the sure the premises were safe; and to prevent persons from absconding. They went about their business interviewing all staff and identifying their right to work and remain in the UK.

A male approached me and identified himself as the manager. I now know this male to be [REDACTED]; DOB [REDACTED]. I will refer to this male as MANAGER.

I asked MANAGER if he knew The Designated Premises Supervisor and Premises Licence Holder Mr Chi Chiu WU. MANAGER replied 'yes, he is my brother'. He went on to explain that he was out doing deliveries.

At this point the premises licence holder and DPS Chi Chiu WU arrived and identified himself to me. He produced his personal licence to me in order to confirm his identity. I asked him whether he has carried out any right to work checks on his employees. He said that he had and that they were at home. He then left to carry out more deliveries.

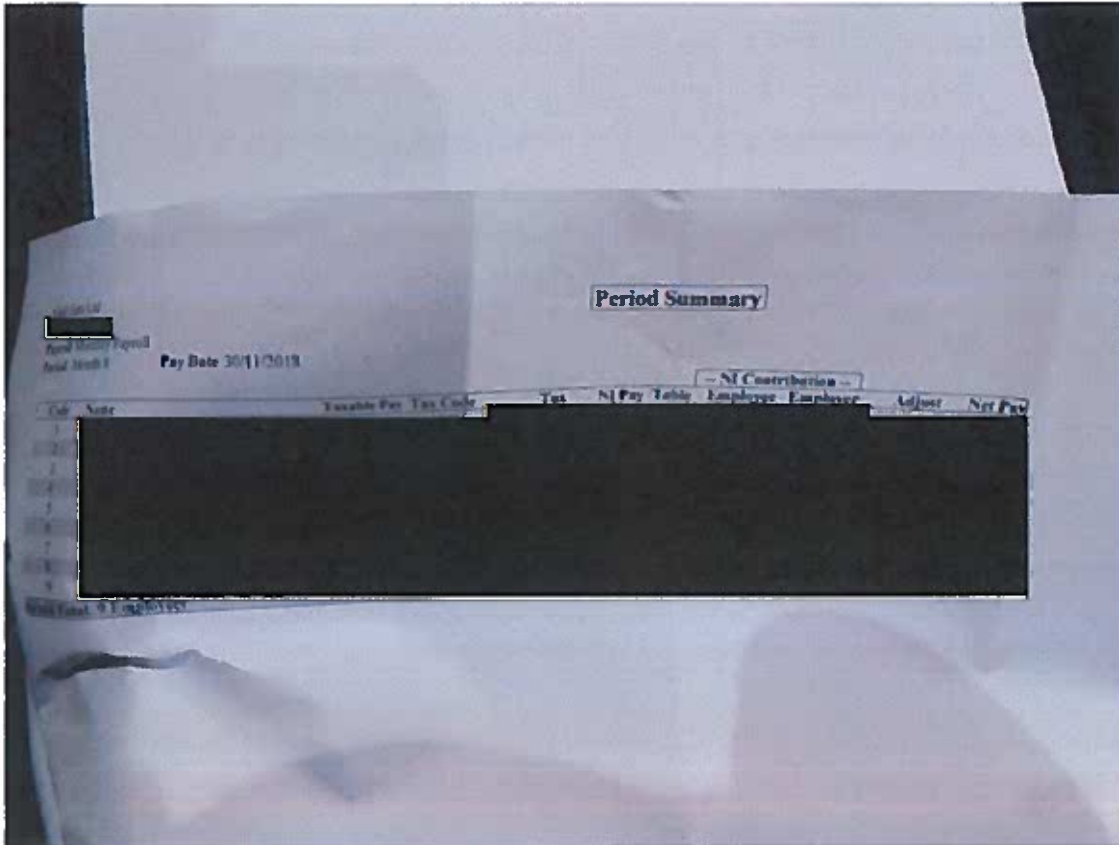
Approximately 30 minutes later the premises licence holder and DPS Chi Chiu WU returned and presented me with payroll paperwork for November 2018. I took a photograph of this and produce it as my exhibit (PJ/1). The individuals shown on the payroll document do not relate to the individual ICE encountered working at the premises with no right to work or leave to remain in the UK.

ICE entered the residential addresses above the restaurant as these were identified by those detained as being where they lived. I remained with ICE as they entered these properties.

The properties were two maisonettes with multiple rooms, all being used as bedrooms with more than one bed in each. Each maisonette had a bathroom; which was dirty an in a poor state of repair. I produce exhibit (PJ/2) which are some photographs I managed to take to evidence the poor living conditions of the illegal workers.

EXHIBIT PJ/01 – PHOTOGRAPH OF NOVEMBER 2018 PAYROLL STATEMENT

WO FAT, 270-272 HIGH ROAD, LOUGHTON, IG101RB



**EXHIBIT PJ/02 – PHOTOGRAPHS OF ACCOMMODATION ABOVE WO FAT, 270-272 HIGH ROAD, LOUGHTON, IG101RB WHERE THE DETAINED PERSONS RESIDED**





Transfer licence + change Dps  
- Mr Chi Chiu Wu

## PREMISES LICENCE

### Part A



Corporate  
Support  
Services

Premises licence number:

LN/210001332

#### Part 1 – Premises details:

Postal address of premises, or if none, ordnance survey map reference or description:

Wo Fat Restaurant  
270-272 High Road,

Post Town: Loughton      Post code: IG10 1RB

Telephone number: 020 8508 0464

Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence:

Sale of Alcohol  
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Monday – Saturday 11.00-00.00  
Sunday 12.00-00.00  
Good Friday & Christmas Day 12.00-00.00

Late Night Refreshment is permitted for 30 minutes after the terminal hour for sale of alcohol.

The opening hours of the premises:

Where the licence authorises supplies of alcohol whether these are on and / or off supplies:

On Only

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Mr Chi Chiu Wu  
270-272 High Road, Loughton, Essex, IG10 1RB  
020 8508 0464

**Registered number of holder, for example company number, charity number (where applicable):**  
N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**  
Mr Chi Chiu Wu

[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**  
Epping Forest District Council  
LN/210004118



**Annex 1 – Mandatory conditions:**

1. No supply of alcohol may be made under the premises licence:-
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or when the designated supervisor has a licence suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence (see section 19 Licensing Act 2003)
3. Where a condition applies requiring a person to carry out a security activity at the premises, those individuals must be licensed by the Security Industry Authority (see section 21 Licensing Act 2003)
4. Where a premises licence authorises the exhibition of films, the admission of children to the exhibition of any film is to be restricted in accordance with section 20 Licensing Act 2003.

**Annex 2 – Conditions consistent with the Operating Schedule:**

N/A

**Annexe 3 – Conditions attached after a hearing by the licensing authority:**

N/A

**Annexe 4 – Plans:**

**Plans held at Epping Forest District Council**

Re: Licence of 2003  
No Fat Restaurant  
270-272, High Road  
Boughton, 18 10 185.

[redacted] Dear Sir  
Boughton  
Essex.  
[redacted]

15<sup>th</sup> February 19

Dear Sir or Madam,

We have been going to No Fat Restaurant, Boughton, for over 20 years for any special occasion.

The owner and staff are always very friendly and polite.

There has never been any trouble-makers at this restaurant.

It would be very sad if we could not have an alcoholic drink with our meal.

Please let them keep their drink licence.

Yours sincerely  
[redacted]

**ROBERT WOODLAND & SON**  
Carpenters & Joiners Furniture Painting  
Decorative & Ornamental Work

Ref 29<sup>th</sup> January  
2019.

7 THE AVENUE LOUGHTON ESSEX IG10 4PT Tel: 020 8508 6882

26<sup>th</sup> January  
2019.

NO FAT RESTAURANT LOUGHTON IG10 1RB.

LICENCE REVIEW

Dear Sirs. Madam

I am writing to you regarding above mentioned Restaurant, for there review of licence due to immigration problems, which have now been resolved in full.

This Restaurant has been trading in Loughton for over 40 years, and it would be sad to see this Restaurant close its door.

I myself family and friends plus business associates have been going to this Restaurant for many years, and have never experienced any problems, there Food is my favourite.

Having spoken to the staff they have told me that all the workers in the Restaurant are now all legally employed by NO FAT RESTAURANT LOUGHTON.

I should personally appreciate if you would give them a second chance, for the local people to carry on enjoying the NO FAT SPECIAL

Your sincerely

Conservators & Builders



**Peter Dallas**

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Princes Close, North Weald, Essex

e-mail:

Friday, 15 February 2019

Epping Forest District Council  
Licensing Unit  
Civic Offices  
High Street  
Epping CM16 4BZ

Dear Sir

**RE: WO FAT CHINESE RESTAURANT-272 HIGH ROAD LOUGHTON IG10 1RB  
NOTICE OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER  
LICENSING ACT 2003**

This evening when I went for dinner to Wo Fat restaurant in Loughton. I saw the above notice on the front window. I have been going to this restaurant for many years, like so many other regular clients in Essex.

This restaurant provides excellent service by courteous, well trained staff, the food is cooked well and the premises are clean. I spoke to the manager and he assured me that there is no illegal immigrant working there.

Wo Fat is a well established restaurant that has served the local community for about forty years & it would be a great loss to many regular customers if it were not trading anymore.

**Like many other members of the local community I hope you will grant them renewal of their full license to trade and carry on serving the community to a high standard as they have always done.**

Yours sincerely

Peter Dallas

The Licensing Team

Epping Forest District Council Civic offices,

High Street

Epping Essex

CM16 4BZ

25th February 2019

Dear Sir/Madam,

Re: Consultation on the license for Wo Fat Loughton

I am writing in response to the above matter. I oppose the Licensing team's consideration to revoke the Licence of Wo Fat Restaurant Loughton. We have been living in the neighbourhood of Wo Fat for the past 25 years and used to live just doors away from them. We have never experienced any trouble or concern with their licence, especially on the alcohol front. The restaurant has always provided a homely and welcoming atmosphere without any drunken customers nor staff. The staff is friendly and polite. It gives a strong sense of family who looks after each other like dining together before the restaurant opens. The restaurant has also always been very children and elderly friendly with very patient and careful staff who always try to make the night out a pleasant one. The restaurant is also active in sponsoring local events such as school open days as well as eager to help should any of their neighbours or customers need help. The owner once offered to help us with moving house when we mentioned it to him. It will be a great loss to the community if the licence is revoked and thus likely to drive them out of business.

Yours sincerely,



Nena Sek



■ The Lindens

Loughton

Essex ■

The Licensing Team  
Epping Forest District Council  
High Street  
Epping CM16 4BZ

8<sup>th</sup> February 2019

Dear Sirs,

Re: Wo Fat Restaurant, 270-272 High Road Loughton

I am writing to oppose the revocation of the licence of the above establishment. This establishment should retain its licence as it sets an excellent example for the serving of alcohol.

I have regularly dined at this restaurant over the last decade and always found it to be a very family-friendly establishment. At the time when my daughter was born and when she was a toddler, we lived a couple of doors down from the restaurant for a few years. We never experienced any noise or disorderly behaviour of any kind from patrons of the establishment. I remember at this time a church friend of ours had recently been widowed and would sometimes enjoy lunch and a glass of wine amongst the convivial environment of Wo Fat. This is very much reflective of the nature of alcohol service at Wo Fat. We still dine there once or twice a month and this is still very much how the place is.

The proprietor, Lester, is well-loved and respected in our community. He is passionate about his mission of bringing Chinese culture and cuisine to the people of Loughton but is well known to have a deep and tender respect for British traditions. He and his restaurant are an integral part of Loughton society.

I would very much urge to allow the people of Loughton to continue to enjoy a glass of wine or beer with their Chinese lunch or dinner.

Yours faithfully,

■  
Dr Jeremy Penn MA (Cantab)

Mr A.P. Martin  
[REDACTED] Stonards Hill  
Loughton  
[REDACTED]

03/02/2019

Re:- Licence.Review, Wo-Fat Restaurant, 270-272 High Road, Loughton

Dear Sir/ Madame

I have noted that there is a licence review to take place for the above restaurant due to an immigration issue.

I understand the seriousness of this and have spoken to the manger about this. I have been assured this was a mistake and will not happen again.

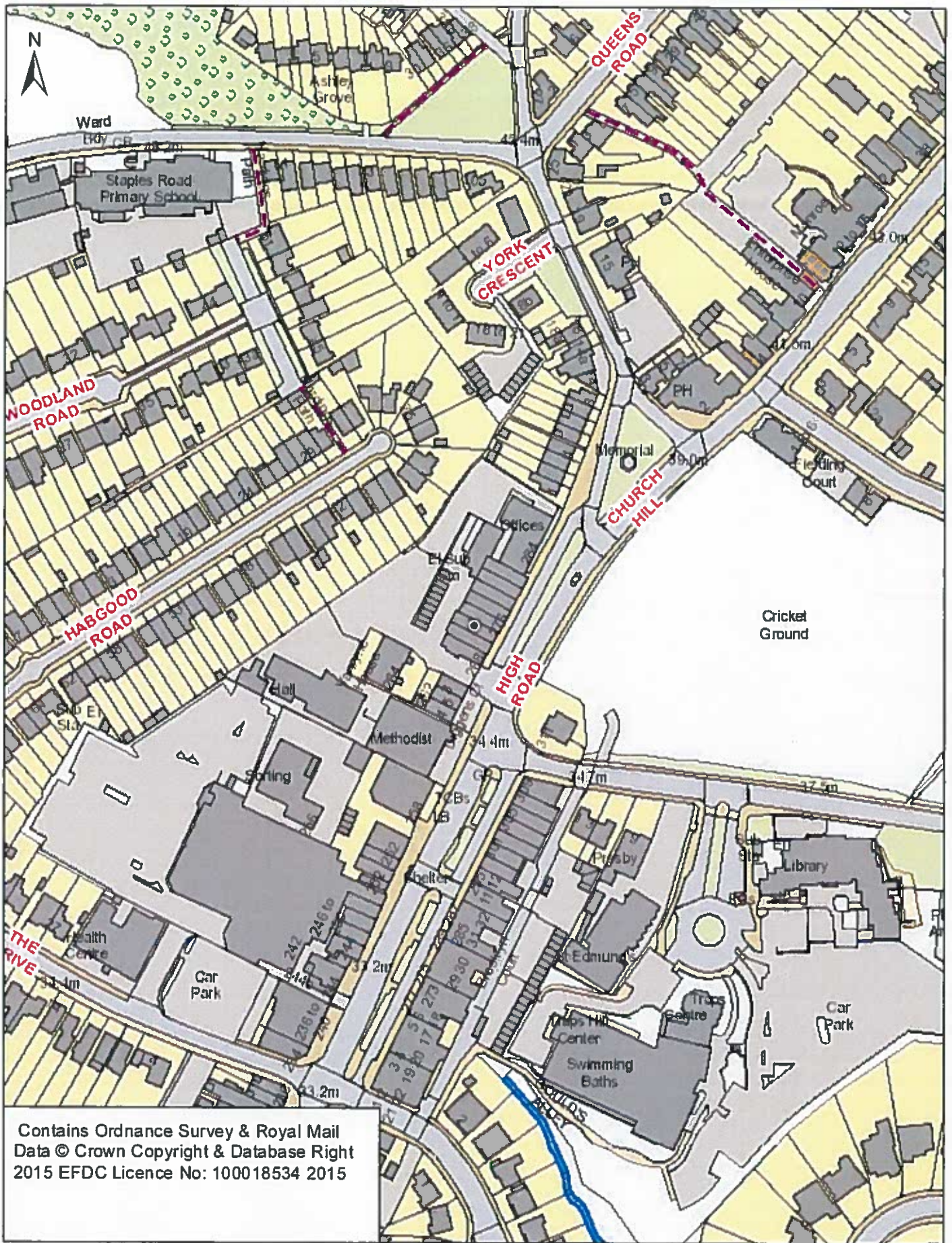
As this business is a long standing part of our local community having been there many years I would like to give the restaurant my full support.

I therefore would like to oppose this review.

Yours

Andrew Martin

[REDACTED]



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Example:

Notice of Application for a review of a Premises Licence  
under the Licensing Act 2003

Notice is given this day *29<sup>th</sup> January 2019* that David Colwell 79057, Licensing Officer of Essex Police has applied to the Licensing office of Epping Forest District Council for a Review of the Premises Licence in respect of Wo Fat 270-272 High Road, Loughton, IG10 1RB

The proposed application to review relates to the following licensing objective:

The prevention of crime and disorder

The grounds for review are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office discovered disqualified persons working illegally on the premises. The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in a licensed premises.

The register of licensed premises is maintained at the Licensing Office of Epping Forest District Council, Civic Offices, High Street, Epping, Essex, CM16 4BZ.

Applications for premises licences may be inspected at this office during office hours. Anyone wishing to oppose this application must give written notice to the Licensing Office within 28 days of this notice.

It is an offence knowingly or recklessly to make a false statement in connection with an application which could lead to a fine on summary conviction (maximum £5000)