



Agenda

Meeting: **Licensing Sub-Committee**
Date: **9 December 2019**
Time: **10.00 am**
Place: **Council Chamber - Civic Centre Folkestone**

To: **To all members of the Licensing Sub Committee**

The sub-committee will consider the matters listed below at the date, time and place shown above. The meeting will be open to the press and public.

Members of the sub-committee who wish to have information on any matter arising on the Agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Election of Chairman for the meeting**
2. **Apologies of absence**
3. **Declarations of interest (Pages 3 - 4)**

Members of the Council should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI)
- b) other significant interests (OSI)
- c) voluntary announcements of other interests

4. **Declarations of lobbying**

Queries about the agenda? Need a different format?

Contact Committee Services – Tel: 01303 853369/853267
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

Members should complete the enclosed yellow form and return it to the Committee Administrator at the meeting.

5. **An application for a Review of a Premises Licence in respect of: Tamarind, 37 Littlestone Road, Littlestone, Kent, TN28 8LN (Pages 5 - 22)**

This report outlines the application made by Home Office - Immigration Enforcement, for a Review of the Premises Licence at a restaurant in Littlestone following enforcement action taken by them. The Licensing Sub-Committee must determine the outcome for the application

6. **Exclusion of the Public**

To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information relating to any individual.’

7. **Application for Private Hire Taxi Licence (Pages 23 - 32)**

This report considers whether the application to be a Private Hire Driver should be accepted, considering that several previous convictions are on the applicant's DBS.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

This page is intentionally left blank

This report will be made public on 29 November 2019



Report Number: **DCL/19/25**

To: Licensing Sub-Committee
Date: 9th December 2019
Status: Non-Executive Decision
Head of service: Amandeep Khroud

SUBJECT: An application for a Review of a Premises Licence in respect of:
Tamarind, 37 Littlestone Road, Littlestone, Kent, TN28 8LN

SUMMARY: This report outlines the application made by Home Office - Immigration Enforcement, for a Review of the Premises Licence at a restaurant in Littlestone following enforcement action taken by them. The Licensing Sub-Committee must determine the outcome for the application.

REASONS FOR DETERMINATION:

The Committee is asked to consider the Review application for the Premise Licence. When considering the application the Committee must ensure they fully promote the licensing objectives. The Committee is obliged to have regard to the revised national section 182 guidance and the council's own licensing policy.

DETERMINATION:

The Licensing Sub-Committee is asked to:

1. Note the contents of Report DCL/19/25
2. Determine the application. The options for determining the application are set out in section 4.

1. BACKGROUND

- 1.1 The Licensing Act 2003 provides that the sale or supply of alcohol on and off the premises and other licensable activities must be authorised by a premises licence.

A premises licence holder must comply with the four licensing objectives:

- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.2 The premises, 37 Littlestone Road, Littlestone, Kent, TN28 8LN has held a licence since 2008 when the premises was known as Mumbai Quarter. In 2011 the premises changed names to Tamarind. The Premises Licence holder and Designated Premises Supervisor was Mr Hussain until November 2018, when they were both transferred to Mr Alam. A copy of the current licence can be found at Appendix 1.

2. APPLICATION

- 2.1 An application to Review the Premises Licence has been received from the Home Office – Immigration Enforcement. The application can be found at Appendix 2.
- 2.2 The application sets out the enforcement action taken by the Home Office on 12th April 2019 when they found a Bangladesh national working illegally at the premises. A civil penalty of £15,000 was imposed on the licence holder, Mr Alam, on 2nd July 2019. There was no objection or appeal from Mr Alam. The deadline for payment has passed and no payment has been made. The premises has not been open for several months.
- 2.3 The employment of people who do not have the right to work in the UK is a serious crime and can be linked to the exploitation of vulnerable people.
- 2.4 Employing people without making the legally required checks demonstrates that the premises licence holder is not robust and does not take his responsibilities or the Licensing Objectives seriously.
- 2.5 Working illegally is a criminal offence and on conviction an illegal worker may receive a custodial sentence of up to 6 months and an unlimited fine.
- 2.6 An employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker and an employer who knowingly or has reasonable cause to believe that employment is not permitted, may on conviction after indictment, be subject to a custodial sentence of up to five years, and an unlimited fine.
- 2.7 The Home Office (Immigration Enforcement) have submitted this application to Review the premises licence due to the significant risk that the licensing objective of preventing crime and disorder is being undermined.

2.8 The Immigration Act 2016 brought in amendments to the Licensing Act 2003 relating to illegal working. Under Schedule 4, Section 5 it states that a premises licence may be revoked if considered appropriate for the promotion of the crime prevention objective, in order to prevent illegal working.

3. RELEVANT REPRESENTATIONS

3.1 This Hearing has been required by the Licensing Act 2003 because the Review application was made by a Responsible Authority. No other representations were submitted.

| Responsible Authority | Comments |
|-----------------------------------|------------------------------|
| Home Office - Immigration | Review application submitted |
| Kent Police | None |
| Environmental Health (Pollution) | None |
| Environmental Health (Commercial) | None |
| Kent Fire and Rescue | None |
| Planning | None |
| Child Protection Agency | None |

The application can be found in Appendix 2.

4. OPTIONS

4.1 The Licensing Sub-Committee has the following options:

- a) Take no action against the Premises Licence
- b) Add conditions to the Licence
- c) Remove the DPS
- d) Revoke the Licence

4.2 The Committee is asked to note that it may not add conditions or revoke the licence merely because it considers it desirable to do so. The Committee must only consider evidence that relates to the 4 Licensing Objectives. Any conditions added must promote the Licensing Objectives.

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Briony Williamson, Senior Licensing Officer
Telephone: 01303 853475
Email: briony.williamson@folkestone-hythe.gov.uk

Background documents:

Current Licensing Policy is available here:

https://www.folkestone-hythe.gov.uk/media/4022/Licensing-Policy-Statement-2016-2021/pdf/Shepway_District_Council_-_Licensing_Policy_Statement_2016-2021.pdf

The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available at:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

The Immigration Act 2016 can be read here:

http://www.legislation.gov.uk/ukpga/2016/19/pdfs/ukpga_20160019_en.pdf

The Committee members are advised to read the new guidance thoroughly. Your attention is drawn to paragraphs 9.42, 9.43 and 9.44 in respect of the determination of the application. Additionally members are advised to refer to section 10 about imposing conditions. It is also good practice that if they propose to apply conditions they should be discussed with the applicant prior to the determination to ensure that they are proportionate.

6. APPENDICES

- Appendix 1. Current Premises Licence
- Appendix 2. Review Application Form

Premise Licence

Part A



Folkestone & Hythe District Council
Civic Centre, Castle Hill Avenue,
Folkestone, Kent CT20 2QY

Premises Licence Number: SHEP00526/08

Part 1 – Premise Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Tamarind
37 Littlestone Road
Littlestone
New Romney
Kent
TN28 8LN

WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 06/09/2008 Transfer & VDPS: 14/11/2018

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Alcohol On Sales Only

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| | Alcohol On Sales Only | Late Night Refreshment |
|-----------|--------------------------|---------------------------|
| Monday | 17:00 23:00 | 17:00 23:00 |
| Tuesday | 17:00 23:00 | 17:00 23:00 |
| Wednesday | 17:00 23:00 | 17:00 23:00 |
| Thursday | 17:00 23:00 | 17:00 23:00 |
| Friday | 17:00 23:45 | 17:00 23:45 |
| Saturday | 17:00 23:45 | 17:00 23:45 |
| Sunday | 17:00 23:00 | 17:00 23:00 |

THE OPENING HOURS OF THE PREMISES (IF GIVEN)

| | |
|-----------|----------------|
| Monday | 17:00 to 23:00 |
| Tuesday | 17:00 to 23:00 |
| Wednesday | 17:00 to 23:00 |
| Thursday | 17:00 to 23:00 |
| Friday | 17:00 to 23:45 |
| Saturday | 17:00 to 23:45 |
| Sunday | 17:00 to 23:00 |

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

On

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mr Md Alam
32 Arlington Crescent
Waltham Cross
Hertfordshire
EN8 7RN Telephone: 07950 701826

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 Md Alam
32 Arlington Crescent
Waltham Cross
Hertfordshire
EN8 7RN

Telephone: 07950 701826

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY
DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR
THE SUPPLY OF ALCOHOL**

ISSUING AUTHORITY: Borough of Broxbourne
PERSONAL LICENCE NUMBER: LN/201700208

Annex 1- Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that 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.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY LICENSING CONDITIONS ORDER 2010

1.

1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

- (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (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;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) 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.

2.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3.

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

5. 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) customers are made aware of the availability of these measures.

Annex 2 - Conditions Consistent with the Operating Schedule

Protection of children from harm Operating Schedule

No alcohol served to under 18's

Annex 3 - Conditions Attached after a Hearing by the Licensing Authority

Annex 4 - Plans

As at application date held on file

Folkestone

Hythe & Romney Marsh

Shepway District Council



www.sh-pc.gov.uk

07 OCT 2013

Licensing Team, Civic Centre, Castle Hill Avenue, Folkestone, Kent JCT20 2QY
01303-858660

**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

(Insert name of applicant)

~~apply for the review of a premises licence under section 51 / apply for the review of a
club premises certificate under section 97 of the Licensing Act 2003 for the premises
described in Part 1 below (delete as applicable)~~

Part 1 - Premises or club premises details

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

TAMARIND

37 LITTLESTONE ROAD,

Post town

NEW ROMNEY

Post code (if known)

TN28 8LN

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

MD ALAM

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

Part 2 - Applicant details

I am

Please tick ✓ yes

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

| | |
|--|--|
| Name and address | |
| IMMIGRATION ENFORCEMENT HOME OFFICE FRONTIER HOUSE, 7 SHORNCLIFFE ROAD, FOLKESTONE CT20 2SH | |
| Telephone number (if any) | 01303 247038 |
| E-mail address (optional) |  |

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

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

Please tick one or more boxes ✓

| |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

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

See attached.

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

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

Representation in respect of TAMARIND, 37 Littlestone Road, New Romney TN28 8LN

A civil penalty fine for £15,000 was imposed on Tamarind, 37 Littlestone Road, New Romney TN28 8LN on 02/07/19. This was in respect of an Immigration Enforcement visit, on 12/04/19, when one Bangladesh national was found working illegally at the premise.

There was no objection or appeal from the employer so after 28 days appeal rights were exhausted. The penalty is due and still outstanding and will be going through the debt recovery process with a third party agent.

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

Employing people without making the legally required checks demonstrates that the premises licence holder is not robust and does not take the responsibilities towards the licensing objectives seriously.

The ability to work illegally is a key driver of illegal migration; it encourages people to break the UK's immigration laws and provides the practical means for migrants to remain unlawfully in the UK.

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

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

Working illegally is a criminal offence and on conviction in England and Wales, an illegal worker may receive a custodial sentence of up to six months and an unlimited fine.

We are committed to tackling the economic motivation behind illegal migration and those people who facilitate it. However, employers also have an important role to play in preventing illegal working by undertaking simple checks on their employees' right to work in the UK.

Employers have had a responsibility since 1997 to ensure they do not employ illegal workers. Since 2008, this requirement has been underpinned by civil and criminal sanctions for non-compliance, set out in the Immigration, Asylum and Nationality Act 2006 - sections 15 and 21. Under these sanctions, an employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker and an employer who knowingly or has

reasonable cause to believe that the employment is not permitted may on conviction after indictment be subject to a custodial sentence of up to five years and an unlimited fine.

Employers may prevent a liability for a civil penalty by undertaking simple right to work checks on all those they intend to employ and repeating the checks if the employee has time-limited permission to live and work in the UK.

In order for CPCT to issue a civil penalty, they must be satisfied that an employer (who has not established a statutory excuse) has employed an individual subject to immigration control who is not permitted to do the work in question. For the purposes of the civil penalty scheme (s15 of the Immigration, Asylum and Nationality Act 2006) 'employment' is defined in s25 of this Act and unless this employment relationship can be demonstrated on a balance of probabilities, the civil penalty will fail following an objection and/or an appeal even if it is clear that illegal work has taken place. In this respect 'employment' is not the same as 'work'. The employment of people who do not have the right to work in the UK is a serious crime and can be linked to exploitation of vulnerable people.

The Home Office (Immigration Enforcement) have presented this evidence to inform the licensing committee's consideration and to draw to its attention the significant risk that the licensing objective of preventing crime and disorder is being undermined.

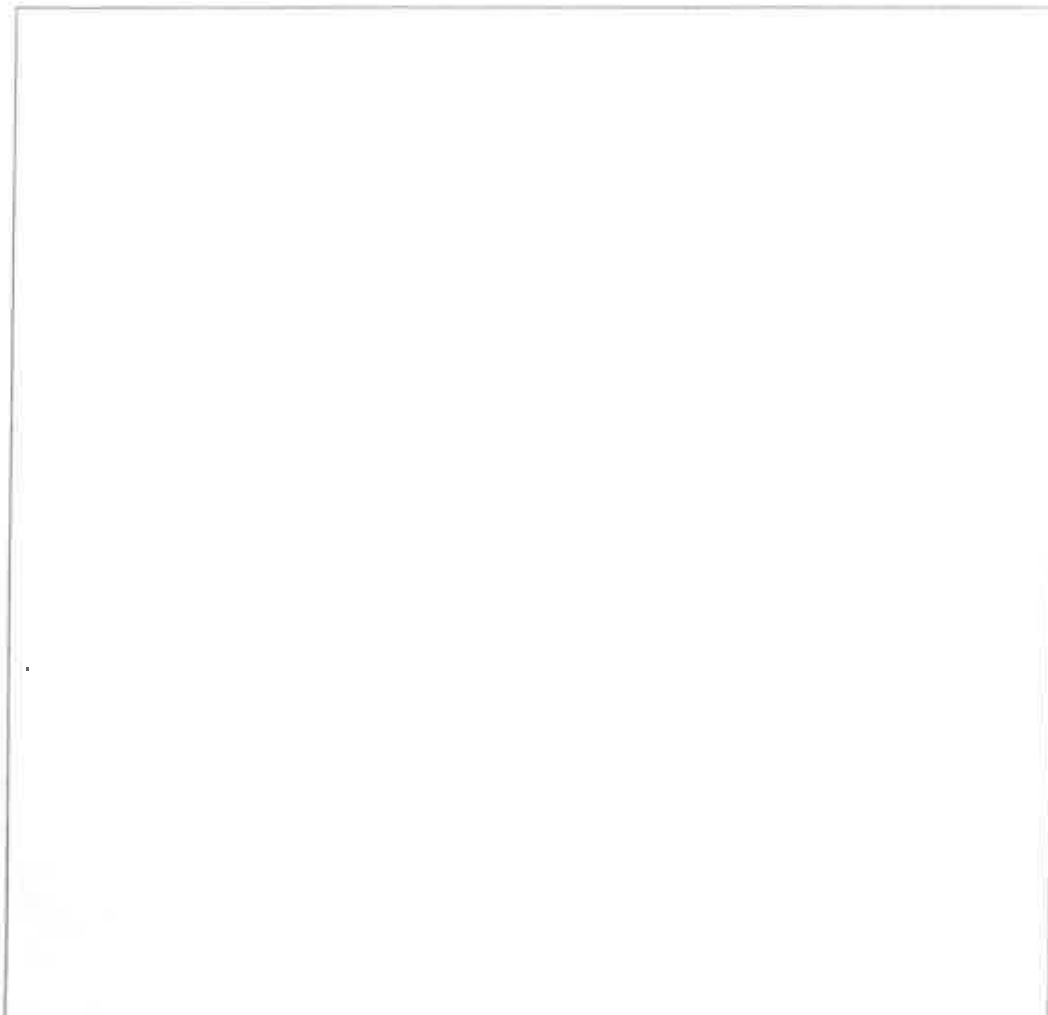
If yes please state the date of that application

Day Month Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

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

N/A



Please tick ✓ yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

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

Signature

Date

02/10/19

Capacity

..... HOME OFFICE : RESPONSIBLE AUTHORITY.....

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Agenda Item 7

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

FOLKESTONE AND HYTHE DISTRICT COUNCIL

**Licensing sub-committee
9 December 2019**

Declarations of Lobbying

Members of the licensing committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e., letter, telephone call, etc.) in respect of the applications below:

| Application No. | Type of lobbying |
|------------------------|-------------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

SIGNED:

When completed, please return this form to the committee administrator at the meeting.

This page is intentionally left blank