

# Folkestone

Hythe & Romney Marsh  
Shepway District Council



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	Post code (if known)
NEW ROMNEY	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**

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

**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.

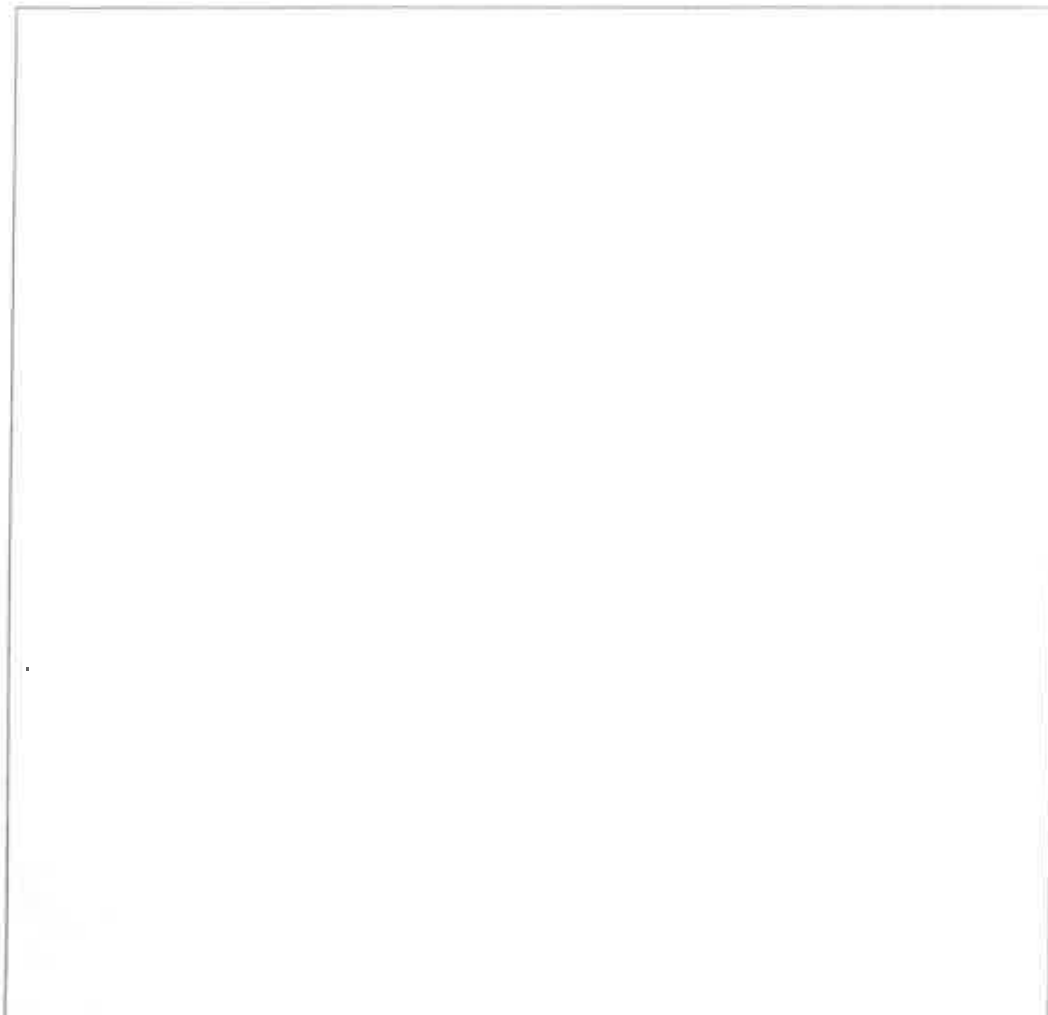
If yes please state the date of that application

Day Month Year

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**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.

