

# Public Document Pack

## Notice of Meeting

**Licensing & Public Space Protection Order (PSPO) Sub Committee**  
Councillors Mandy Brar, Clive Baskerville and Genevieve Gosling

**Wednesday 6 December 2023 10.00 am**  
**Grey Room - York House - Windsor & on [RBWM YouTube](#)**

www.rbwm.gov.uk



### Agenda

Item	Description	Page
1	<b>Appointment of Chair</b> The Sub Committee are asked to appoint a Chair for the duration of the hearing.	-
2	<b>Apologies for Absence</b> The Sub Committee shall receive any apologies for absence .	-
3	<b>Declarations of Interest</b> The Sub Committee are asked to declare any interests that they may have.	3 - 4
4	<b>Procedures of the Sub Committee</b> All attendees at the hearing are to note the procedures of the Sub Committee.	5 - 6
5	<b>Consideration of an application for to review a premises license</b> The Sub Committee are to consider an application for a review of a premises license at The Bell and Bottle, Bath Road, Maidenhead, SL6 3RX.	7 - 68

By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

Please contact Oran Norris-Browne, [Oran.Norris-Browne@RBWM.gov.uk](mailto:Oran.Norris-Browne@RBWM.gov.uk), with any special requests that you may have when attending this meeting.

Published: Monday 27 November 2023



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## MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Other Registerable Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

### Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

*DPIs (relating to the Member or their partner) include:*

- *Any employment, office, trade, profession or vocation carried on for profit or gain.*
- *Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses*
- *Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.*
- *Any beneficial interest in land within the area of the council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
  - a) that body has a place of business or land in the area of the council, and*
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.*

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

### Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.** If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

### Other Registerable Interests:

- a) any unpaid directorships
  - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
  - c) any body
    - (i) exercising functions of a public nature
    - (ii) directed to charitable purposes or
    - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

### Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, or a body included under Other Registerable Interests in Table 2 you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in the Members' code of Conduct)

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter (referred to in the paragraph above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

**You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

### Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

## CONSIDERATION OF AN APPLICATION TO REVIEW A PREMISES LICENCE UNDER s51 of the LICENSING ACT 2003

### Procedures

The Sub-Committee to elect a Chair. The Chair will welcome all parties to the meeting, introduce the Sub Committee members and officers present. The hearing will then proceed as follows;

- a) The Reporting Officer (as the licensing authority) to outline the application and the decision to be taken
- b) Sub Committee Members to ask questions of the Officer Reporting
- c) Applicant to ask questions of the Officer Reporting
- d) Premises license holder to ask questions of the Officer Reporting
  
- e) The Applicant to put their case to the Sub Committee
- f) Sub Committee Members to ask questions of the Applicant
- g) Premises license holder to ask questions of the Applicant
  
- h) Other responsible authorities to make their representation
- i) Sub Committee Members to ask questions of other responsible authorities
- j) Premises license holder to ask questions of other responsible authorities
  
- k) Other persons to make their representation
- l) Members to ask questions of other persons
- m) Premises license holder to ask questions of other persons
  
- n) Applicant to briefly summarise their position
- o) Premises license holder to briefly summarise their position
- p) Officer Reporting to sum up and restate the options for the Members of the Sub Committee
- q) Chair to ask if any parties have any further questions or anything they wish to add
- r) Sub Committee to retire and communicate their decision within 5 working days

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## RBWM LICENSING & PUBLIC SPACE PROTECTION ORDER SUB-COMMITTEE

6 December 2023 – York House, Windsor

### CONSIDERATION OF AN APPLICATION TO REVIEW A PREMISES LICENCE UNDER s51 of the LICENSING ACT 2003

**Sub-Committee Members:** Cllr Baskerville, Cllr Brar, Cllr Gosling.

**Officer reporting:** Craig Hawkings – Licensing Team Leader

#### 1. The Application

**Applicant:** Caroline Laird - Immigration Officer (Home Office)

**Premises:** The Bell and Bottle, Bath Road, Maidenhead, SL6 3RX

**Premises Licence Holder:** Surinder Kumar Rajput

**Designated Premises Supervisor (DPS):** Sachin Rajput

**Type of Premises:** Public House & Restaurant

The current premises licence is PL051203 **Appendix A**

The application to review this premises licence is **Appendix B**

Map of the Surrounding Area: **Appendix C**

#### 2. Background

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or provides late night refreshment.

Under section 51 of the Licensing Act 2003 a responsible authority or any other person may apply to the relevant licensing authority for a review of a premises licence.

A “responsible authority” is defined in the Licensing Act 2003 as one of the agencies set out in section 13 of that Act.

The 2016 Act made the Home Secretary a responsible authority with effect from 6 April 2017 in respect of the sale of alcohol and late-night refreshment (The Secretary of State (Home Office IE) is not a responsible authority in respect of the supply of alcohol by clubs (members clubs which are licensed under club premises certificates, for example, political or sports clubs), or the provision of regulated entertainment). In effect this conveys the role of responsible authority on IE. When IE acts as a responsible authority it will do so under the prevention of crime and disorder licensing objective.

Any such application must not be frivolous or vexatious or a repeat of a previous application, but it must relate to one or more of the four licensing objectives set out in the Licensing Act 2003, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance, and
- the protection of children from harm

The application to review the premises licence of Bell and Bottle is not frivolous or vexatious, or a repeat of a previous application. It relates to one or more of the four licensing objectives. It is therefore a valid application.

The application includes a statement from the applicant, Caroline Laird which sets out in detail the reasons why the application has been submitted and the evidence to support it. Caroline Laird concludes her statement by saying, one of the licensing objectives which underpins the Licensing Act 2003 is the prevention of crime and disorder and all operators are expected to take steps to promote the licensing objectives. Home Office (Immigration Enforcement) believe Mr Surinder Kumar Rajput is not preventing crime and disorder and therefore should no longer be allowed to hold a premises licence. Mr Surinder Kumar Rajput is using his Hospitality businesses to employ illegal workers which is strictly prohibited under the Licensing Act 2003 and Immigration Act 1971(aa). Employing illegal workers in the UK has the following impact on the community and society as a whole:-

1. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
2. It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
3. It encourages other overstayers / illegals to seek similar work.
4. It allows a business to unfairly undercut other businesses by employing cheap labour.
5. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

You will hear from Caroline Laird acting as a responsible authority during the course of the hearing who has submitted the attached review pack which is **Appendix D**

The premises licence holder was informed of this application by officers and notices were displayed at the premises as required, photos were taken. **Appendix E.**

The Sub Committee must consider the application from Caroline Laird, in respect of this application, and the response of the licence holder, and then determine the application in light of the four licensing objectives.



### 3. The Review Process

When an application is made to review a premises licence, the process is subject to statutory time limits which are as follows;

- Regulation 22 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 provides the following for receiving representations in relation to an application;
- a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant”.

This application was received on Tuesday 17 October. The 28 consecutive day period to receive representations therefore started on October and ended on Monday 13 November 2023

- Schedule 1 of The Licensing Act 2003 (Hearings) Regulations 2005 then provides the following for the timescale during which the hearing to determine an application for a review of a premises licence must be held; “20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c)”

This 20-working day period started on Tuesday 14 November and would end on Monday 11 December 2023.

By having this hearing on 6 December 2023, the requirement to hold a hearing within 20 working days has been complied with.

At RBWM the hearing to determine an application to review a premises licence is before a Licensing and Public Space Protection Order (LPSPO) Sub Committee, and that Sub Committee can take such steps, as set out in legislation, as are appropriate for the promotion of the four licensing objectives.

During the 28 consecutive day consultation period outlined above, responsible authorities, as defined by the Licensing Act 2003, may make representations about the application. Other persons may also make representations.

### 4. Relevant Representations Received

With respect to this application from Caroline Laired to review the premises licence of Mr Surinder Kumar Rajput, relevant representations from responsible authorities were received as follows;

a. Thames Valley Police	<b>Appendix E</b>
b. RBWM Environmental Health	None
c. RBFRS:	None
d. RBWM Planning	None

- e. RBWM Local Safeguarding Children's Board (LSCB) None
- f. Public Health None
- g. RBWM Trading Standards None

All parties who made representations were required to notify the licensing authority, in advance, if they intended to attend the hearing and, if so, if they intended to be represented or call witnesses.

Proper notification was received from;

- Caroline Laird
- Surinder Kumar Rajput

## 5. Matters to Consider

In considering an application to review a premises licence, the Sub Committee must take into account

- the application itself
- representations received about the application
- representations made by the premises licence holder
- the RBWM Statement of Licensing Policy 2021-2026
- the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

## 6. RBWM Statement of Licensing Policy 2021-2026

The sections of the RBWM Licensing Policy relevant to this application are;  
Licensing Objectives and other Key Aims and Purposes

1.9 The four licensing objectives covered by this policy, as set out in the Licensing Act 2003, are:

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

1.10 These four objectives are of equal importance. There are no other statutory licensing objectives so the promotion of these four objectives is a paramount consideration at all times.

1.11 This Statement of Policy reflects the guidance issued by the Home Office under section 182 of the Licensing Act 2003 (version published April 2018).

1.12 Paragraph 1.5 of the section 182 guidance states that licensing legislation supports a number of key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. These include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licenced premises.
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing the problems.

## Conditions

5.2 The Council maintains that licensing is about the control of licenced premises, qualifying clubs and temporary events within the terms of the 2003 Act. Any terms and conditions attached to licences will be focused on matters which are within the control of individual licensees and others granted relevant permissions, centering on the premises and their vicinity.

## Wider Community Interest

6.9 Wider Community Interest - The licensing authority considers that its licensing functions are exercised in the public interest. Furthermore, the licensing authority is under a duty to take any steps with a view to the promotion of the licensing objectives in the interests of the wider community and not just those of the individual licence holder.

## Promoting the Prevention of Crime and Disorder

Where appropriate, the licensing authority and responsible authorities may propose conditions relating to the following issues in relation to the Prevention of Crime and Disorder objective:

## **7. Revised Guidance issued under section 182 of the Licensing Act 2003**

The sections and paragraphs of the Home Office Guidance relevant to this application are;

### Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;

## Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

## Hearings

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

## Reviews

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives

11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons.

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

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

Powers of a licensing authority on the determination of a review

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 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

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed,

where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: • for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime; • for the sale and distribution of illegal firearms;

- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;

- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## **8. Conclusion**

The LPSPO Sub Committee is obliged to determine this application with a view to promoting the four licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance
- The protection of children from harm.

In making its decision, the Sub Committee is obliged to have regard to national guidance and the Council's own Statement of Licensing Policy, as well as giving full consideration to all of the written representations made and the evidence that it has heard in relation to this application

The Sub-Committee must then take such of the following steps (if any) as it considers appropriate for the promotion of the four licensing objectives:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) 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 condition is added.

In making their decision the Sub Committee is reminded that they have a duty to behave impartially and that their decision must be based on the evidence that has been presented to them.



In their written decision the Sub Committee should;

- Refer to every relevant representation and the supporting evidence provided
- State the extent to which it has taken account of RBWM Policy and national guidance
- When deciding in accordance with RBWM Policy and national guidance, explain why it has not considered a departure justified, if applicable
- When deciding contrary to RBWM Policy or national guidance, explain the basis and reason for the departure in all cases and the evidence that supported this decision
- When refusing an application in whole or in part, or modifying the activities and/or the hours and/or the conditions to a licence that is granted, state why it considered it appropriate to do so in order to promote one or more specified licencing objectives, and the evidence that supported this decision. Any such decision must be cogent and legally sound
- Use the legal adviser's help to draught its reasons and to assist in ensuring that the decision is legally robust, but the reasons must be the Sub Committee's
- Ensure, as far as is reasonably possible, that their decision will be able to withstand scrutiny should any of the parties to this hearing appeal that decision the to the Magistrates Court

The Sub Committee is reminded that any party to the hearing may appeal against its decision to the Magistrates Court within 21 days of the notification of that decision.

**The Sub Committee is asked to determine the application**

**Appendices:**

Appendix A – Premises licence

Appendix B – Application to review the premises licence

Appendix C – Map of the surrounding area

Appendix D – Review Pack

Appendix E – Photos of notices

**Background papers:**

Licensing Act 2003, found at

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

RBWM Statement of Licensing Policy 2021-2026, found at

[https://www.rbwm.gov.uk/sites/default/files/2021-07/licensing\\_policy\\_statement.pdf](https://www.rbwm.gov.uk/sites/default/files/2021-07/licensing_policy_statement.pdf)

Licensing Act 2003 s182 Statutory Guidance, found at [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91232/Revised-Guidance-issued-under-section-182-of-the-Licensing-Act-2003.pdf)

Preventing illegal working in licenced premises and the Home Office role as a responsible authority in England and Wales Version 2.0 found at

[Preventing illegal working in licenced premises and the Home Office role as a responsible authority in England and Wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/91232/Preventing-illegal-working-in-licenced-premises-and-the-Home-Office-role-as-a-responsible-authority-in-England-and-Wales.pdf)

**Financial implications:** None directly but Members should be aware that any decision of the Sub-Committee may be appealed against in the Magistrates' Court and such an appeal may involve additional costs and possible costs against the Council.

**Environmental/Sustainability Implications:** Any authorisation under the Licensing Act 2003 may give rise to environmental implications both positive and negative depending upon the application and any measures proposed to take control adverse environmental factors. However, in the case of this application, there are no specific environmental or sustainability implications.

**Legal implications:** As outlined in the report.

**Equality Implications:** None.

**Risk Implications:** None.

**Community Safety Implications:** As outlined in the evidence submitted to this hearing.


**Report Author / Officer Reporting**

Craig Hawkings – Licensing Team Leader

[Craig.hawkings@rbwm.gov.uk](mailto:Craig.hawkings@rbwm.gov.uk)

Tel: 07833 047887

# APPENDIX A

LOCAL AUTHORITY		
The Royal Borough of Windsor and Maidenhead Town Hall St Ives Road Maidenhead SL6 1RF  Tel: 01628 683840 www.rbwm.gov.uk	www.rbwm.gov.uk	 Royal Borough of Windsor & Maidenhead
Part 1 – Premises Details		
POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION		
<b>Bell and Bottle</b> 228 Bath Road Maidenhead SL6 3RX		
WHERE THE LICENCE IS TIME LIMITED BY THE DATES		
Date Issued: Not applicable		
LICENSABLE ACTIVITIES AND TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF THOSE ACTIVITIES		
Activity, Location and Area if Applicable	Description	From – To
<b>F. Playing of Recorded Music</b> (Indoors)		
	Monday to Saturday	10:00 - 00:20
	Sunday	12:00 - 23:50
	The reproduction of wireless (including television) broadcasts [or programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service], or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound is permitted at such time as the premises are open in accordance with section O.	
<b>M. Supply of alcohol</b> (Both) consumed BOTH on and off Premises		
	Monday to Saturday	10:00 - 00:00
	Sunday	12:00 - 23:30
THE OPENING HOURS OF THE PREMISES		
Day	Time From – To	
Monday	07:00 - 00:20	
Tuesday	07:00 - 00:20	
Wednesday	07:00 - 00:20	
Thursday	07:00 - 00:20	
Friday	07:00 - 00:20	
Saturday	07:00 - 00:20	
Sunday	07:00 - 23:50	
WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES		
Alcohol is supplied for consumption both ON and OFF the Premises		

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

Mr Surinder Kumar Rajput

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Sachin Rajput

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

Licence No: [REDACTED] Licensing Authority: Buckingham Council

## ANNEX 1 – Mandatory Conditions

\* No supply of alcohol may be made under the premises licence:

- i. at a time when there is no designated premises supervisor in respect of the premises licence, or
- ii. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

\* 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).

\* The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

\* (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 designated premises supervisor in relation to the premises licence 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.

\* 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 in the following measures -

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25ml or 35ml; and

(iii) still wine in a glass: 125ml; 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.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over

who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

\* 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 purpose 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 in relation to the alcohol as if the duty were charged on the date for 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 if the sale or supply of the alcohol.

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

i) the holder of the premises licence.

ii) the designated premises supervisor.

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 this 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.

\* (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.

\* Any individual employed to carry out a security activity must be licensed by the Security Industry Authority (SIA).

\* Admission of children is restricted in accordance with the recommendation by the British Board of Film Classification. If the film has not been classified the restriction of children must be approved by the Licensing Authority. (Children means any person under 18 years).

## **ANNEX 2 – Conditions consistent with Operating Schedule**

### **General Licensing Objectives**

Staff training will be provided, to ensure that licence conditions are met at all times.

A training log will be kept and made available to authorised officers upon request.

There will be adequate staff to remain compliant at all times.

### **Prevention of Crime and Disorder**

CCTV will be in operation at the premises, with recordings being provided to authorised officers upon request.

An appropriate number of staff will be in place for functions at the premises.

### **Public Safety**

The premises and surrounding car park will remain well lit during trading hours.

Health and safety systems will be in place to deal with emergencies appropriately.

A log book will be kept for health and safety issues and made available to authorised officers upon request.

**Prevention of Public Nuisance**

Noise levels will be monitored continuously, supplemented by the noise limiting equipment installed at the premises.

Staff will ensure responsible drinking by customers and encourage customers to be considerate of neighbours,

Staff will monitor the car parks at closing time, to ensure that there there is no excessive noise when customers are leaving.

**Protection of Children from Harm**

The premises will operate a Challenge 25 policy, requiring suitable ID to be shown to purchase alcoholic drinks.

Staff training will be provided to ensure that they aware of the Challenge 25 policy and follow the correct procedures.

A refusal log will be kept and made available to authorised officers upon request.

**ANNEX 3 – Conditions attached after a hearing by the Licensing Panel****ANNEX 4 – Plans**

See Attached Plans



**Greg Nelson**  
**Trading Standards & Licensing Manager**



# APPENDIX B

[Insert name and address of relevant licensing authority and its reference number (optional)]

**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 **Caroline LAIRD**

(Insert name of applicant)

**Apply for the review of a premises licence under section 51 of 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>	
THE BELL AND BOTTLE IN MAIDENHEAD, Bath Road	
<b>Post town</b> Maidenhead	<b>Post code (if known)</b> SL6 3RX

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Surinder Kumar Rajput

<b>Number of premises licence or club premises certificate (if known)</b>
PL051203

**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 Officer Caroline LAIRD [Redacted] [Redacted]
Telephone number (if any)
E-mail address (optional) [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
  - 2) public safety
  - 3) the prevention of public nuisance
  - 4) the protection of children from harm

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

One of the licensing objectives which underpins the Licensing Act 2003 is the prevention of crime and disorder and all operators are expected to take steps to promote the licensing objectives. Home Office (Immigration Enforcement) believe Mr Surinder Kumar Rajput is not preventing crime and disorder and therefore should no longer be allowed to hold a premises licence. Mr Surinder Kumar Rajput is using his Hospitality businesses to employ illegal workers which is strictly prohibited under the Licensing Act 2003 and Immigration Act 1971(aa).

Employing illegal workers in the UK has the following impact on the community and society as a whole:-

1. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
2. It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
3. It encourages other overstayers / illegals to seek similar work.
4. It allows a business to unfairly undercut other businesses by employing cheap labour.
5. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

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

The Bell and Bottle is in the town of Maidenhead, Berkshire.

The premises has a licence to sell Alcohol between the hours of 1000-0000 Monday to Saturday and between 1200-2330 Sunday.

On the 15<sup>th</sup> June 2023 Immigration Officers from the South Central Immigration Enforcement team alongside attended the address after receiving allegations of Illegal Working taking place at the address.

Entry was gained at the premises at 17:41 under Section 179 of the Licensing Act 2003.

6 people who were identified as being employees at the address were spoken to by Immigration Officers. Home Office checks were conducted and 4 of the 6 people were all identified as having the right to work.

The other 2 were found to be working illegally, with one overstaying his granted period of leave in the UK and one working in breach of his visa restrictions. Both were fully interviewed by Immigration Officers and admitted to working at the establishment.

Mr Rajput was unavailable to speak to at the time of the visit, however the manager was asked questions regarding the 2 males. The manager confirmed that they both work at the address.

1 of the employees with no right to work stated that he showed no documentation to take up employment and that Raj offered him the job when he attended his Gurdwara. He also stated that Raj is aware that he has no right to work in the UK.

The other employee is currently in the UK with a valid student visa restricting him to work 20 hours per week in term time. (Immigration Officers attended The Bell and Bottle during term time.) He stated that he showed his BRP to Raj (which clearly states work is restricted to 20 hours per week in term time), and that he works 35 hours per week regardless of it being term time or not.

The illegal working identified at the address resulted in a Civil Penalty Referral Notice being issued and has determined that there is clear evidence of illegal working taking place resulting in a £20,000 fine.

It appears to be that Mr Rajput is showing disregard to complying with the Licencing Act 2023 in his recruitment processes. He is employing people knowing that they have no right to work in the UK and allowing them to work over their permitted hours.

Revised Home Office guidance issued under section 182 of the Licensing Act 2003 – December 2022 states:

*11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.*

*11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

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

*11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*

**Please tick ✓ yes**

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

If yes please state the date of that application

Day	Month	Year
<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 ✓

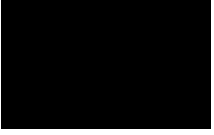
yes

- 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 17.10.2023 .....

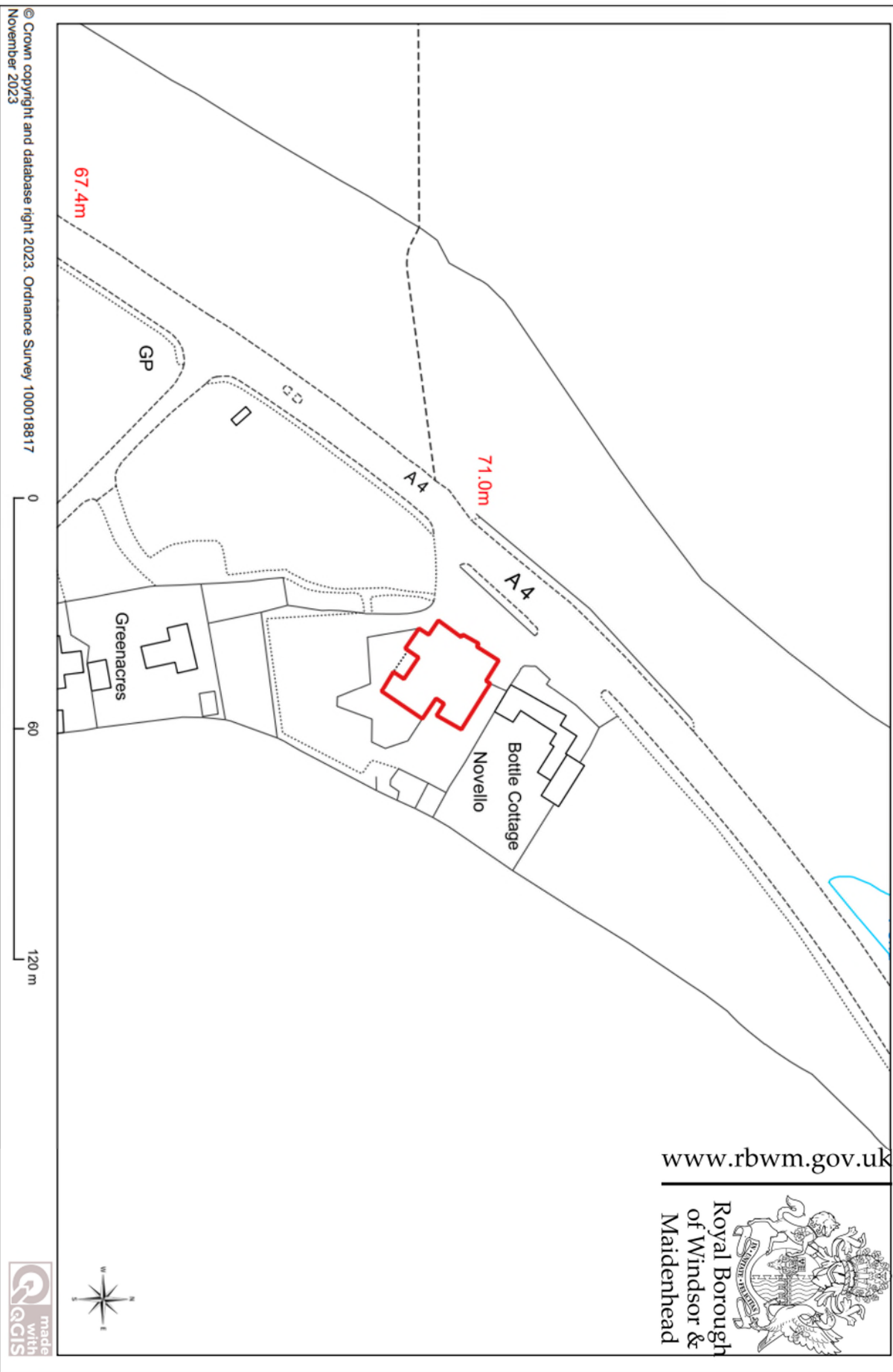
Capacity **Immigration Enforcement (Home Office)** .....

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



# APPENDIX C

**The Bell & Bottle, Bath Road, Maidenhead, SL6 3RX**



# APPENDIX D



Home Office

## Premises Licence Review

The Bell and Bottle  
228 Bath Road  
Maidenhead  
Berkshire  
SL6 3RX

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## Case Summary

On Thursday 15 June 2023, the South Central ICE team carried out an illegal working visit to The Bell and Bottle in Maidenhead, as intelligence had been received stating that there were people employed with no right to work in the UK.

The team entered the premises at 17:41, entry was gained under Section 179 of the Licencing Act 2003.

Six members of staff were at the premises as well as the manager. Two workers were found to have no right to work in the UK, they were arrested and taken into immigration custody.

All police and immigration officers had left the premises by 20:00.

An illegal working referral notice was served to the manager and has resulted in a £20,000 civil penalty being issued.

## Licensed Premises History

The Premises Licence Number is PL051203 and is held by [REDACTED]. Mr [REDACTED] has been the license holder since 2010.

The designated premises supervisor is Mr [REDACTED]. The personal licence was issued by Buckingham Council, Licence Number 10/00524/LAPER.

## Enforcement Visit: 15 June 2023

Entry was gained at the premises at 17:41 under Section 179 of the Licensing Act 2003. Upon entry to the premises the following workers were encountered and interviewed thoroughly in regards to their position at the premises:

████████████████████

████████████████████ was seen walking away from the kitchen area as officers arrived at the premises. Home Office checks showed that he entered the UK with a visa in 2010 that expired in 2014.

████████████████████ was asked the following questions by the immigration officer:

'How long have you been working at this business?'

████████████████████ – '3 years'

'What is your job role/what are your duties?'

████████████████████ – 'Kitchen and Cooking'

'What days/hours to you work each week?'

████████████████████ – '6 days 3 until 10'

'Who gave you this job?'

████████████████████ – 'The boss, the boss is ██████████'

'Who tells you what days/hours to work?'

████████████████████ – 'Manager, managers name is ██████████'

'Who tells you what tasks/duties to do each day?'

████████████████████ – 'The owner, ██████████'

'How are you paid?'

████████████████████ – 'Cash pay'

'How much do you receive?'

████████████████████ – '£400 weekly'

'Who pays you?'

████████████████████ – 'The owner ██████████'

'Do you pay income tax or have a national insurance number?'

████████████████████ – 'No, No'



'Did he check your documents to see if you can work?'

██████████ – 'Yes'

██████████ also stated to the officer that he thought he could work full time as he has not yet started his course and he admitted that he has been working full time during term time.

The restaurant manager ██████████ stated that ██████████ had trained him when he started working on the 03 June 2023. This is a clear contradiction with the admission that ██████████ made. By his own admission, ██████████ had worked at The Bell and Bottle since February 2023. ██████████ was exceeding the hours set by his visa conditions and therefore working illegally.

## Other Employees

Four other people were identified as being employees, and Home Office checks were conducted and no other immigration offenders were identified.

These workers included ██████████ who was encountered in the kitchen and ██████████ who identified himself as the manager. Home Office checks show that both were on work permits, their sponsors were listed as: S ██████████ and ██████████ T/A The Bell and Bottle.

Both workers were issued with skilled worker visas which are valid until 14 April 2028. It must be noted that these visas were applied for on 22 March 2023 and in ██████████ case, 17 May 2023 – 29 days prior to the enforcement visit on 15 June 2023.

## Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

There were two illegal workers encountered at the premises at the time Immigration Enforcement attended, both have admitted to working at the premises and confirming the person responsible for employing them and setting their duties for their shifts.

Right to work checks have not been carried out as required to do so before employment commences, and visa restrictions have been ignored.

Home Office records show that the premises license holder, Mr [REDACTED] in his personal capacity has made 44 applications as a sponsor for visitors to the UK, 41 of these applications were successful. These visits were for family/friends to visit. [REDACTED] has similarly made 16 applications, 1 was withdrawn and 1 was refused.

[REDACTED] and [REDACTED], trading as The Bell and Bottle have sponsored 2 current employees ([REDACTED] and [REDACTED]). The most recent of these applications was made on 17 May 2023. The Home Office considers that the license holder clearly knows the rules and procedures to sponsor visitors and workers. The license holder would have known the rules and restrictions placed on these visitors and workers. However, by employing an illegal worker and allowing one worker to exceed the number of conditioned hours they can work, the license holder has deliberately overlooked the rules and laws in place to prevent crime and disorder.

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.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. Point 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered. This is available on GOV.UK: [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://www.gov.uk/guidance/section-182-guidance)

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed an illegal worker and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded straight to review.

## Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

The business knows the rules around immigration as the license holder has previously sponsored visitors and workers to the UK. ICE officers evidenced that the business had employed two illegal workers. The business could have avoided this review should it have conducted and acted upon the proper right to work checks, however they chose to conduct a two-tier approach to right to work checks.

Conducting these checks is a simple task and should be part of their business-as-usual practices. Guidance is available online and the Home Office have published "[Right to work checks: an employer's guide](#)" which can be found on the GOV.UK website. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page which gives a step-by-step video on how to conduct the checks. The information is readily available; however, the license holder has disregarded the rules and laws in place to prevent crime and disorder.

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. A key draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in sub-standard accommodation and toiling in poor working conditions for long hours for remuneration below the National Minimum Wage.

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.

The license holder or the business exercising the rights granted by the possession of a licence, should be aware of their responsibilities to uphold the licensing objectives

as they are clearly defined as part of the premises license application, i.e. the right to work checks and keeping records for audit purposes.

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. Immigration Enforcement asks that the premises licence is revoked.

This submission and appended documents provide the licensing subcommittee 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.

## Annex A – officer records

Encounter [REDACTED]-Complete  
Encounter [REDACTED]-Complete  
Encounter [REDACTED]-Complete  
Illegal\_Working-Employee [REDACTED]  
Illegal\_Working-Employee [REDACTED]  
Illegal\_Working-Employer [REDACTED]  
QA [REDACTED]

<b>Encounter</b>					
<b>Details</b>					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED]				
Time	17:47				
Created at geolocation	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><b>Easting</b></td> <td style="text-align: right;">482771</td> </tr> <tr> <td><b>Northing</b></td> <td style="text-align: right;">180000</td> </tr> </table>	<b>Easting</b>	482771	<b>Northing</b>	180000
<b>Easting</b>	482771				
<b>Northing</b>	180000				
Creation date	15-06-2023 17:47:53				
<b>Chosen Identity</b>					
Identity source/type	Declared				
Name	[REDACTED]				
DOB	[REDACTED]				
Gender	Male				
Nationality	India				
<b>Languages</b>					
Languages spoken	English				
Interpreter used?	No				
<b>Encounter</b>					
Encountering officer	[REDACTED]				
Is this encounter related to a Small Boats event?	No				
Is this person the subject of the visit?	No				
Do you suspect an immigration offence?	Yes				
Why do you suspect the person of an immigration offence?	Intel states that there are illegal workers present at the premises. Upon entering the premises this individual was at the front of the premises and he matched the Intel.				
Declared immigration status	Has a valid visa				
How and when did the subject last enter the UK?	I last entered on 3rd June 2023 from India				
Do you know the subject's CIDPID/ CEPR?	No				

**OFFICIAL SENSITIVE**

Are there any vulnerabilities/trafficking/safeguarding issues?	No
Is the subject considered a 'rough sleeper'?	No
Where in the premises was the subject located?	Located inside the premises
Are you taking enforcement action?	No
References (Person ID, HO Ref, Port Ref, BRP)	██████████
Biographic search results	<b>Systems checked</b> Person Check, Atlas <b>Result of checks</b> Match - had a valid visa until 14/04/2028 <b>Status returned by system checks</b>
<b>Identity Documentation</b>	
Document 1	<b>Document type</b> <b>Name in document (if different from above)</b> <b>Document reference</b> <b>Document expiry date</b> <b>Country of issue (if different from nationality above)</b> <b>Suspected fraudulent</b> <b>Notes</b> <b>Photos</b>
<b>Notes</b>	
Individual showed me a sponsorship form on his phone that shows that he is being sponsored by the restaurant.	

Encounter					
<b>Details</b>					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED]				
Time	17:45				
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<b>Easting</b>	482784				
<b>Northing</b>	179940				
Creation date	15-06-2023 17:53:06				
<b>Chosen Identity</b>					
Identity source/type	Declared				
Name	[REDACTED]				
DOB	[REDACTED]				
Gender	Male				
Nationality	India				
<b>Languages</b>					
Languages spoken	Punjabi				
Interpreter used?	Yes				
Interpreter details	[REDACTED]				
Does the individual understand the interpreter?	Yes				
<b>Encounter</b>					
Encountering officer	[REDACTED]				
Is this encounter related to a Small Boats event?	No				
Is this person the subject of the visit?	No				
Do you suspect an immigration offence?	Yes				
Why do you suspect the person of an immigration offence?	they were unable to tell me why they were here and after a person check found that they had overstayed their VISA which was confirmed by support.				
Declared immigration status	Came into the UK with a visa which expirEd in 2014				
How and when did the subject last enter the UK?	Entered in 2010, Heathrow Airport by plane.				



<b>Encounter</b>							
<b>Details</b>							
Type of work	Visit						
Visit reference	██████████						
Created by	██████████						
ProntoID	██						
Time	17:41						
Created at geolocation	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><b>Easting</b></td> <td style="width: 40%;">482771</td> <td style="width: 30%;"></td> </tr> <tr> <td><b>Northing</b></td> <td>180001</td> <td></td> </tr> </table>	<b>Easting</b>	482771		<b>Northing</b>	180001	
<b>Easting</b>	482771						
<b>Northing</b>	180001						
Creation date	15-06-2023 17:51:16						
<b>Chosen Identity</b>							
Identity source/type	Biographic						
Name	████████████████████						
DOB	██████████						
Gender	Male						
Nationality	India						
<b>Languages</b>							
Languages spoken	English						
Interpreter used?	No						
<b>Encounter</b>							
Encountering officer	██						
Is this encounter related to a Small Boats event?	No						
Is this person the subject of the visit?	No						
Do you suspect an immigration offence?	Yes						
Why do you suspect the person of an immigration offence?	Subject fits the intel in relation to Indian national working on premises. subject was on main floor near bar and stated he works here						
Declared immigration status	Student						
How and when did the subject last enter the UK?	Jan 2023						
Do you know the subject's CIDPID/CEPR?	Yes						
CIDPID/CEPR	██████████						

**OFFICIAL SENSITIVE**

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Are there any vulnerabilities/ trafficking/safeguarding issues?	No
Is the subject considered a 'rough sleeper'?	No
Where in the premises was the subject located?	Restaurant floor
Are you taking enforcement action?	Yes
References (Person ID, HO Ref, Port Ref, BRP)	██████████
Biographic search results	<b>Systems checked</b> CID, Person Check, Atlas, Security checks <b>Result of checks</b> Confirm valid student <b>Status returned by system checks</b>

Identity Documentation

Document 1

Document type National passport

Name in document (if different from above)

Document reference [REDACTED]

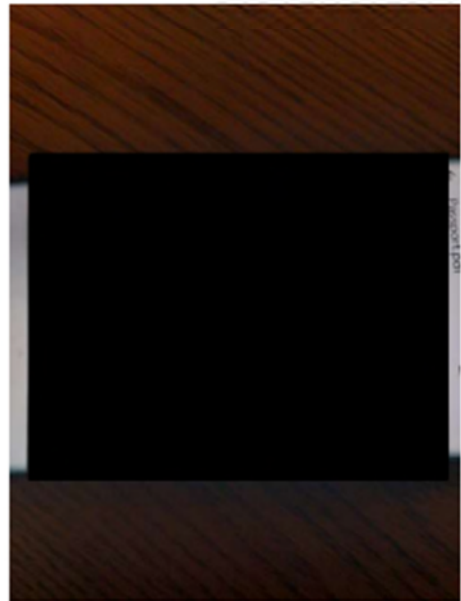
Document expiry date [REDACTED]

Country of issue (if different from nationality above) United Kingdom

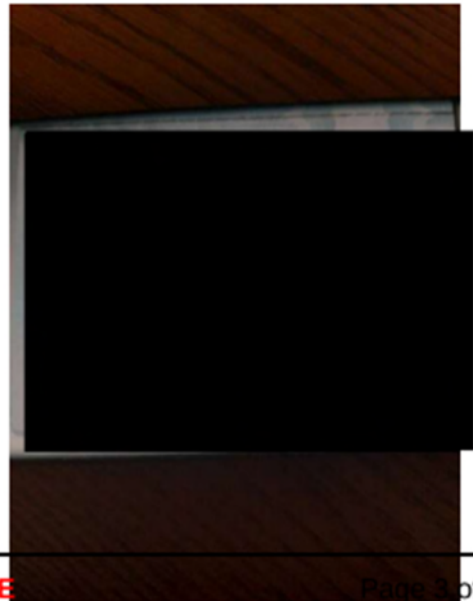
Suspected fraudulent No

Notes

Photos



sm1



sm2

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<b>Notes</b>	
No notes entered.	
<b>Management Checks Complete</b>	
Date management checks complete	20-06-2023 14:53:45
Reviewer(s)	[REDACTED]

Illegal Working - Employee					
<b>Details</b>					
Type of work	Visit				
Visit reference	EV19-870,452				
Created by	██████████				
ProntoID	██				
Subject CIDPID/CEPR	██████████				
Subject name	████████████████████				
Subject DOB	██████████				
Subject nationality	India				
Subject gender	Male				
Time	18:27				
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<b>Easting</b>	482768				
<b>Northing</b>	180011				
Creation date	15-06-2023 18:27:41				
<b>Language of Interview</b>					
What language is the interview carried out in?	Punjabi				
Interpreter used?	Yes				
Details of interpreter	██████████				
Does the individual understand the interpreter?	Yes				
<b>Obligation</b>					
How long have you been working at this business?	3 years				
What is your job role/ what are your duties?	Kitchen and cooking				
What days/ hours do you work each week?	6 days 3am till 22:00				
Do you work the same hours/ days every week?	Yes				
<b>Control</b>					
Who gave you this job (name and role in business)?	The boss. The boss is ██████████				

OFFICIAL SENSITIVE

Who tells you what days/ hours to work?	Manager. Managers name is [REDACTED]
Who tells you what tasks/ duties to do each day?	The owner, [REDACTED]
<b>Remuneration</b>	
How are you paid (money, accommodation, food)?	Cash pay
how much do you receive?	£400 weekly
Who pays you?	The owner [REDACTED]
Do you pay income tax or have a National Insurance number?	No no
<b>Pre-employment Checks</b>	
What name does [REDACTED] know you as?	Kulwant
Did [REDACTED] check your right to work or immigration status before they offered you the job?	No
Did you show documents or share a code with [REDACTED] to prove your right to work before being offered the job? If so, what did you show and were they originals?	I just met him at the guradja and he said to come and work for him
Does [REDACTED] know you're not allowed to work in the UK?	Yes he knows
<b>Additional Questions</b>	
who [REDACTED] in the blue shirt	That is [REDACTED]
who's the people names at the bar?	One [REDACTED] and [REDACTED]
have you worked for anyone else?	Yes colin brook
what he work as in Colinbrook?	Building work
does he know who hired him to work in construction in colin brook	In the guardja
has he worked anywhere else than the construction or here?	Grindem a company
did he travel here specifically to work in the UK?	Yes
do you send money back to India? if yes how much and how?	Just about support myself and pay my rent
do you have any debts to pay in India?	No

**OFFICIAL SENSITIVE**

do many people offer work at this guardja?	Yes you'll find work there
what gurdja do you go to?	Rexham slough
does he have the details of the people who offered him these jobs?	No it's just Face to face
<b>Photographs</b>	
No photographs.	
<b>Declaration</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature ( [REDACTED] ) [REDACTED]	[REDACTED]  15-06-2023 18:45:22
<b>Observations</b>	
Observations	He was seen coming out of the kitchen and admitted to myself that he was working
Do you suspect this person of illegal working?	Yes

Illegal Working - Employee					
<b>Details</b>					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	██				
Subject CIDPID/CEPR	██████████				
Subject name	████████████████████				
Subject DOB	██████████				
Subject nationality	India				
Subject gender	Male				
Time	18:41				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>482768</td> </tr> <tr> <td><b>Northing</b></td> <td>180007</td> </tr> </table>	<b>Easting</b>	482768	<b>Northing</b>	180007
<b>Easting</b>	482768				
<b>Northing</b>	180007				
Creation date	15-06-2023 18:43:03				
<b>Language of Interview</b>					
What language is the interview carried out in?	English				
Interpreter used?	No				
<b>Obligation</b>					
how long have you worked in this pub?	Feb 2023				
how many days since Feb do you work a week?	4 days week since feb				
how many hours have you worked in those 4 days a week?	35 hours per week since feb, Tuesday, Wednesday, Friday and the weekends especially if there are parties				
how much do you get paid per month?	233 a week				
What is your job role/ what are your duties?	Serving customer food and alcohol				
did you train ██████████ ██████████ how to operate the tills and work the bar?	Yes he came here two weeks more so tills and serve				
did ██████████ who also works here states you work for last 6 months serving full time 5 days a week?	Yes I work full time				



**OFFICIAL SENSITIVE**

do you get paid in cash or card ?	Yes weekly by card but from Feb 2023 when I started cash in hand and then weekly bacs from April 2023
who pays you?	██████████, he is owner
how did he recruit you?	He got my number fro. A Office licence where I gave my number.
did he check you documents to see if you can work?	Yes
are you allowed to work on visa conditions full time ? especially term time	I thought I could as I am on holiday as dont start till September
but your visa conditions continue and you have worked full time during term time ?	Yes
<b>Control</b>	
Who recruited you?	██████████ ██████████
<b>Remuneration</b>	
did he give you food ?	Yes when I worked here
<b>Pre-employment Checks</b>	
did sk rajput check your ppt? and visa	Yes

**Additional Questions**

No details provided.

**Photographs**

sm3

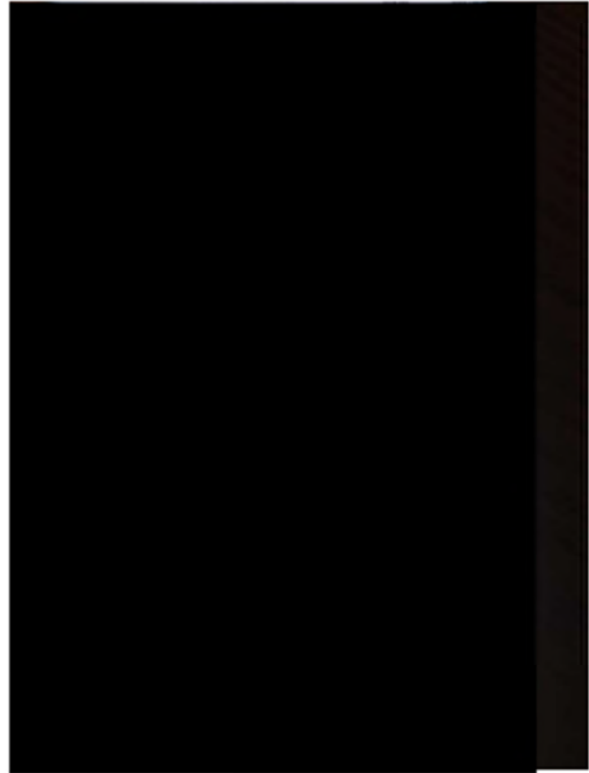


Exhibit Ref	Sm4
Common name	Payment statements

sm4

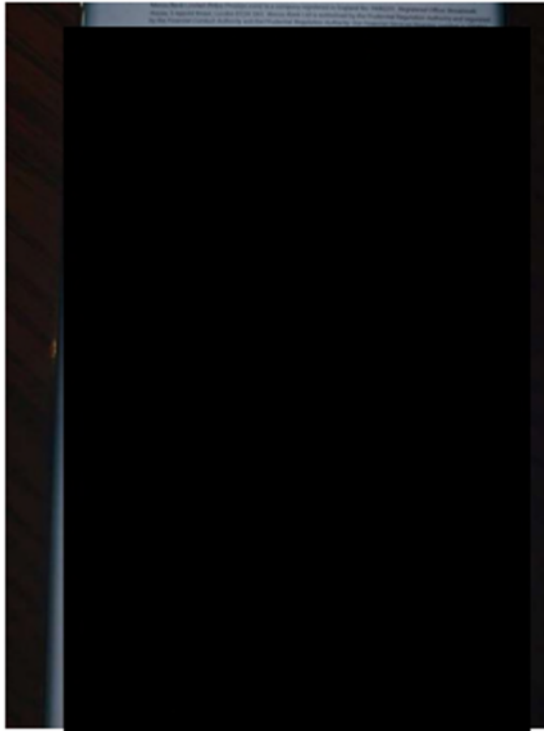
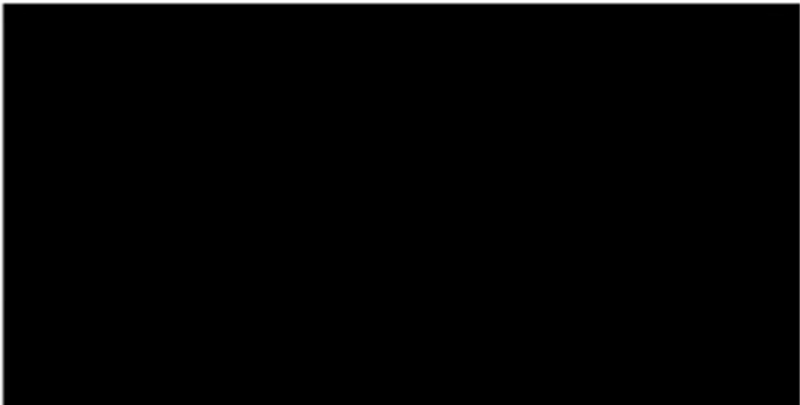


Exhibit Ref	Sm4
Common name	Payment statements

Illegal Working - Employer					
<b>Details</b>					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntID	[REDACTED]				
Subject CIDPID/CEPR	Unknown				
Employer	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	India				
Subject gender	Male				
Time	18:49				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>482770</td> </tr> <tr> <td><b>Northing</b></td> <td>179999</td> </tr> </table>	<b>Easting</b>	482770	<b>Northing</b>	179999
<b>Easting</b>	482770				
<b>Northing</b>	179999				
Creation date	15-06-2023 18:49:10				
<b>Language of Interview</b>					
What language is the interview carried out in?	English				
Interpreter used?	No				
<b>Employer Details</b>					
What is the name of the business?	Bell and bottle.				
If the business is owned by a company what is the name of the company?	ROLSON				
What are the Companies House and VAT numbers of the business?	Not available at present all at head office.				
What is your position here?	Restaurant manager				

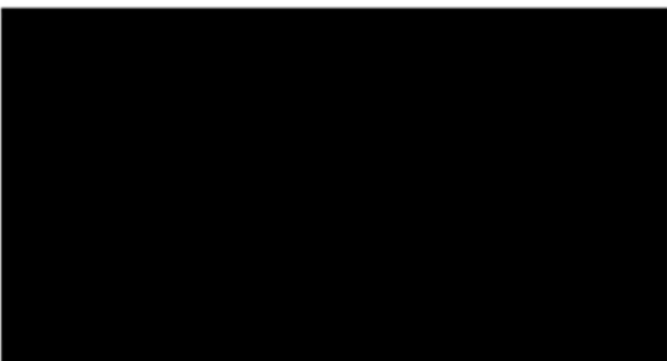
<b>Declaration by Employer</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
Signed by [REDACTED]	 15-06-2023 19:19:39
<b>Employee - [REDACTED]</b>	
Known to employer as	[REDACTED]
<b>Obligation</b>	
How long has the employee been working at this business?	Don't know
What is their job role/ duties?	Kitchen porter
What days/ hours do they work each week?	20 per week in the evening.
Are their days/ hours the same every week?	Yes.
how long have you worked here as a manager	3.06.23 started here I have no information as I have had no dealings with the recruitment.
<b>Control</b>	
Who gave the employee this job?	Head office
Who tells them what days and hours to work?	I do
Who tells them what tasks or duties to perform each day?	I do
Where are the employee records?	Head office
<b>Remuneration</b>	
What is the employee given in return for their tasks and duties?	They get paid in the bank account
If the payment includes money, how much is paid?	I don't know

Who pays this employee?	Headoffice
How is this employee paid – cash, bank transfer?	Pay slip
Does HMRC know that this employee works at your business?	I don't know
<b>Pre-employment Checks</b>	
Did you check the right to work or immigration status before you offered the employee the job?	I don't know
Did the employee share a digital code with you to enable you to check their right to work in the UK?	I don't know I started approx 2 weeks ago
Did you ask to see any documents from the employee to demonstrate their right to work in the UK?	I don't know
When did you last check the employee's employment status?	I don't know
Did you know that the employee was not allowed to work in the UK?	I don't know
<b>Employee - [REDACTED]</b>	
Known to employer as	[REDACTED]
<b>Obligation</b>	
How long has the employee been working at this business?	I don't know.
What is their job role/ duties?	Kitchen porter / waiter
What days/ hours do they work each week?	20 hrs per week in the evening
Are their days/ hours the same every week?	Yes
<b>Control</b>	
Who gave the employee this job?	Don't know
Who tells them what days and hours to work?	I do.
Who tells them what tasks or duties to perform each day?	I do.
Where are the employee records?	Head office.

Remuneration	
What is the employee given in return for their tasks and duties?	Wages
If the payment includes money, how much is paid?	Pay slip I don't know how much.
Who pays this employee?	Head office.
How is this employee paid – cash, bank transfer?	Pay slip
Does HMRC know that this employee works at your business?	Don't know.
Pre-employment Checks	
Did you check the right to work or immigration status before you offered the employee the job?	Don't know.
Did the employee share a digital code with you to enable you to check their right to work in the UK?	Don't know.
Did you ask to see any documents from the employee to demonstrate their right to work in the UK?	I was not working here then.
What documents did you ask to see and what were you shown before offering employment?	Don't know.
Were you shown any originals?	Don't know
When did you last check the employee's employment status?	Don't know.
Did you know that the employee was not allowed to work in the UK?	No.
Observations	
Observations	

Q&A					
<b>Details</b>					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	██				
Subject CIDPID/CEPR	██████████				
Subject name	██████████████████				
Subject DOB	██████████				
Subject nationality	India				
Subject gender	Male				
Time	18:04				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>482707</td> </tr> <tr> <td><b>Northing</b></td> <td>180033</td> </tr> </table>	<b>Easting</b>	482707	<b>Northing</b>	180033
<b>Easting</b>	482707				
<b>Northing</b>	180033				
Creation date	15-06-2023 18:21:01				
<b>Language of Interview</b>					
What language is the interview carried out in?	Punjabi				
Interpreter used?	Yes				
Details of interpreter	██████████				
Does the individual understand the interpreter?	Yes				
<b>Q&amp;A</b>					
the person sitting in front of you how long has he worked here?	He has worked here 6 months				
when and how many hours do you work here?	He works here 5 days a week and works from 3 till 10				
what is his name?	██████████				
where is your passport?	I lost it				
how would you buy your own ticket if you lost your passport?	I'll find it				
where would he look for his passport?	I would look for it				
is Mr █████ the owner?	Yes				
is Mr █████ at the bar	No no no				
is the man with the glasses Mr █████	No no				



who's the one on the phone?	No that is Mr [REDACTED]
<b>Declaration</b>	
Interviewee signature ([REDACTED]) [REDACTED]	 <p data-bbox="957 862 1181 907">15-06-2023 18:27:25</p>

# APPENDIX E



**THE ROYAL BOROUGH OF WINDSOR  
AND MAIDENHEAD  
LICENSING ACT 2003**

The Royal Borough of Windsor and Maidenhead being the Licensing Authority within the meaning of the Licensing Act 2003 has received applications for a Review of a Premises' Licence under Section 51 of the Licensing Act 2003 by: -

**Immigration Enforcement (Home Office)**

The Review is requested for the premises at: - **The Bell and Bottle, Bath Road, Maidenhead, SL6 3RX**

The grounds for the Review are: - **Employing illegal workers which is strictly prohibited under the Licensing Act 2003 and Immigration Act 1971(aa)**

Any representations in relation to this matter should be sent to the address given below no later than: -

Full details of the Application sought can be viewed at :-  
[Current licensing applications | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](#)

Interested parties or Responsible Authorities can make written representation to: - **LICENSING TEAM, ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD, TOWN HALL, ST IVES ROAD, MAIDENHEAD, BERKSHIRE SL6 1RF** Or email: [Licensing@rbwm.gov.uk](mailto:Licensing@rbwm.gov.uk)  
**WITHIN 28 DAYS: From 17/10/23 To 13/11/23**

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with an application for a premises licence. A person guilty of an offence is liable on summary conviction to a fine not exceeding level five on the standard scale.