

Appendix B
Brighton & Hove City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I CIO 8140 L.COATES

(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

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

Donatello's
1/3 Brighton Place
Brighton
East Sussex
BN1 1H

Post town BRIGHTON

Post code (if known) BN1 1H

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

Pietro Addis & Sons Ltd

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

1

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

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Please tick ✓ yes

I am 18 years old or over

☐

**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 Chief Immigration Officer 8140 South East - Immigration Compliance & Enforcement (ICE) Team Immigration Enforcement Home Office Ashdown House Gatwick Airport, RH6 0NP
Telephone number (if any) 03001060940
E-mail address (optional) REDACTED

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

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

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

Immigration Enforcement contend that the Licensing Objective of:

- i) Prevention of crime & disorder

Donatello's Italian Restaurant has been seriously undermined by the premises licence holders who have been found to be employing illegal workers who have no right to work in the United Kingdom due to their immigration status.

On Wednesday 9th November 2022 Southeast Immigration Compliance and Enforcement officers attended Donatello's restaurant. 6 x illegal workers were identified on the premises. 4 of whom were arrested and detained pending removal back to their home countries. An illegal working civil penalty notice was issued to the business with a potential maximum penalty of £120,000 for the 6 workers.

Appropriate checks had not been made at the premises by the Premises Licence Holder to ensure that all the staff they employed had a right to work in the United Kingdom. Most of the illegal workers present had been issued 'Agricultural visas to work on fruit farms' in another case one of the people walked off the site was an Asylum seeker who admitted to being paid £7 per hour in cash.

It is clear the employer is complicit in paying cash in hand to his staff.

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

Included with this license review application as further supporting evidence is the following:

- **1 x referral notices – illegal working civil penalty**

While it is noted that these cases are currently being dealt with by way of a civil penalty that does not alter the fact that the licensing objective of the prevention of crime and disorder has been undermined by the actions of the premises licence holder.

Staff who are not officially registered as employees will not be afforded protection under employment law or other safeguarding mechanisms. The males employed at this premises could not have provided the requisite paperwork, national insurance number, nor tax code. This not only defrauds Her Majesty's Revenue & Customs but can lead to the exploitation of vulnerable individuals. In this instance the failure to put appropriate checks in place has resulted in multiple individuals being unlawfully employed at the premises. The licensing objectives are in place for the avoidance of future harm and, as cited in the High Court ruling in relation to East Lindsey District Council v Abu Hanif, where there is evidence of defrauding HMRC, exploitation of vulnerable workers and a failure to pay the minimum wage, then in those circumstances, albeit being dealt with by way of civil penalty, the crime and disorder licensing objective is clearly engaged.

The Revised Guidance under Section 182 of the Licensing Act 2003 states;

11.26 Where the licensing Authority is conducting a Review on the grounds that the premises has 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 in the interests of the wider community and not those of the individual licence holder.

It further states;

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 premises:

- *For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter*

11.28 It is envisaged that licensing authorities, the police 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

It is requested that the Licensing Committee consider revocation of this premises licence. This will send a strong message that the Local Authority are proactively combating the exploitation of workers, by ensuring employers take seriously their responsibilities in relation to the legislation and to the people within their employment.

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

No ☐

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 CIO 8140

.....

Date 15/11/2022

.....

Capacity Chief Immigration Officer

.....

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.



Home Office

Referral Notice

Illegal Working Civil Penalty

To: LEO + MIKELE ADDIS

Tasking Reference: EV12-836,982

Visited address:

DONATELLO
1-3 Brighton Place
Brighton
EAST SUSSEX
BN1 1JH

Notice given date: 09/11/22

Issued to: FRO manager via Post

Position: manager

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

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

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on
address shown above.

at the visited

Who we suspect of working illegally

	Names of suspected illegal workers	DOB	Reason
1	Redacted Text	Redacted Text	No right to work/Working in breach
2	Redacted Text	Redacted Text	No right to work /Working in breach
3	Redacted Text	Redacted Text	No right to work/Working in breach
4	Redacted Text	Redacted Text	No right to work/Working in breach
5	Redacted Text	Redacted Text	No right to work /Working in breach
6	Redacted Text	Redacted Text	No right to work/Working in breach
7			No right to work/Working in breach
8			No right to work/Working in breach

