



East Cambridgeshire District Council

Meeting: Licensing (Statutory) Sub-Committee

Time: 15:00

Date: Monday 20 November 2023

Venue: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

Enquiries regarding this agenda: Hannah Walker

Telephone: (01353) 665555

Email: hannah.walker@eastcambs.gov.uk

Committee membership

Conservative Members

Cllr Lavinia Edwards

Cllr Keith Horgan (Chairman)

Substitutes:

Cllr Martin Goodearl

Cllr Julia Huffer

Liberal Democrat Member

Cllr Charlotte Cane

Substitute:

(tbc)

Quorum: 3 Members

AGENDA

1. **Apologies and Substitutions** **[oral]**
2. **Declarations of Interest** **[oral]**
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.
3. **Application for the review of a premises – Licensing Act 2003**
Premises: Londis, 31 Carter Street, Fordham, Ely, Cambs.
To consider the above matter in accordance with the Hearings Procedure (attached).

NOTES:

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambs.gov.uk/parking/car-parks-ely>

Admittance is on a “first come, first served” basis and public access will be from 10 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services (democratic.services@eastcambs.gov.uk or 01353 665555) of their intention to attend the meeting.

Further details about the meeting can be found at: <https://www.eastcambs.gov.uk/meetings/licensing-statutory-sub-committee-20112023>

2. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
3. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

4. Reports are attached for each agenda item unless marked “oral”.
5. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chairman will introduce the Members and participants and explain the procedure to be followed. The Chairman will advise all parties that they must make their submissions succinctly, and that all parties will be afforded the same time which should generally not exceed 10 minutes.
3. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
4. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
 - where it considers it necessary in the public interest, adjourn the hearing to a specified date(s); or
 - hold the hearing in that party's absence.
5. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
6. Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.
7. The Licensing Officer will appear first and will give:
 - a summary of the application/case
 - a summary of the representations made
 - a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.

[In the case of enforcement/compliance hearings:

- 7a. *If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 7b. *The licence holder or their representative will be asked to present their case.*
- 7c. *Members, and Legal Officer will be able to ask questions of the licence holder.*
- 7d. *Licence holder or their representative will be asked to provide their closing statement.]*

[In the case of Licensing Act and Gambling Act review hearings:

- 8a. *The review applicant or their representative will be asked to present their case.*
- 8b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*
- 8c. *Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*

- 8d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 8e. *The licence holder or their representative will be asked to present their case.*
- 8f. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 8g. *The licence holder or their representative will be asked to provide their closing statement.]*

[In the case of all other application hearings:

- 9a. *The Applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. *The applicant will be asked to provide their closing statement.]*
10. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
11. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
12. Information which is not relevant to:
- the application/case, representation or notice (as applicable);
 - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective;
- will be disregarded.
13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this.
16. The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by

Members before they retire, the decision will be communicated to all parties within 5 working days.

17. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
18. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
19. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
20. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
21. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive manner may be required to leave the hearing and may:
 - be refused permission to return; or
 - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.

TITLE: Application for the review of a premises – Licensing Act 2003

Committee: Licensing (Statutory) Sub Committee

Date: 20 November 2023

Author: Senior Licensing Officer

Report No: Y94

Contact Officer:

Stewart Broome, Senior Licensing Officer

Stewart.broome@eastcamb.s.gov.uk, 01353 616477, Room SF208 The Grange, Ely

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To determine an application for the review of a premises licence held by ARUN Capital Limited in respect of Londis, 31 Carter Street, Fordham, Ely, Cambs, CB7 5NG.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report and all of the evidence provided during the hearing, and determine the application in accordance with the options contained in paragraph 4.4 of this report.

3.0 BACKGROUND

3.1 Premises History

The property is a convenience store attached to and forming part of the Fordham Petrol Service Station offering. The site was initially granted a premises licence on the 29th September 2005, and this licence was transferred to ARUN Capital Limited on 25th January 2021. This licence is attached as **Appendix 1** to this report.

3.2 Details of the application

On 27th September 2023, Home Office Immigration Enforcement made an application to review the premises licence held by ARUN Capital Limited under the “prevention of crime and disorder” licensing objective. A copy of the review application and the supporting evidence is attached as **Appendix 2** to this report.

3.3 Representations from Responsible Authorities

In submitting the review application in its role as a responsible authority under the Licensing Act 2003, the Home Office is required to send a copy of the

application pack to the licence holder and all other responsible authorities. Officers can confirm that this occurred, and no comments have been received from any of the responsible authorities consulted.

3.4 Representations from “Other Persons”

The process requires the Licensing Authority to advertise the review application and provide a 28-day consultation period, in which “other persons” may submit a comment supporting the licence holder or the review applicant. Officers can confirm that this requirement was observed, and as a result one comment was received supporting the licence holder. This comment is attached to this report as **Appendix 3**.

3.5 Location plan

A location map is attached as **Appendix 4** showing the general location of the Londis premises.

4.0 **DETERMINATION OF APPLICATION**

4.1 Members are obliged to determine this application with a view to promoting the licensing objectives which are:

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

In making their decision Members are also obliged to have regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council’s Statement of Licensing Policy. Should Members depart from either they must specify their reasons for doing so. Members must also take into account the information contained within this report, and the evidence submitted, both written (if submission of such information is agreed by all parties at the hearing) and orally during the hearing.

4.2 Relevant Statutory Guidance considerations (**Appendix 5**):

| | |
|--------------------------|------------|
| The Licensing Objectives | Section 2 |
| Reviews | Section 11 |

4.3 Relevant Local Policy considerations (**Appendix 6**):

| | |
|----------------------------------|------------------------|
| Representations | Section 1.51 to 1.55 |
| Review of Licences | Section 1.101 to 1.106 |
| Licensing Objectives | Section 3 |
| Prevention of Crime and Disorder | Section 4 |

4.4 Members can determine the review application as follows:

- a) reject the application
- b) modify the conditions of the licence*
- c) exclude a licensable activity from the scope of the licence
- d) remove the designated premises supervisor
- e) suspend the licence for a period not exceeding three months
- f) 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.

Step b) and c) may be taken on a permanent basis, or for a temporary period not exceeding 3 months.

4.5 Members are asked to note that they may not take action under a) to f) above merely because they consider it desirable to do so. It must actually be **appropriate** to do so in order to promote the licensing objectives, and any such step must relate to the evidence presented. If Conditions are considered they must be focused on matters which are within the control of applicant, i.e. the premises and its vicinity.

Regulation 19 of the Hearings Regulations 2005 requires authorities to disregard any information given by a party or person that is “not relevant” to their application or representation, and is not relevant to the licensing objectives.

4.6 In determining the review application, Members must provide the reasons for their decisions, and consider their responsibilities under the Human Rights Act 1998.

4.7 Any decision taken must be **appropriate and proportionate** to the objective being pursued. In particular the following should be taken into consideration:

Article 6 – the right to a fair hearing

Article 8 – respect for private and family life

Article 1, First protocol – peaceful enjoyment of possessions (which can include the possession of a licence)

Article 14 – the right to freedom from discrimination.

5.0 **FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT**

5.1 The cost of convening a Licensing (Statutory) Sub-Committee to determine a review application is covered by the statutory fees paid by licence applicants.

5.2 The applicant, licence holder and any other party to the hearing can appeal the decision made by Members to the Magistrates’ Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision. The decision can be advised up to 5 working days from the date of the hearing.

5.3 Equality Impact Assessment (EIA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy.

6.0 APPENDICES

- 6.1 Appendix 1 – Existing Licence
- Appendix 2 – Application Form & Supporting Documents
- Appendix 3 – Representation - Other Persons
- Appendix 4 – Location plan
- Appendix 5 – S182 Statutory Guidance extracts
- Appendix 6 – Local Policy extracts

Background Documents:

Licensing Act 2003

Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, August 2023

ECDC Statement of Licensing Policy 2021



East Cambridgeshire District Council

The Grange, Nutholt Lane, Ely, Cambridgeshire. Tel: 01353 665555

Part A

Premises Licence

Premises Licence Number

21/00046/LIQ_02

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Fordham Service Station
31 Carter Street
Fordham
Ely
Cambridgeshire
CB7 5NG

Telephone number:

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Late Night Refreshment (indoors)
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Standard activity times

| | |
|--|---------------|
| Late Night Refreshment (indoors) Monday to Sunday | 23:00 - 00:00 |
| Sale by Retail of Alcohol Monday to Sunday | 06:00 - 00:00 |

The opening hours of the premises

Standard opening hours

Monday to Sunday

06:00 - 00:00

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

Alcohol is supplied for consumption OFF the premises only.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

ARUN Capital Ltd
Bridge House
9-13 Holbrook Lane
Coventry
United Kingdom
CV6 4AD

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

Registered Business Number: 12334484

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

Mr Sakthivel Vijithran

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

Personal Licence Number:

Licensing Authority:

Licence last updated: 24 January 2021

Annex 1 – Mandatory Conditions

Mandatory Conditions: Sale by Retail of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions: Age Verification Policy

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises 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.

Mandatory Conditions: No Sale of Alcohol for less than the Permitted Price

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price less than the permitted price.
2. For the purposes of the condition set out in paragraph 1:
 - a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979);
 - b) 'permitted price' is the price found by applying the formula:

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

where:

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence:
 - (i) the holder of the premises licence,

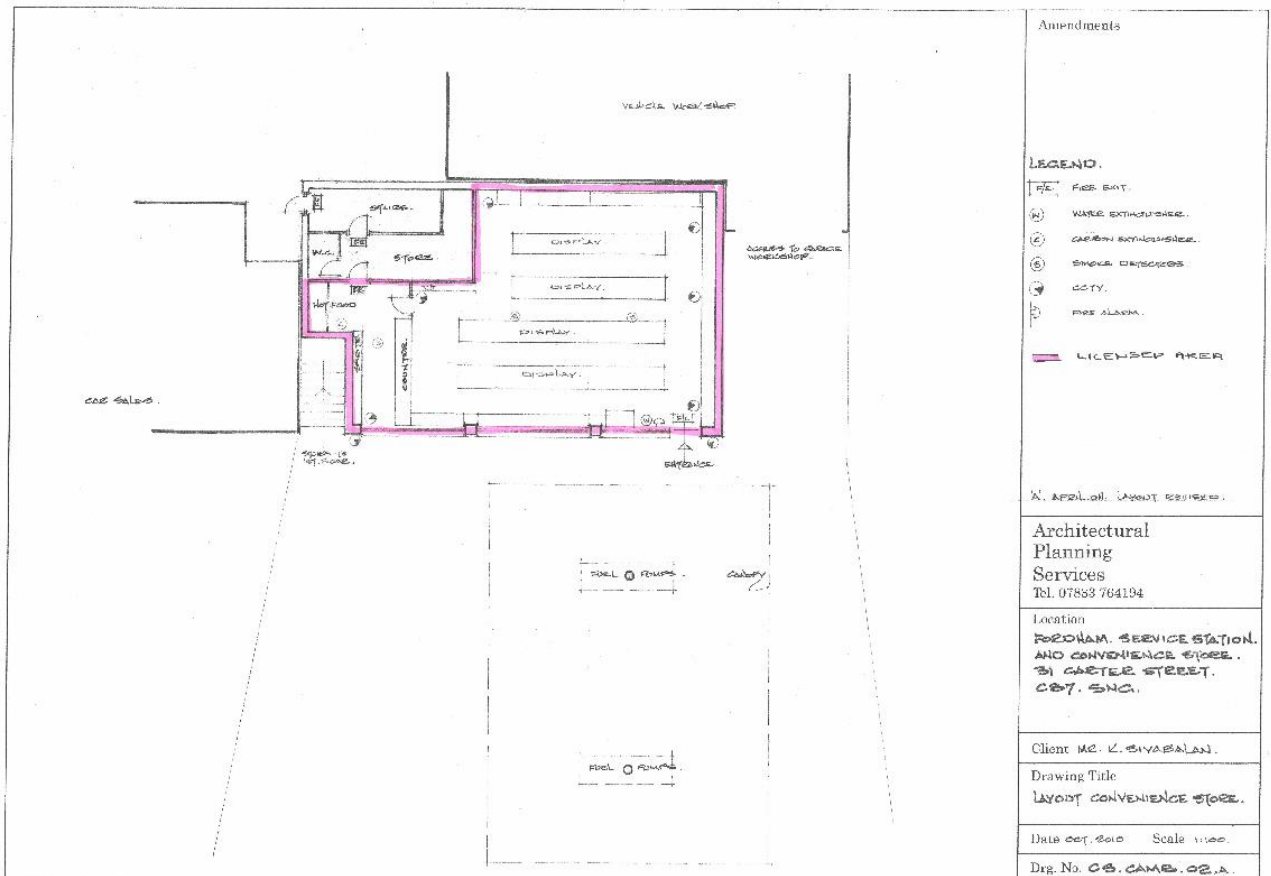
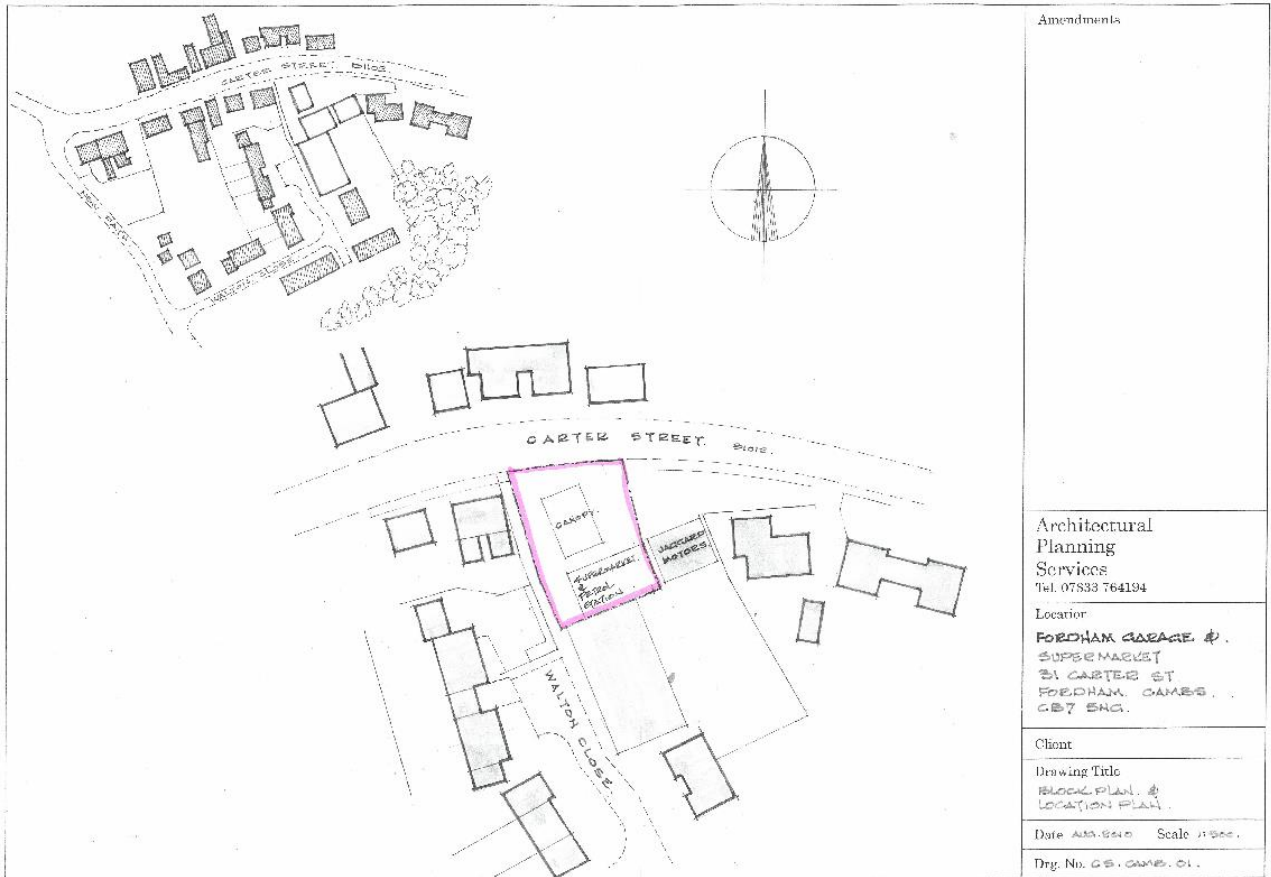
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

1. Video/CCTV equipment to be installed inside and outside the premises and maintained in working order.
2. Video/CCTV equipment to record from the time that the premises opens to the public until the premises closes and all members of the public have left.
3. Any Video/CCTV cameras covering the exterior of the premises to be left to record for the duration of the tape and for a period not less than 1 hour where members of the public congregate outside the premises after the premises is closed.
4. Monitoring tapes to be retained for at least twenty-eight days and to be produced to an authorised officer on demand.
5. Clear and legible notices to be prominently displayed within the premises so as to be clearly visible to members of the public, advising that CCTV has been installed on the premises.
6. Alcohol must not be sold in an open container or be consumed on the licensed premises.
7. A policy to be applied at the licensed premises requiring the production of "proof of age" before such sales of alcohol are made. This will not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo driving licences, student cards and passports, and any PASS accreditation system.

Annex 3 – Conditions attached after a Hearing by the Licensing Authority

Annex 4 – Plans



[Insert name and address of relevant licensing authority and its reference number (optional)]
Licensing Authority: **East Cambridgeshire District 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 Home Office Immigration Enforcement

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 | |
| Londis at the Fordham Service Station 31, Carter Street, Cambridgeshire CB7 5NG | |
| Post town Fordham | Post code (if known) CB7 5NG |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| Arun Capital Ltd |

| |
|---|
| Number of premises licence or club premises certificate (if known) |
| 21/00046/LIQ_02 |

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

| |
|--|
| Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY |
| Telephone number (if any) |
| E-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk |

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

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

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

Grounds for review:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

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

Please refer to accompanied review pack for detailed information

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 Raj Hundal
.....

Date 27 September 2023
.....

Capacity **Responsible Authority**.....

| | |
|--|------------------------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Alcohol Licensing Team Lunar House 40 Wellesley Road | |
| Post town Croydon | Post Code CR9 2BY |
| Telephone number (if any) | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) I.E. Alcoholreviews@homeoffice.gov.uk | |

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.

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Home Office

Premises Licence Review

Londis
Fordham Service Station
31 Carter Street
Fordham
Cambridgeshire
CB7 5NG

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Case Summary

On 25 May 2023, officers from the Home Office Immigration Compliance and Enforcement (ICE) team for the East of England visited the premises of Londis at the Fordham Service Station at 31 Carter Street, Fordham, Cambridgeshire CB7 5NG. The visit was conducted after intelligence was received stating that the business was employing persons who do not have immigration status and are paid cash-in-hand. Entry to the premises was gained by a power conferred under section 179 of the Licensing Act 2003.

Two members of staff were found on the premises, one of whom was an Indian national. He was arrested and detained by immigration officers.

A referral has been made to the Home Office Civil Penalty Compliance Team to consider pursuing a penalty in relation to the illegal working and a £20,000 penalty may be imposed.

Licensed Premises History

The premises holds licence number 21/00046/LIQ_02 for the sale of alcohol for consumption off the premises, issued by East Cambridgeshire District Council.

The licence holder is recorded as ARUN Capital Ltd of Bridge House, 9-13 Holbrook Lane, Coventry CV6 4AD and the Designated Premises Supervisor is [REDACTED] holding personal licence [REDACTED] issued by Harrow Borough Council.

ARUN Capital Ltd was incorporated on 26 November 2019. The company has listed the following 3 directors:

[REDACTED]
[REDACTED]
[REDACTED]

All 3 directors were appointed on 26 November 2019.

Enforcement Visit dated: 25 May 2023

Entry was gained to the premises at 18:19 hours; officers using authority granted under section 179 of the Licensing Act 2003 to enter to investigate whether an immigration offence was being committed in connection with a licensable activity.

Upon entering, two members of staff were observed behind the service counter; one of these was subsequently arrested and detained by immigration officers. The other, a British national, [REDACTED] was subsequently served with a Civil Penalty Referral Notice for the employment of an illegal worker.

A referral was also made to Cambridgeshire Fire Service regarding the observations of officers that the staircase in the premises was partially blocked by storage of alcohol and that the upstairs accommodation was being used to store gas canisters.

[REDACTED]

[REDACTED] is a 20-year-old Indian national, who on entry to the premises was observed standing behind the service counter in the store, wearing a “GULF” branded fleece. On initial questioning, he stated that he’d arrived in the UK in September 2021 on a student visa.

Home Office records show that [REDACTED] was issued a student visa valid from 20 August 2021 to 27 October 2025 to study a BSc (Hons) course in computing, at Bournemouth University. The visa restricted [REDACTED] to a maximum of 20 hours work per week during his study terms.

Upon further questioning, he stated that he’d worked at the premises for 18 months working 25-30 hours per week as a cashier, serving customers and authorising fuel payments. He further stated that he was paid £8 per hour in cash, each month and that he received his payments from [REDACTED] the licence holder. In questioning about his student visa, he admitted that he’d not studied since the first day of term and had been working more than his permitted hours for the past 18 months. In addition to the admission, officers gathered evidence from timesheets that showed [REDACTED] was working over 20 hours each week.

[REDACTED] was clearly not studying in line with his visa, in addition he was working in excess of his permitted hours for some considerable time. [REDACTED] was in breach of his visa and was arrested and detained by immigration officers.

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.

During the enforcement visit, officers spoke to the other member of staff present – [REDACTED] (known as [REDACTED] and asked him about matters relating to [REDACTED]. He admitted that [REDACTED] worked at the premises and that he was paid by [REDACTED] the manager. He stated that he'd been asked for documents to prove that he could work, when he had started employment, but he didn't know about [REDACTED] as [REDACTED] dealt with everything.

The accounts given by [REDACTED] and [REDACTED] differ significantly regarding pay and length of employment. If the management did take copies of [REDACTED] passport, then they clearly decided not to be concerned about the limitations on his permitted working hours. Alternatively, they chose not to concern themselves at all, knowing that in doing so they could pay him below minimum wage, "off-the-books". There must be a significant concern over the attention to the restrictions of the licensing act and how they are being treated by this business – are staff being properly trained? If they don't conduct checks on employee's right to work, what else are they lacking in? In this case, it seems reasonable to conclude that "the manager" is [REDACTED] and that he is [REDACTED], the Designated Premises Supervisor listed on the licence.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the neglect or co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.

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. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

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 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.

ICE officers evidenced that the business had employed an illegal worker. The business could have avoided this review should it have conducted the proper right to work checks and adhered to the restrictions of the visa.

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 website. Additional information on how to conduct these checks is readily 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 deliberately overlooked 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 firm response to this 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.

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. 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.

Photographs

may

| DATE | DAY | REG (START-END) | SBI (START-END) | GORP (START-END) |
|------|-----|-----------------|-----------------|------------------|
| 1 | MON | 5:30-11:30 | 11:30-19:00 | |
| 2 | TUE | 5:30-11:30 | 11:30-19:00 | |
| 3 | WED | 5:30-11:30 | 11:30-19:00 | |
| 4 | THU | 5:30-11:30 | 11:30-19:00 | |
| 5 | FRI | 5:30-11:30 | 11:30-19:00 | |
| 6 | SAT | 5:30-11:30 | 11:30-19:00 | |
| 7 | SUN | 5:30-11:30 | 11:30-19:00 | |
| 8 | MON | 5:30-11:30 | 11:30-19:00 | |
| 9 | TUE | 5:30-11:30 | 11:30-19:00 | |
| 10 | WED | 5:30-11:30 | 11:30-19:00 | |
| 11 | THU | 5:30-11:30 | 11:30-19:00 | |
| 12 | FRI | 5:30-11:30 | 11:30-19:00 | |
| 13 | SAT | 5:30-11:30 | 11:30-19:00 | |
| 14 | SUN | 5:30-11:30 | 11:30-19:00 | |
| 15 | MON | 5:30-11:30 | 11:30-19:00 | |
| 16 | TUE | 5:30-11:30 | 11:30-19:00 | |
| 17 | WED | 5:30-11:30 | 11:30-19:00 | |
| 18 | THU | 5:30-11:30 | 11:30-19:00 | |
| 19 | FRI | 5:30-11:30 | 11:30-19:00 | |
| 20 | SAT | 5:30-11:30 | 11:30-19:00 | |
| 21 | SUN | 5:30-11:30 | 11:30-19:00 | |
| 22 | MON | 5:30-11:30 | 11:30-19:00 | |
| 23 | TUE | 5:30-11:30 | 11:30-19:00 | |
| 24 | WED | 5:30-11:30 | 11:30-19:00 | |
| 25 | THU | 5:30-11:30 | 11:30-19:00 | |
| 26 | FRI | 5:30-11:30 | 11:30-19:00 | |
| 27 | SAT | 5:30-11:30 | 11:30-19:00 | |
| 28 | SUN | 5:30-11:30 | 11:30-19:00 | |
| 29 | MON | 5:30-11:30 | 11:30-19:00 | |
| 30 | TUE | 5:30-11:30 | 11:30-19:00 | |
| 31 | WED | 5:30-11:30 | 11:30-19:00 | |

April

| DATE | DAY | REG (START-END) | SBI (START-END) | GORP (START-END) |
|------|-----|-----------------|-----------------|------------------|
| 1 | MON | 5:30-11:30 | 11:30-19:00 | |
| 2 | TUE | 5:30-11:30 | 11:30-19:00 | |
| 3 | WED | 5:30-11:30 | 11:30-19:00 | |
| 4 | THU | 5:30-11:30 | 11:30-19:00 | |
| 5 | FRI | 5:30-11:30 | 11:30-19:00 | |
| 6 | SAT | 5:30-11:30 | 11:30-19:00 | |
| 7 | SUN | 5:30-11:30 | 11:30-19:00 | |
| 8 | MON | 5:30-11:30 | 11:30-19:00 | |
| 9 | TUE | 5:30-11:30 | 11:30-19:00 | |
| 10 | WED | 5:30-11:30 | 11:30-19:00 | |
| 11 | THU | 5:30-11:30 | 11:30-19:00 | |
| 12 | FRI | 5:30-11:30 | 11:30-19:00 | |
| 13 | SAT | 5:30-11:30 | 11:30-19:00 | |
| 14 | SUN | 5:30-11:30 | 11:30-19:00 | |
| 15 | MON | 5:30-11:30 | 11:30-19:00 | |
| 16 | TUE | 5:30-11:30 | 11:30-19:00 | |
| 17 | WED | 5:30-11:30 | 11:30-19:00 | |
| 18 | THU | 5:30-11:30 | 11:30-19:00 | |
| 19 | FRI | 5:30-11:30 | 11:30-19:00 | |
| 20 | SAT | 5:30-11:30 | 11:30-19:00 | |
| 21 | SUN | 5:30-11:30 | 11:30-19:00 | |
| 22 | MON | 5:30-11:30 | 11:30-19:00 | |
| 23 | TUE | 5:30-11:30 | 11:30-19:00 | |
| 24 | WED | 5:30-11:30 | 11:30-19:00 | |
| 25 | THU | 5:30-11:30 | 11:30-19:00 | |
| 26 | FRI | 5:30-11:30 | 11:30-19:00 | |
| 27 | SAT | 5:30-11:30 | 11:30-19:00 | |
| 28 | SUN | 5:30-11:30 | 11:30-19:00 | |
| 29 | MON | 5:30-11:30 | 11:30-19:00 | |
| 30 | TUE | 5:30-11:30 | 11:30-19:00 | |

March

Handwritten calendar for March 2023. The calendar is organized by month and day, with columns for 'DATE', 'DAY', 'ALICE START/END', 'REGISTRATION', 'SIN START/END', 'SIN START/END', 'SIN START/END', 'SIN START/END', and 'TOTAL'. The days of the week are abbreviated as MON, TUE, WED, THU, FRI, SAT, SUN. The calendar includes handwritten entries for various dates, such as '11/11', '12/11', '13/11', '14/11', '15/11', '16/11', '17/11', '18/11', '19/11', '20/11', '21/11', '22/11', '23/11', '24/11', '25/11', '26/11', '27/11', '28/11', '29/11', '30/11', '31/11'. There are also handwritten notes and signatures throughout the calendar.

February

Handwritten calendar for February 2023. The calendar is organized by month and day, with columns for 'DATE', 'DAY', 'ALICE START/END', 'REGISTRATION', 'SIN START/END', 'SIN START/END', 'SIN START/END', 'SIN START/END', and 'TOTAL'. The days of the week are abbreviated as MON, TUE, WED, THU, FRI, SAT, SUN. The calendar includes handwritten entries for various dates, such as '1/2', '2/2', '3/2', '4/2', '5/2', '6/2', '7/2', '8/2', '9/2', '10/2', '11/2', '12/2', '13/2', '14/2', '15/2', '16/2', '17/2', '18/2', '19/2', '20/2', '21/2', '22/2', '23/2', '24/2', '25/2', '26/2', '27/2', '28/2', '29/2'. There are also handwritten notes and signatures throughout the calendar.

OFFICIAL SENSITIVE

jan

A handwritten table for the month of January. The table has multiple columns with headers such as 'Kategori', 'Sub Kategori', 'Jumlah', 'Mula', 'Akhir', 'Perubahan', 'Mula', 'Akhir', 'Perubahan', 'Mula', 'Akhir', 'Perubahan'. The rows contain numerical data and some text entries. There are handwritten notes and signatures at the bottom of the page.

December 22

A handwritten table for the month of December 22. The table has multiple columns with headers such as 'Kategori', 'Sub Kategori', 'Jumlah', 'Mula', 'Akhir', 'Perubahan', 'Mula', 'Akhir', 'Perubahan', 'Mula', 'Akhir', 'Perubahan'. The rows contain numerical data and some text entries. There are handwritten notes and signatures at the bottom of the page.

OFFICIAL SENSITIVE

OFFICIAL SENSITIVE

Nov 22

The image shows a handwritten table with multiple columns and rows. The table is oriented vertically in the photograph. It contains various numerical and text entries, likely representing a detailed record or ledger. The columns are densely packed with data, and some cells contain circled numbers or other markings. The handwriting is in black ink on a white background. The table is placed on a tiled floor, and a yellow and black striped object is visible to the right.

OFFICIAL SENSITIVE

OFFICIAL SENSITIVE

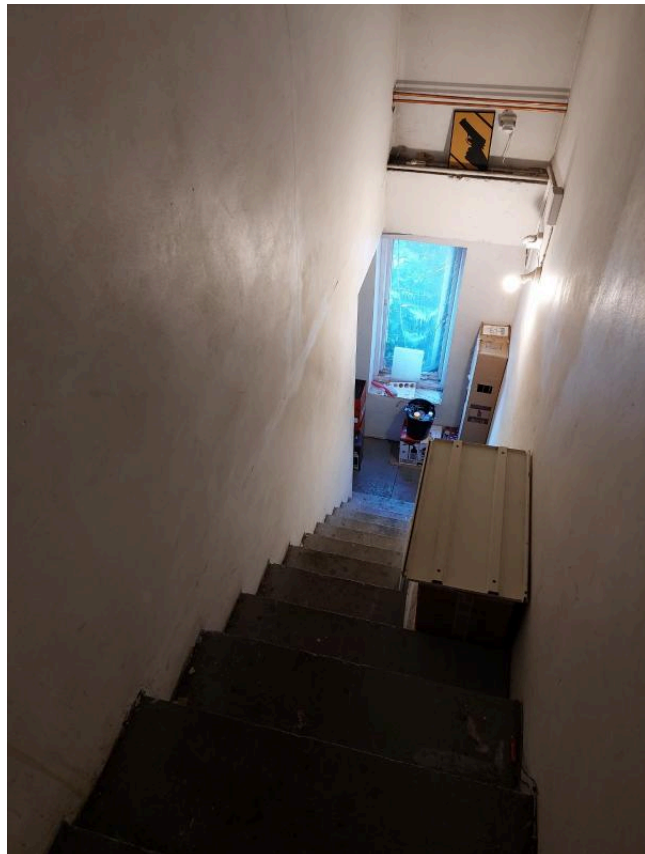
| Freetext | | | | | |
|---|--|----------------|--------|-----------------|--------|
| Details | | | | | |
| Type of work | Visit | | | | |
| Visit reference | [REDACTED] | | | | |
| Created by | [REDACTED] | | | | |
| Address | Londis, Fordham service station , 31 Carter Street, Fordham, Cambridge, CB7 5NG (Visit Address) | | | | |
| Subject CIDPID/CEPR | Unknown | | | | |
| Subject name | [REDACTED] | | | | |
| Subject DOB | [REDACTED] | | | | |
| Subject nationality | India | | | | |
| Subject gender | Male | | | | |
| Time | 18:59 | | | | |
| Created at geolocation | <table border="0"> <tr> <td>Easting</td> <td>562861</td> </tr> <tr> <td>Northing</td> <td>270834</td> </tr> </table> | Easting | 562861 | Northing | 270834 |
| Easting | 562861 | | | | |
| Northing | 270834 | | | | |
| Creation date | 25-05-2023 18:57:50 | | | | |
| Is this entry related to a Critical Incident? | No | | | | |
| Entry | | | | | |
| Title | Licensing issues | | | | |
| Text | Storage of gas bottles upstairs. Stairs are blocked by goods. This causes a hazard on the stairs. | | | | |

Photographs

gas bottles



access to upstairs



OFFICIAL SENSITIVE

| Freetext | | | | | |
|---|---|----------------|--------|-----------------|--------|
| Details | | | | | |
| Type of work | Visit | | | | |
| Visit reference | ██████████ | | | | |
| Created by | ██████████ | | | | |
| Address | Londis, Fordham service station , 31 Carter Street, Fordham, Cambridge, CB7 5NG (Visit Address) | | | | |
| Subject CIDPID/CEPR | Unknown | | | | |
| Subject name | No Subject | | | | |
| Time | 18:26 | | | | |
| Created at geolocation | <table> <tr> <td>Easting</td> <td>562873</td> </tr> <tr> <td>Northing</td> <td>270834</td> </tr> </table> | Easting | 562873 | Northing | 270834 |
| Easting | 562873 | | | | |
| Northing | 270834 | | | | |
| Creation date | 25-05-2023 18:26:01 | | | | |
| Is this entry related to a Critical Incident? | No | | | | |
| Entry | | | | | |
| Title | Storage of alcohol | | | | |
| Text | They have stored alcohol in the stairs which leads to accommodation upstairs. This alcohol stops as soon as it gets to the door. We looked inside the accommodation, saw there was no stock and went back downstairs. | | | | |

Photographs

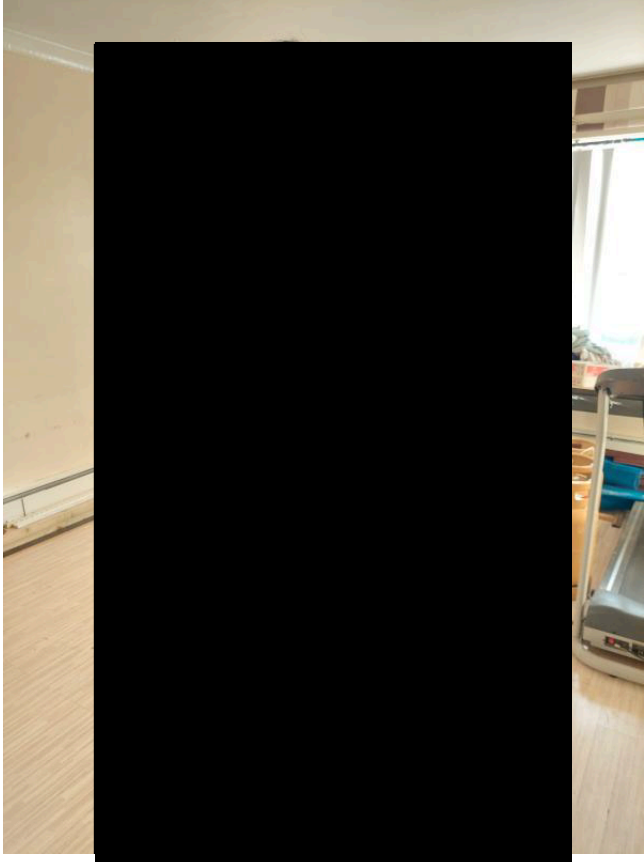
alcohol storage



OFFICIAL SENSITIVE

| Illegal Working - Employee | | | | | |
|---|--|----------------|--------|-----------------|--------|
| Details | | | | | |
| Type of work | Visit | | | | |
| Visit reference | ██████████ | | | | |
| Created by | ██████████ | | | | |
| ProntoID | ████████████████████ | | | | |
| Subject CIDPID/CEPR | Unknown | | | | |
| Subject name | ████████████████ | | | | |
| Subject DOB | ██████████ | | | | |
| Subject nationality | India | | | | |
| Subject gender | Male | | | | |
| Time | 18:40 | | | | |
| Created at geolocation | <table border="0"> <tr> <td>Easting</td> <td>562867</td> </tr> <tr> <td>Northing</td> <td>270840</td> </tr> </table> | Easting | 562867 | Northing | 270840 |
| Easting | 562867 | | | | |
| Northing | 270840 | | | | |
| Creation date | 25-05-2023 18:40:46 | | | | |
| Language of Interview | | | | | |
| What language is the interview carried out in? | English | | | | |
| Interpreter used? | No | | | | |
| Obligation | | | | | |
| How long have you been working at this business? | 18 months ago | | | | |
| What days/ hours do you work each week? | 25 to 30 hours a week | | | | |
| What is your job role/ what are your duties? | Cashier serving customers and authorise fuel payments | | | | |
| Control | | | | | |
| Who tells you what tasks/ duties to do each day? | ████ the assistant manager | | | | |
| Do you have keys to the shop? Do you open up and close? | No | | | | |
| Do you live here above the petrol station | | | | | |

OFFICIAL SENSITIVE

| Remuneration | |
|--|---|
| How are you paid (money, accommodation, food)? | I get paid cash £8 an hour and get paid cash each month |
| Do you pay income tax or have a National Insurance number? | No i don't tell anyone |
| Who pays you? | █ the manager license holder |
| Pre-employment Checks | |
| Did the employer check your right to work or immigration status before they offered you the job? | I showed my PIP card but nothing else |
| Did the employer check your right to work or immigration status before they offered you the job? | No they didn't |
| Additional Questions | |
| are you studying at the moment | No i stopped going at least 6 months ago |
| Photographs | |
| working |  <p>Exhibit Ref 1</p> <p>Common name Work</p> |

OFFICIAL SENSITIVE

| Declaration | |
|---|---|
| I confirm that I have understood all the questions and that the details are true and correct. | |
| Subject has refused to provide a signature. | |
| Employee read the contents of the interview themselves | Yes |
| Contents read back to the employee in the language used during the interview | Yes |
| Observations | |
| Observations | Working in uniform and admitted to working 30 hours |
| Do you suspect this person of illegal working? | Yes |

OFFICIAL SENSITIVE

| Illegal Working - Employer | | | | | |
|---|--|----------------|--------|-----------------|--------|
| Details | | | | | |
| Type of work | Visit | | | | |
| Visit reference | ██████████ | | | | |
| Created by | ██████████ | | | | |
| ProntolD | ██ | | | | |
| Subject CIDPID/CEPR | ██████████ | | | | |
| Employer | ██ | | | | |
| Subject DOB | ██████████ | | | | |
| Subject nationality | ██████████ | | | | |
| Subject gender | Male | | | | |
| Time | 18:43 | | | | |
| Created at geolocation | <table border="0"> <tr> <td>Easting</td> <td>562872</td> </tr> <tr> <td>Northing</td> <td>270856</td> </tr> </table> | Easting | 562872 | Northing | 270856 |
| Easting | 562872 | | | | |
| Northing | 270856 | | | | |
| Creation date | 25-05-2023 18:43:40 | | | | |
| Language of Interview | | | | | |
| What language is the interview carried out in? | English | | | | |
| Interpreter used? | No | | | | |
| Employer Details | | | | | |
| What is the name of the business? | Arun Capital limited - Fordham services. | | | | |
| What is your position here? | Looks after the store when the manager isn't here. | | | | |
| What are the Companies House and VAT numbers of the business? | 666 0933 17 | | | | |
| so when the manager isn't here you are looked at as manager | Yes | | | | |
| what are you known as? | ██████████ | | | | |

OFFICIAL SENSITIVE**Declaration by Employer**

I confirm that I have understood all the questions and that the details are true and correct.

Signed by

[REDACTED]



25-05-2023 19:10:55

Employee - Sridhar RAMADOSS

Known to employer as

[REDACTED] Or [REDACTED]

Obligation

How long has the employee been working at this business?

Since last year not sure what month

What is their job role/ duties?

Cleaning and filling shelves but mostly clean.

does he work behind the till at all?

Only to cover when we are busy.

What days/ hours do they work each week?

Works Mondays and weekends and Thursdays

is that the same every week?

Sometimes it changes.

when and why would his shifts change?

When there is a big job then we call him in.

how do you tell him his shifts?

Monday and weekends are exactly the same, but will contact him by phone regarding the weekdays

Control

Who gave the employee this job?

The manager

whos the manager?

[REDACTED]

Who tells them what days and hours to work?

I call them to say when to work

Who tells them what tasks or duties to perform each day?

I speak to the manager previous to the day and ask what needs doing. I would then tell [REDACTED] what needs doing.

Where are the employee records?

Nothing to do with me that's with the manager.

where does the manager keep them?

It'd not here it's in the office maybe at his house

OFFICIAL SENSITIVE

| Remuneration | |
|--|---|
| does he get paid? | Yes he does |
| do you know much | No |
| who deals with paying? | the manager - [REDACTED] |
| what else is he given for working here? | Tea and coffee is free which is normal. But he isn't given anything else. |
| what about accommodation? | No |
| so if SRI didn't work here, would he be allowed to stay upstairs | No he wouldn't |
| does he pay tax | Yes everything. |
| Pre-employment Checks | |
| when he started working was he asked for documents to prove he is allowed to work? | Manager does all that so I don't know |
| we're you asked for proof of being allowed to work? | Yes |
| what we're you asked for? | Visa copy NI number all the legal documents I can give |
| so you don't know if the manager asked the same from him? | No I don't know. |
| Observations | |
| Observations | |

OFFICIAL SENSITIVE

| Q&A | | | | | |
|---|--|----------------|--------|-----------------|--------|
| Details | | | | | |
| Type of work | Visit | | | | |
| Visit reference | [REDACTED] | | | | |
| Created by | [REDACTED] | | | | |
| Prontoid | [REDACTED] | | | | |
| Subject CIDPID/CEPR | Unknown | | | | |
| Subject name | [REDACTED] | | | | |
| Subject DOB | [REDACTED] | | | | |
| Subject nationality | India | | | | |
| Subject gender | Male | | | | |
| Time | 19:10 | | | | |
| Created at geolocation | <table border="0"> <tr> <td>Easting</td> <td>562862</td> </tr> <tr> <td>Northing</td> <td>270834</td> </tr> </table> | Easting | 562862 | Northing | 270834 |
| Easting | 562862 | | | | |
| Northing | 270834 | | | | |
| Creation date | 25-05-2023 19:10:10 | | | | |
| Language of Interview | | | | | |
| What language is the interview carried out in? | English | | | | |
| Interpreter used? | No | | | | |
| Q&A | | | | | |
| Have you ever studied anywhere else since your Bournemouth application | No I have not studied anywhere else since I attended the first day of term at Bournemouth in 2021 | | | | |
| so do you admit to working more than your permitted 20 hours term time hours? | Yes I admit I worked more than I was allowed to as I worked 30 hours plus a week for 18 months | | | | |

OFFICIAL SENSITIVE

Declaration

Interviewee signature ([REDACTED]

[REDACTED]



25-05-2023 19:15:20

OFFICIAL SENSITIVE

EAST CAMBRIDGESHIRE
No chg
18 OCT 2023 DMS
DISTRICT COUNCIL

CARTER STREET GARAGES LIMITED

**COMMERCIAL AND RESIDENTIAL
PROPERTY INVESTMENTS**

21 Carter Street
Fordham, Ely
Cambridgeshire
CB7 5NG

17 October 2023

Ref: 23/00928/LIQ_02

Licensing Section
East Cambridgeshire District Council
Nutholt Lane
ELY Cambridgeshire
CB7 4EE

EAST CAMBRIDGESHIRE
18 OCT 2023 DMS
DISTRICT COUNCIL

Dear Sirs

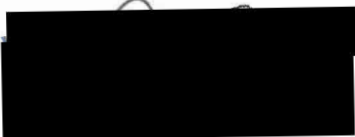
We are the landlords of Fordham Service Station and are extremely disappointed to learn of their alleged employment of an unauthorized temporary staff member. We have been assured this was a misunderstanding of the rules and has never happened before in their over 20 years of trading. We also understand that the Immigration Service are not taking any further action but, of course, they have rightly made you aware of the matter. May we respectfully ask you to take the following points into consideration when you carry out your review.

Fordham Service Station have been tenants since October 2002 and have never given us any cause of concern. They pay all of their bills on time, run their business in a very professional way and are extremely hardworking. They keep the site clean and up to date and provide a valuable service to the community.

They have to work on extremely low margins and the possible loss or suspension of their license could have a serious effect on their trading. Should this make the business non-viable, we would have great difficulty in finding new tenants. Closure would also have a negative effect on the workshop and MOT Testing Station which shares the site.

Fordham is very fortunate to still have a petrol station which dates back to the 1930's and it holds a prominent position in the centre of the village. For all our sakes we wish for this to continue.

Please give them the benefit of your discretion on this occasion. We are confident they will not make the same mistake again.



M Richards
Director



**THE LICENSING ACT 2003
REPRESENTATION FORM FOR OTHER PERSONS**

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

| | | |
|---|--|---|
| Full name Title | CARTER STREET GARAGES LTD | |
| Postal address (inc post code) | 21 CARTER ST FORDHAM CAMBS CB7 5NG | |
| Contact telephone number | [REDACTED] | |
| Mobile telephone number | - | |
| Email address | [REDACTED] | |
| Name of premises you are making a representation about | FORDHAM SERVICE STATION | |
| Address of the premises you are making a representation about | 31 CARTER ST FORDHAM CAMBS CB7 5NG | |
| <p>This section is about your representation which must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary). When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.</p> | | |
| Which licensing objective(s) does your representation relate to? | SEE LETTER ATTACHED | Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary) |
| The prevention of crime and disorder | | Public safety |

| | |
|---|--------------------------------------|
| The prevention of public nuisance | The protection of children from harm |
| Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary) | |

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in this application will be disclosed to the applicant for a premises licence or club premises certificate.

Signed  Date 17/10/23

Please print designation DIRECTOR, CARTER STREET GARAGES LTD

Please return this form along with any additional sheets to:

Licensing Team
 Environmental Services
 East Cambridgeshire District Council
 The Grange
 Nutholt Lane
 Ely
 CB7 4EE

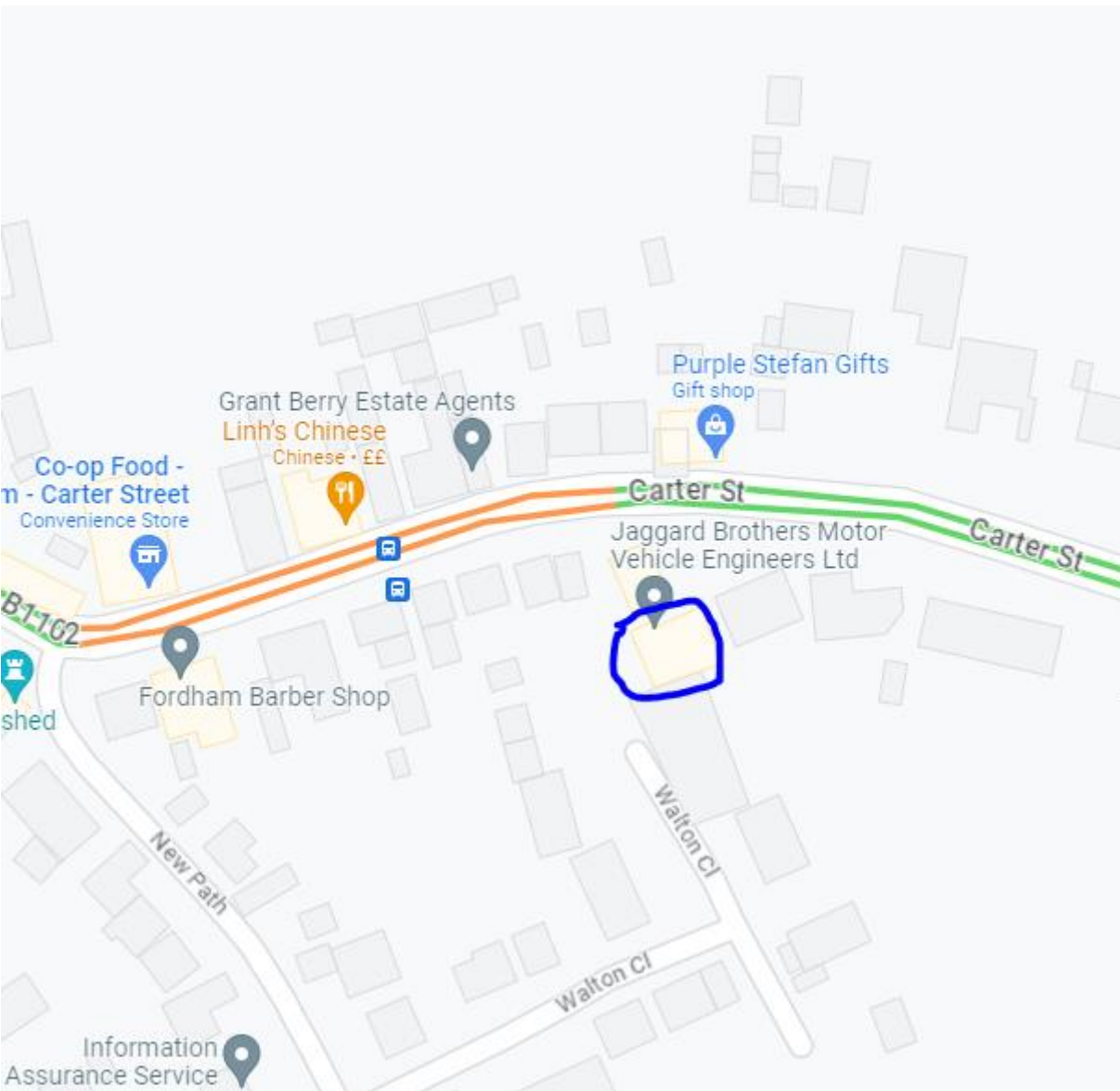
Telephone: 01353 665555

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.





Home Office

Revised Guidance issued under section 182 of the Licensing Act 2003

August 2023

11. Reviews

The review process

- 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.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 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. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 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. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should

achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 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.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 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)¹⁰;
 - 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, 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

¹⁰ See chapter 16 in relation to the licensing of live and recorded music.

Appendix 5 – S182 Statutory Guidance extracts

action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 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.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.



East Cambridgeshire District Council

Licensing Act 2003

STATEMENT OF LICENSING POLICY



Published: 10 November 2020
Effective: 7 January 2021

Representations

- 1.51 Any Responsible Authority or “other person” may make relevant representations on applications for the grant or variation or minor variation of a premises licence or club premises certificate and request reviews of licences or certificates that have been granted.
- 1.52 A representation will only be ‘relevant’ if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, in the case of a representation submitted by an “other person”, the representation must not be frivolous or vexatious.
- 1.53 The licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made, including the name and address of the person who submitted it. Unless a person making a representation can satisfy the licensing authority that there are exceptional reasons as to why their name and address should not be made public (in which case some or all of their details may be withheld), these details will be released. Due to this “other persons” may wish to approach a responsible authority or ward councillor with their concerns.
- 1.54 In all cases, applicants and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates’ Court against the decision of the committee.
- 1.55 Where the Responsible Authorities or an “other person” does not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.

Reviews of Licences

- 1.101 At any stage following the grant of a premises licence a responsible authority (including the licensing authority) or another person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with one of the four licensing objectives. In addition, a review of the licence will normally follow any action to close the premises (for up to 24 hours) on the grounds of disorder or noise nuisance or as a result of a Magistrates’ Court determination.
- 1.102 Where the Licensing Authority has applied to review an authorisation, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest.
- 1.103 Under the Violent Crime Reduction Act 2006, following an application from the chief officer of police, the Authority can attach interim steps to licences pending

a full review. The Act also introduced a new offence in relation to persistent alcohol sales to minors.

- 1.104 Any application for review must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of one or more of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Applications will not be accepted if they are considered to be frivolous, vexatious or repetitive. Government Guidance suggests that more than one request originating from an “other person” or Responsible Authority for a particular premise within a reasonable interval may be considered as repetitious.
- 1.105 Prior to the hearing, the licence holder will be made fully aware of the representations, the evidence supporting the request and will be given the opportunity to prepare a response.
- 1.106 The licensing authority views particularly seriously applications for the review of any premises licence where there has been evidence of the following:
- a) use of licensed premises for the sale and distribution of drugs and/or the laundering of the proceeds of drug crimes;
 - b) use of licensed premises for the sale and/or distribution of firearms;
 - c) evasion of copyright in respect of pirated films and music;
 - d) underage purchase and consumption of alcohol;
 - e) use of licensed premises for prostitution or the sale of unlawful pornography;
 - f) use of licensed premises for unlawful gaming;
 - g) use of licensed premises as a base for criminal activity;
 - h) use of licensed premises for the organisation of for example, racist, homophobic or sexual abuse or attacks;
 - i) use of the licensed premises for the sale or supply of illegal goods;
 - j) use of the licensed premises for the sale or supply of illicit or counterfeit tobacco and/or alcohol and/or consumer goods;
 - k) the use of licensed premises for the sale of stolen goods;
 - l) where the police are frequently called to attend to incidents of disorder;
 - m) prolonged and/or repeated instances of public nuisance;
 - n) where serious risks to public safety have been identified and the management is unable or unwilling to correct those
 - o) where serious risks to children have been identified.

3.0 LICENSING OBJECTIVES

- 3.1 The following sections set out the Licensing Authority’s Policy relating specifically to the four licensing objectives
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.

- 3.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome in bold type. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**
- 3.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
- 3.4 **The selection of control measures, referred to in 3.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.
- 3.5 Additional measures may be appropriate on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature, and which can have a significant impact upon the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned to achieve the licensing objectives.**
- 3.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training/awareness and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 3.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in achieving the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's premises risk assessment.**
- 3.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These could include

- the nature of the premises or event
- the availability of alcohol treatment services to the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation
- provision of seating
- retention of room divisions to minimise the effect of any disorderly activity
- use of separate areas in single-room pubs to minimise the effect of any disorderly activity.

3.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to implement additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

4.0 PREVENTION OF CRIME AND DISORDER

4.1 East Cambridgeshire District Council is committed to improving further the quality of life for the people of the district by continuing to reduce crime and the fear of crime.

4.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty upon East Cambridgeshire District Council, Cambridgeshire Police, Cambridgeshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

4.3 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

- 4.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact upon crime and disorder have been considered. These could include
- under-age drinking
 - drunkenness on premises
 - public drunkenness
 - drugs
 - violent behaviour
 - anti-social behaviour.
 - alcohol pricing, and marketing
- 4.5 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:
- effective and responsible management of premises
 - training and supervision of staff
 - adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
 - acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' UK driving licences with photographic ID
 - provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
 - employment of Security Industry Authority licensed door supervisors
 - provision of toughened or plastic drinking vessels
 - provision of secure, deposit boxes for confiscated items ('sin bins')
 - provision of security measures, such as lighting outside premises
 - membership of local 'Pubwatch' schemes or similar organisations.
- 4.6 Within the operating schedule for premises from which alcohol will be sold, the premises licence holder must specify a personal licence holder as the 'Designated Premises Supervisor' (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS the day-to-day responsibility for running the premises. Although there is no legal obligation for the DPS to be on the premises at all times, the Licensing Authority acknowledges that the premises licence holder and the DPS, in particular with regard to the sale of alcohol, remain responsible at all times, including in their absence from the premises, for compliance with the terms of the Licensing Act 2003 and conditions attached to the premises licence to promote the licensing objectives. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

- 4.7 Whilst the Licensing Act 2003 requires each sale of alcohol to be made or authorised by a personal licence holder, there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether real authorisation is given, the Guidance issued by the Secretary of State encourages the practice of an overt act of authorisation, such as a specific written statement being given by personal licence holders to persons not holding a personal licence to make sales of alcohol in their absence.
- 4.8 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending upon the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable, giving at least ten clear working days, or five clear working days (Late TENs) minimum statutory notice, to enable the police, and environmental health to consider them. The Licensing Authority acknowledges that 'working days notice' means working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.