

Supplementary Committee Agenda



**Epping Forest
District Council**

Licensing Sub-Committee Tuesday, 2nd April, 2019

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 10.00 am

Democratic Services: Democratic Services (Direct Line 01992 564243)
Email: democraticservices@eppingforestdc.gov.uk

**8. PREMISES LICENCE TRANSFER AND DPS CHANGE UNDER THE LICENSING
ACT 2003 FOR WO FAT, 270-272 HIGH ROAD LOUGHTON (Pages 3 - 116)**

To consider the attached documents.

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Agenda Item 8

Epping Forest
District Council

Epping Forest
Application to transfer premises licence
Licensing Act 2003

For help contact

Telephone: 01992 564000

• required Information

Section 1 of 7

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference application This is the unique reference for this generated by the system.

Your reference you You can put what you want here to help track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

☒ Yes ☐ No

Applicant Details

* First name

* Family name

Continued from previous page...

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Applicant's position in the business

Home country The country where the applicant's headquarters are.

Registered Address Address registered with Companies House.

Building number or name

District	
City or town	Reigate
County or administrative area	Surrey
Postcode	RH2 7JE
Country	United Kingdom

Agent Details

Solicitors - Caroline * First name	Poppleston Allen Miyagawa
Solicitors * Caroline * Family name	Poppleston Allen Miyagawa

E-mail		
Main telephone number	01159349186	Include country code.
Other telephone number		

☐ Indicate here If you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent
- A sole trader Is a business owned by one person without any special legal structure.

Agent Business

Is your business registered In the UK with Companies House?	Yes	No
Is your business registered 'C' Yes outside the UK?	Yes	No

Note: completing the Applicant Business section is optional in this form.

If your business is named as	Poppleston Allen Solicitors	registered, use its Business registered name.
VAT number if	GB 610752862	Put "none" if you are not registered for VAT.

Legal status	Partnership	Paralegal
Your position in the business		
The country where the business is located.	United Kingdom	headquarters of your Home country business

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you
law for receiving communications.

Building number or nameby 37

Street Stoney Street

District Lace Market City or town
Nottingham

County or administrative area

Postcode NCI ILS

Country United Kingdom

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Section 2 of 7 PREMISES DETAILS

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

Premises Licence

* Premise licence number LN/210001332

Name Of Current Premises Licence Holder

* Name Chi Chiu wU

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

② Address OS map reference Description

Building number or name Wo Fat Restaurant

Street 270-272 High Road

District

City or town Loughton

County or administrative area

Postcode IGIO IRB

Country United Kingdom

Further Details

Please give a brief description of the premises

Restaurant.

Continued from previous page...

Telephone number at the
premises if any

Section 3 of 7 APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

- An individual or individuals
- ☒ A limited company/limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body

A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales

A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England

- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Please confirm the following:

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Or I am making the application pursuant to a statutory function

I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 7 NON INDIVIDUAL APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Address

Is the address the same as (or similar to) the address given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☐ Yes

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "NO" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 5 of 7

FURTHER INFORMATION

Are you the holder of the premises licence under an interim authority notice?

☐ Yes ☐ No

Do you wish the transfer to have immediate effect?

☒ Yes ☐ No

Have you attached the consent form signed by the existing premises licence holder?

☐ Yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)?

☒ Yes ☐ No

Have you attached the previous licence?

☐ Yes ☒ No

Please enter your reasons

The original premises licence has been misplaced.

Section 6 of 7

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an Individual or an individual in a partnership who is resident in the UK who: • does not have the right to live and work in the UK; or • is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
 - A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
 - A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
 - A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name Issued by a Government agency or a previous employer.
 - A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
 - A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
-
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
 - A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
 - A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
 - A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
 - A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
 - Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
 - Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity - such as a passport,
 - evidence of their relationship with the European Economic Area family member - e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer, (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,

- (iii) studying e.g. letter from the school college or university and evidence of sufficient funds; or (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry, and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online.

The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 7 of 7

Section 7 of 7 PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £23

DECLARATION

Continued from previous page...

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	Poppleston Allen Solicitors
* Capacity	For and on behalf of the Applicant
* Date	07 / 03 / 2019 dd mm YYYY

Add another signatory

- Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/epping-forest/change-3> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	CM/P54259-2/Wo Fat Restaurant
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	

Is Digitally signed

Schedule 11 - 1

We Chi Chau Wu the premises licensee holder of the premises
LN/210001332 relating to Wo Fat Restaurant, 270-272
IRB, hereby give my consent for the transfer of
LN/210001332 to Vital Eats Limited.

Signed

Name (please print) CHI CHIU WU

Dated 6-3-2019

• required information

Section 1 of 4

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

Your reference

Wo Fat Restaurant Loughton VDPS APP •
TCO

Applicant Details

This is the unique reference for this application generated by the system.

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

* First name

Vital Eats Limited

* Family name

Vital Eats Limited

* E-mail

t.cooper@popall.co.uk

Main

telephone 01159487410

number Include

country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

(^h Applying as an individual)

VAT number

GB

Unknown

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes

No

Note: completing the Applicant Business section is optional in this form.

Registration number

11206981

Business name

Vital Eats Limited

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.
Applicant's position in the business

Legal status Private Limited Company
Home country

Registered Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

The country where the applicant's headquarters are.

Address registered with Companies House.

The Coach House

1 Howard Road

Reigate

Surrey

RH2 7JE

United Kingdom

Agent Details • First name

* Family name

* E-mail

Main telephone number Other telephone number Premises

Licence Holder

Poppleston Allen Solicitors - Tonya Cooper

Poppleston Allen Solicitors - Tonya Cooper

01159487410

Include country code.

United Kingdom

☐ Indicate here if you would prefer not to be contacted by telephone Are you:

☐ @ An agent that is a business or organisation, including a sole trader

☐ C' A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? C Yes ☒ No

Is your business registered outside the UK? C' Yes

Business name

VAT number

GB

610752862

A sole trader is a business owned by one person without any special legal structure.

Note: completing the Applicant Business section is optional in this form.

Poppleston Allen Solicitors

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Legal status Your position in the business

Partnership

Paralegal

The country where the countrybusiness is located.

United Kingdom

headquarters of your Home Agent Business Address

If you have one, this should be your official address - that is an address required of you law for receiving communications.

Building number or nameby

37

street

Stoney Street

District

City or town

Nottingham

County or administrative area

Postcode

NCI ILS

Country

United Kingdom

Section 2 of 4

PREMISES DETAILS

I/we apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003.

* Premises licence number

LN/210001332

Are you able to provide a postal address, OS map reference or description of the premises?

Address	OS map reference	Description
---------	------------------	-------------

Address

* Building number or name

Wo Fat Restaurant

* Street

270-272 High Road

District

* City or town

Loughton

County or administrative area

* Postcode

IGIOIRB

* Country

United Kingdom

Contact Details

E-mail

Telephone number

Other telephone number

Describe the premises. For example, what type of premises it is

Licensed Premises

Section 3 of 4

SUPERVISOR

Full Name Of Proposed Designated Premises Supervisor

- * First name Chi
- * Family name Kwong Wu
- * Nationality British
- * Place of birth Hong Kong

00918

ddmmYYYY

Personal licence number of proposed designated premises supervisor

Issuing authority of that licence

Runnymede Borough Council

Full Name Of Existing Designated Premises Supervisor

First name

Chi

Family name

Chiu wu

* Would you like this application to have Immediate effect under section 38 of the Licensing Act 2003?

☒ Yes

The premises licence holder can continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work.

☒ I will notify the existing premises supervisor (if any) of this application. It is sufficient for the licensee to inform the existing premises supervisor in writing, without sharing the specific details of the application.

* Will the premises licence or relevant part of it be submitted with this application?

☐ Yes

* Reasons why the premises licence or relevant part of it will not be submitted with this application

The original Premises licence has been misplaced.

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

C, Electronically, by the proposed designated premises supervisor

@ As an attachment to this variation

If the consent form is already submitted, ask

Reference number for consent the proposed designated premises form (if known) supervisor for its 'system reference' or 'your reference'

Section

Section 4 of 4

1 of 4

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of €23

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACL WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name Poppleston Allen Solicitors

* Capacity Solicitors for and on behalf of the applicant

* Date

07

 /

03

 /

2019

 dd mm YYYY

Remove this signatory

Full name

Capacity

* Date dd mm YYYY / /

Remove this signatory

Add another signatory

OFFICE USE ONLY

Applicant reference number	Two Fat Restaurant Loughton VDPS APP -		
Fee	paid	TCO	
Payment provider reference			
LMS Payment Reference			
Payment status			
Payment authorisation code			
Payment authorisation date			
Date and time submitted			
Approval deadline		Error	
message			
Is Digitally signed			

**CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS
PREMISES SUPERVISOR**

To be completed in block capitals

I Chi Kwong Wu of....

hereby confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for a Variation of Designated Premises Supervisor — Mr Chi Kwong Wu by Vital Eats Limited relating to a Premises Licence LN/210001332 for Wo Fat Restaurant , 270-272 High Road, Loughton , IGIO IRB and any premises licence to be granted or varied in respect of this application made by Vital Eats Limited concerning the supply of alcohol at Wo Fat Restaurant , 270-272 High Road, Loughton , IGIO IRB

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal Licence Number:- 00918

Personal Licence Issuing Authority:- Runnymede Borough Council

I hereby consent for my personal information to be disclosed to all relevant Responsible Authorities under the Licensing Act 2003 in respect of my appointment as Designated

Premises Supervisor for the premises detailed above.

Signed _____

Name Printed _____

CHI KWONG WU

Dated _____

6 - 3 - 2019

ENQUIRY FORM

Your date of birth, place of birth and nationality are now required by law. You do not have to provide your telephone number, however this can assist Constabularies with carrying out their checks and they may wish to contact any new applicants directly to arrange a meeting.

Full Name:	KWONG,
Nationality	BRITISH
Date of Birth:	
Place of Birth:	8.0 escr
National Insurance Number :	N ? 97 1 b B
Mobile Tel.No:	<div style="background-color: black; width: 150px; height: 1.2em;"></div>

Interventions & Sanctions
Lunar House
40 Wellesley Road
Croydon
Surrey, CR9 2BY

www.gov.uk/home-office

Vital Eats Limited

The Coach House
1, Howard Road
Reigate

Surrey
RH2 7JE

Our Ref.: AL23454

08 March 2019

Immigration representation in respect of a transfer of a premises licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations for the following transfer of a premises licence application, relating to the crime prevention objective, including the prevention of illegal working and immigration crime in licensed premises.

Home Office (Immigration Enforcement) wishes to make representations on the following:

☒ Application for the transfer of an existing premises licence

Licensing Authority application reference number	CM/P54259-2/Wo Fat Restaurant
Immigration Enforcement reference number	TS31CEP1096
Applicant name	Vital Eats Limited
Address of premises	270-272, High Road Loughton IG10 1RB
<i>Immigration Enforcement</i>	
Name	Interventions & Sanctions
Email address	IE.alcoholreviews@homeoffice.gov.uk
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Version 1.0 Representations are being made for the following reasons:

A visit by officers from Immigration Enforcement to Wo Fat Restaurant, 270-272, High Road, Loughton IG10 1RB was conducted on 6th December 2018. During the visit officers encountered 7 persons with no right to work in the UK. A Notice of Potential Liability was served to Mr Chi Kwong Wu who was identified as the Manager.

A civil penalty for a potential £105,000 for the employment of the 7 workers with no right to work in the UK is currently awaiting an outcome. There is also a review hearing set for Monday 18th March 2019.

The liable party in relation to the civil penalty is the applicant on the transfer of premises licence application, namely 'Vital Eats Limited', also the proposed DPS Mr Chi Kwong Wu was identified as the manager at the time of the visit by Immigration Enforcement.

Representation:

☐ Objection to the transfer of a premises licence to the applicant

Reasons for which there is a risk to the licensing objectives, and why the objection or conditions proposed are appropriate to prevent crime including illegal working in licensed premises.

We have grounds to believe the license holder will fail 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.

Date: 08/03/2019.....

Mrs K Tuckey
Licensing Department
Epping Forest District Council
Civic Offices

High Street
Epping
CM16 4BZ



Protecting and serving Essex

Essex Police
Licensing Department
Braintree Police
Station
Blyths Meadow
Braintree
CM7 3DJ

8th March 2019

Dear Mrs Tuckey,

APPLICATION TO VARY DESIGNATED PREMISES SUPERVISOR (S37 LICENSING ACT 2003)

Wo Fat, 270-272 High Road. Loughton, IG10 1RB is a family run business whose existing licence was issued in 2005; and transferred to Mr Chi Chiu WU in October 2008. Those involved in running and profiting from the restaurant remain the same today as they have been for several years — despite this application to vary the premises licence to specify Chi Kwong WU as the designated premises supervisor (DPS).

This application has been made alongside an application to transfer the premises licence and seeks to place the brother of the outgoing premises licence holder and designated premises supervisor Chi Chiu WU as the DPS.

Essex Police objects to the variation under the crime and disorder objective, which includes the prevention of illegal working.

Case law details that the Licensing Act 2003 is a 'prospective' looking piece of legislation whose intent is to prevent criminality from occurring when that is a likelihood.

On 6th December 2018 Wo Fat was subject of an intelligence led operation conducted by Immigration Enforcement and Compliance officers. On that occasion 7 illegal workers were discovered at the premises; and Mr Chi Kwong WU was present and identified himself as the manager and brother of Chi Chiu WU.

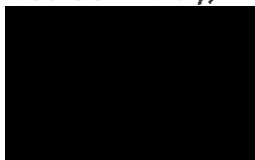
It is the contention of Essex Police that this application is an attempt to allow the family to continue to run the premises and that Chi Chiu WU will remain involved in premises operation. It is Essex Police's view that the employment of illegal workers (an undermining of the crime and disorder objective) will continue should this transfer take place.

The Chief Officer of Police hereby objects to the proposed variation and proposes to adduce further documentary and other material ahead of the hearing date in accordance with the statutory guidance and the relevant Hearing Regulations.

In an emergency always dial 999. For non emergencies dial 101.
www.essex.police.co.uk

Please advise me of when the Licensing Panel will be meeting to hear this so representatives of the Chief Officer of Police can be in attendance.

Yours sincerely,



Mr Peter Jones MIOL, MBII
Essex Police Licensing Officer
Epping Forest I Harlow



Objection to Variation of Premises Licence to Specify Designated Premises Supervisor

Wo Fat

270-272 High Road, Loughton, IG10 1RB

Supplementary documentary information in support of objection.

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- 1.0 Outline of circumstances leading to the objection to the variation to specify a DPS**
- 1.1** The grounds for objection are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office recently discovered disqualified persons working illegally on the premises. The relationship between the outgoing and incoming Premises Licence Holder and Designated Premises Supervisor is such that Essex Police consider that the reality is that the business will continue to act with the same 'controlling minds' and that this application is merely an attempt to pull the wool over the eyes of the authorities; that nothing is changed and the crime prevention objective will continue to be undermined.
- 1.2** The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated "particularly seriously".
- 1.3** On Thursday 6th December 2018 Immigration Compliance & Enforcement (ICE) officers attended Wo Fat, 270-272 High Road, Loughton, IG10 1RB. They entered using their powers under section 179 Licensing Act 2003.
- 1.4** Immigration Officers conducted checks of those present and found a total of seven persons listed as immigration offenders with no permission to remain or work in the United Kingdom. **Document 1** is a statement from the Chief Immigration Officer summarising the offenders.
- 1.5** With the evidence obtained a Notice of Potential Liability (NOPL) to a civil penalty of up to £20,000 per illegal worker was served in respect of these illegal workers upon Mr Chi Kwong WU, who identified himself as the manager to attending officers.
- 1.6** The premises has previously been found to be employing illegal workers and was subject to an immigration enforcement operation on 13th September 2013 when seven of the twelve workers present at that time were found to be immigration offenders. **(See Document 1)** This demonstrates that those responsible for the business know that it is illegal to employ persons with no right to work; but again have perpetrated these offences on a large scale and on the balance of probabilities it must be assumed that it is the business operators' common practice to do so as a means of drastically reducing their costs.
- 1.7** Essex Police subsequently applied for a review of the premises licence; and at the hearing of the sub-committee on 18th March 2019 the licence was revoked.
- 1.8** Essex Police object to the variation of the premises licence to specify Chi Kwong WU as Designated Premises Supervisor, as it is evident in the statement from Peter Jones of Essex Police where he details how Chi Kwong WU was present at Wo Fat on 6th December 2018 when Immigration Compliance & Enforcement (ICE) officers attended with Essex Police Licensing; and identified himself as the manager and the brother of Mr Chi Chiu WU; the Premises Licence Holder and Designated Premises Supervisor at the time. **(See Document 2)**

- 1.9** Furthermore, **Document 3** is a statement from immigration Officer Smith; who when interviewing one of the illegal workers identified Mr Chi Kwong WU as the boss and the person who paid him cash in return for his employment. Quite clearly the proposed new Premises Licence Holder and DPS was at the time of this latest occurrence actively involved in undermining the crime and disorder objective and will do in the future if the variation of DPS is granted.
- 1.10** **Document 4** is from Companies House showing the director of Longwillow Ltd (the lease holding company for Wo Fat) since 29th December 2009 as Mr Chi Chiu WU the outgoing Premises Licence Holder and Designated Premises Supervisor; and remains.
- 1.11** **Document 5** is the latest registered annual return from 2016 for Longwillow Ltd; the lease holding company. This shows the majority shareholders are Mr Chi Chiu WU the outgoing Premises Licence Holder and Designated Premises Supervisor; and Mr Chi Kwong WU the director of Vital Eats Ltd (the applicant) and proposed DPS.
- 1.12** It is therefore reasonable to adduce that Mr Chi Kwong WU already has a financial interest in the premises with Mr Chi Chiu WU and has some control over the premises and therefore was implicit in the employment of illegal workers
- 1.13** In response to the application for review mentioned at 1.7 the solicitors acting acknowledge that Wo Fat is a family run restaurant and that Mr Chi Kwong WU has historically been involved in the business. (See **Document 6**)
- 1.14** A copy of the decision notice from the review hearing mentioned is enclosed as **Document 7**. In it the sub-committee state.

'...This was not just a case of confusion over paperwork, it was an exploitation of vulnerable people. The two brothers Chi Chu Wu and Chi Kwong Wu were and are involved in the management of the restaurant known as Wo Fat, on both occasions.

- 1.15** This variation of DPS is not a change of operational management and the total disregard for the framework of regulatory legislation is liable to continue if the DPS variation were to be granted. The Licensing Act 2003 is prospective (what is likely to happen) (see East Lindsey District Council v Abu Hanif (t/a Zara's restaurant and take away) [2016] EWHC 1265 Admin. (Appendix 8.11).
- 1.16** One only has to look at what has happened in the past to glimpse what is likely to happen in the future. On two occasions illegal workers were found at the premises. The pre-existing licence holder and DPS is the director of the lease holding company and brother of the proposed DPS. This was and remains a joint business venture and employing of illegal workers is likely to continue.
- 1.17** The Licensing Authority is required to take steps to promote the prevention of crime and disorder (which includes illegal working) and Essex Police would ask that the sub-committee rejects the variation of the premises licence to specify Chi Kwong WU as the designated premises supervisor.

2.0 Immigration Offences

- 2.1 Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or the revocation/suspension of their premises licence.
- 2.2 Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document checks, i.e. that they were duped by fake or forged documents.
- 2.3 The Immigration Act 2016 came into force in July 2016 and its explanatory notes state that *"these offences were broadened to capture, in particular, employers who deliberately did not undertake right to work checks in order that they could not have the specific intent required to 'knowingly' employ an illegal worker"*.
- 2.4 Since 2016 an employer may be prosecuted not only if they knew their employee was disqualified from working but also if they had reasonable cause to believe that an employee did not have the right to work: what might be described as **wilful ignorance**, where either no documents are requested or none are presented despite a request. This means an offence is committed when an employer 'ought to have known' the person did not have the right to work.
- 2.5 Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant employer, an illegal worker cannot work. Such an employer facilitates a criminal offence and Essex Police highlights this as relevant irrespective of whether a civil penalty is imposed or a prosecution launched for employing an illegal worker.
- 2.6 In this context, under section 3(1)(C)(i) Immigration Act 1971 (as amended by the 2016 Act) restrictions are not limited simply to employment (i.e. paid work) but now includes all work.
- 2.7 Thus an individual with no right to work in the UK commits offences if they undertake paid or unpaid work, paid or unpaid work placements undertaken as part of a course etc. are self-employed or engage in business or professional activity. For instance, undertaking an unpaid work trial or working in exchange for a non-monetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the 'employer'.

3.0 Statutory Guidance (s182 LA 2003) and the Authority's Licensing Policy

- 3.1 Whilst this is an objection to a variation the premises licence to specify a designated premises supervisor, Essex Police believes that part of the guidance relating to reviews is appropriate in considering whether allowing this variation would undermine the licensing objective of preventing crime and disorder, which includes illegal working. In particular; Essex Police submits that paragraphs 11.24 – 11.29 of the Guidance is relevant.

3.2 Paragraph 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. (...). 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.

- 3.3 Thus the financial hardship occasioned by the existing revocation of the premises licence should not sway the sub-committee but instead it should look at what is appropriate to promote the objective within the wider business and local community given “illegal labour exploits workers, denies work to UK citizens and legal migrants and drives down wages” (Rt. Hon James Brokenshire, Immigration Minister on the introduction of the 2016 Act).

- 3.4 Paragraph 11.27 of the Guidance states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises (...) for employing a person who is disqualified from that work by reason of their immigration status in the UK.

Essex Police would draw the sub-committee's attention to the change in wording of this paragraph following the April 2017 revision of the guidance, where the previous reference to 'knowingly employing' was removed.

- 3.5 Paragraph 11.28 of the Guidance states:

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.

Essex Police considers this paragraph self-explanatory; where an enterprise employs illegal workers it is the duty of Essex Police to work with Immigration Enforcement to bring forward reviews and for the authority to consider revocation in the first instance.

- 3.6 In support of this statement; Essex Police would draw the sub-committee's attention to the “Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England and Wales” (Home Office)[April 2017] where at section 4.1 it states;
“It is envisaged that licensing authorities, the police, Home Office (Immigration Enforcement) and other law enforcement agencies will use the review procedures effectively to deter illegal working”.

3.7 Since the main draw for illegal migration is work, and since low-skilled migrants are increasingly vulnerable to exploitation at the hand of criminal enterprises, the government has strengthened enforcement measures and the statutory Guidance to deter illegal workers and those that employ them.

3.8 Deterrence is a key element of the UK government's strategy to reduce illegal working and is supported by both the Guidance and Case Law.

4.0 Case Law

4.1 Deterrence as a legitimate consideration by a licensing sub-committee has been considered before the High Court where remedial measures (such as the imposition of additional conditions) were distinguished from legitimate deterrent (punitive) measures such as revocation.

4.2 *R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350.* Issues relevant to the case before today's sub-committee which were considered in the *Bassetlaw* judgement included whether a licensing authority was restricted to remedial action (as opposed to punitive action such as revocation); and **the precedence of wider considerations than those relating to an individual holder of a premises licence** when certain criminal activities (as specified in the Guidance) took place.

4.3 It specifically examined (and set aside in the case of 'certain activities') those parts of the Guidance now contained within paragraph 11.20 and 11.23, viz.

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.

*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.***

4.4 In her judgement, Mrs Justice Slade stated (at 32.1 & 33.1 of the citation):

"Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State. (...) However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable."

4.5 *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway), [2016] EWHC 1265 (Admin)*

This is a recent High Court decision (published April 2016) which has established that in considering whether the licensing objectives may be undermined one should look at what is likely to happen in the future.

4.6 The case reaffirms the principle that responsible authorities need not wait for the licensing objectives to actually be undermined; that crucially in considering whether the crime prevention objective has been engaged or likely to be engaged a prospective consideration (i.e. what is likely to happen in the future) of what is warranted is a key factor. It also reaffirmed the case of *Bassetlaw* in concluding that deterrence is a legitimate consideration of a sub-committee.

Mr Justice Jay stated: *"The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence. In any event, I agree with Mr Kolvin that criminal convictions are not required."* (Paragraph 18)

Mr Justice Jay added: *"Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked."* (Paragraph 23)

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

Statement of: **DAVIS**.....Age if under 18: **OVER 18**. (If over 18 insert "over 18")Occupation: **CHIEF IMMIGRATION OFFICER**

This statement (consisting of 4 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature Date: 4th February 2019Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Chief Immigration Officer of the Home Office Immigration Enforcement Immigration Compliance & Engagement Team East of England, based at Custom House, Viewpoint Road, Felixstowe, Suffolk IP11 3RF. I have been an Immigration Officer since April 1991 and have worked at a number of ports of entry to the UK, although my main work has been in the areas of enforcement and crime investigation. My current role is as the senior officer of the Immigration Enforcement arrest team, operating in the counties of Norfolk, Suffolk and Essex, responding to intelligence relating to alleged immigration offences in this area, liaising with local police and other law enforcement agencies and supporting other government departments, local authorities and relevant other organisations in enquiries or investigations relating to non-British nationals. As part of my duties I have responsibility for the compilation and custody of Home Office records in both written and electronic form. These records are compiled by officers and members of staff during their duties, from information which they have particular and specific knowledge of at the time of compiling, in light of the volume of records compiled and the length of time that has elapsed, they cannot reasonably be expected to have any recollection of the matters dealt with in relation to a specific record.

At the request of Essex Police Licensing Team, I have examined Home Office records relating to immigration offenders encountered during an enforcement visit conducted to the

Signature: Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] DAVIS

Page 2

premises of "Wo Fat" located at 270-272 High Road, Loughton, Essex IG10 1RB.

Home Office records show that on 6 December 2018 Immigration Officers from this team conducted an enforcement visit to these premises to locate and arrest persons subject to immigration control who were suspected of working illegally in the United Kingdom. This enforcement operation was conducted following receipt of specific intelligence that the business was employing illegal workers and had been doing so for twelve months and that they also lived at accommodation above the business. Additional searches of Home Office records show that the same premises was subject to enforcement visit on 13 September 2013, when seven of the twelve staff present were arrested as immigration offenders.

Home Office records show that a total of seven immigration offenders were recorded as being encountered by the officers during the execution of the search which was conducted under section 179 of the Licensing Act 2003. They are recorded as:

[REDACTED] a Chinese national born [REDACTED] who was first encountered by Immigration Officers following his arrest at a Chinese restaurant in Cambridgeshire on 5 November 2009; he subsequently applied to remain in the United Kingdom and was released as part of this process. On 9 April 2010 he was listed as an absconder as he had failed to attend two separate interview appointments. On 23 December 2014, legal representatives acting on his behalf contacted the Home Office but again he failed to attend an interview appointment and nothing more was heard from him until his arrest on 6 December 2018. He was detained and transferred into Immigration detention facilities on the same night, where he remains pending his removal. He has never been granted any permission to remain or to work in the United Kingdom.

[REDACTED] a Chinese national born [REDACTED] originally arrived in the United Kingdom on 14 June 2009 when he claimed to be under the age of 18 and to have no genuine travel documentation. He applied to remain in the United Kingdom and was initially detained pending consideration of this, his application was refused but having been released, he absconded and was listed as an absconder on 15 October 2009. Nothing more was heard from him until his arrest on 6 December 2018. He was detained and transferred to immigration detention facilities the

Signature:
2004/05(1)



Signature Witnessed by:

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RESTRICTED (when complete)Continuation of Statement of: **DAVIS**

Page 3

same night, where he remains pending his removal. He has never been granted any permission to remain or to work in the United Kingdom.

..... a Chinese national born, he had never been encountered prior to his arrest on 6 December 2018 but stated that he'd arrived in the United Kingdom illegally by boat in 2009. He was detained and transferred to immigration detention facilities the same night but has been released pending further consideration of his case. He has never been granted any permission to remain or to work in the United Kingdom.

..... a Chinese national born was found to be working in the restaurant kitchen and on being spoken to admitted that he'd arrived in the United Kingdom with a visit visa, records show that this was issued valid from 8 January 2015 to 8 July 2015. He was arrested as an overstayer and was detained and transferred to immigration detention facilities the same night. He has since submitted an application to remain in the United Kingdom. He has never been granted any permission to work in the United Kingdom.

..... a Chinese national born She admitted having entered the United Kingdom illegally and there were no records created of her prior to her arrest, she was detained and transferred to immigration detention facilities the same night but has since submitted an application to remain in the United Kingdom. She has never been granted any permission to remain or to work in the United Kingdom.

..... a Malaysian national born He initially claimed to be a British national, however on further questioning by an Immigration Officer he was found to be Malaysian and his passport was produced which showed that he had received several grants of entry as a short term visitor, the last of which was shown as six months on 29 October 2003. He was arrested as an overstayer and was detained and transferred to immigration detention facilities the same night. He has since submitted an application to remain in the United Kingdom. He has never been granted any permission to work in the United Kingdom.

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2004/05(1)

..... Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] DAVIS

Page 4

[REDACTED] originally recorded as [REDACTED] a Chinese national born [REDACTED]. Records show that he originally arrived in the United Kingdom on 13 December 2002 when he sought to remain. His application was refused and he subsequently made further submissions in 2010 and 2014 but these were rejected, he failed to report to in line with his restrictions in 2015 and had not been heard of until he was arrested on 6 December 2018. He was detained and transferred to immigration detention facilities the same night. He has since submitted an application to remain in the United Kingdom. He has never been granted any permission to work in the United Kingdom.

I make this statement of my own free will from records that I have seen and accessed today, 4 February 2019. I am willing to attend court or any other judicial or review hearing if necessary.

Signature: [REDACTED]
2004/05(1)

Signature Witnessed by:

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OFFICIAL

MG11 (Interactive)

Page 1 of 2

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: Peter JONES

Age if under 18: (if over 18 insert 'over 18') Occupation: Licensing Officer 7706

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: P. JONES

(witness) Date: 28/01/2019

I am a Licensing Officer employed by Essex Police. I have been employed by Essex Police since May 2003; and a Licensing Officer since August 2011.

On Thursday 6th December 2018 at 18:45hrs and in company of Immigration Compliance and Enforcement Officers (ICE); I attended WO FAT, 270-272 High Road, Loughton, IG10 2RB.

ICE entered first in order to make the sure the premises were safe; and to prevent persons from absconding. They went about their business interviewing all staff and identifying their right to work and remain in the UK.

A male approached me and identified himself as the manager. I now know this male to be Mr Chi Kwong WU; [REDACTED]. I will refer to this male as MANAGER.

I asked MANAGER if he knew The Designated Premises Supervisor and Premises Licence Holder Mr Chi Chiu WU. MANAGER replied 'yes, he is my brother'. He went on to explain that he was out doing deliveries.

At this point the premises licence holder and DPS Chi Chiu WU arrived and identified himself to me. He produced his personal licence to me in order to confirm his identity. I asked him whether he has carried out any right to work checks on his employees. He said that he had and that they were at home. He then left to carry out more deliveries.

Signature: Signature witnessed by:

16/08/17

OFFICIAL

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Approximately 30 minutes later the premises licence holder and DPS Chi Chiu WU returned and presented me with payroll paperwork for November 2018. I took a photograph of this and produce it as my exhibit (PJ/1). The individuals shown on the payroll document do not relate to the individual ICE encountered working at the premises with no right to work or leave to remain in the UK.

ICE entered the residential addresses above the restaurant as these were identified by those detained as being where they lived. I remained with ICE as they entered these properties.

The properties were two maisonettes with multiple rooms, all being used as bedrooms with more than one bed in each. Each maisonette had a bathroom; which was dirty and in a poor state of repair. I produce exhibit (PJ/2) which are some photographs I managed to take to evidence the poor living conditions of the illegal workers.

Signature:

Signature witnessed by:

2010/11

OFFICIAL

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WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: [REDACTED] Smith

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer 6759

This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] (witness) Date: 26/12/2018

I am the above named officer and a member of the Arrest Team at the Immigration Compliance and Enforcement Team (ICE), East of England, Immigration Enforcement, Home Office in Bedford. At approximately 15:30hrs on 06/12/2018 I was on duty in full uniform accompanied by Immigration Officers as recorded in my Pocket Note Book (IE017673). As a result of information received, and following a briefing given by the Officer In Charge (OIC), IO [REDACTED] DONALDSON at 17:45hrs at Loughton Police Station, all officers deployed in Home Office vehicles to WO FAT, 270-272 HIGH ROAD, LOUGHTON, ESSEX, IG10 1RB to search for immigration offenders under Section 179 of the Licensing Act 2003 as authorised by HMI [REDACTED] DALDRY on 04/12/2018. As Cover 3 I deployed from my vehicle and with IO [REDACTED] GEAR, stood outside the already open kitchen door at the rear of the premises whilst IO DONALDSON (in possession of Notice To Occupier), IOs and Essex Licensing Officer (PETER JONES), entered via the front. I could clearly see at least ten people in the kitchen standing around kitchen work surfaces and all were involved in various food preparation activities. At first none of the people in the kitchen noticed IO GEAR and myself in spite of the kitchen lights illuminating us. As the visit progressed only a few staff looked at us momentarily then continued with their food preparation work.

Signature: [REDACTED] Signature witnessed by:.....

At the far end of the kitchen a smartly dressed man, who initially provided false details but subsequently identified as [REDACTED], walked briskly into the kitchen from the restaurant area at the front of the premises, and appeared to be making his way towards the door where IO GEAR and I were standing. However, IO [REDACTED] DENHAM was following [REDACTED] and, having shouted 'IMMIGRATION', asked him to return to the restaurant area, which he did. The staff in the kitchen then appeared to realise that we were immigration officers and some of them immediately began to remove aprons, chef's whites and food preparation hats. This adverse reaction to our presence was clear and the kitchen staff were escorted to the restaurant area at the front of the premises. At 18:20hrs I began speaking to a man who had presented his National Insurance card as proof of identity and, having called my office to verify his identity I was content that he was British as claimed and he was allowed to return to work in the kitchen. I then spoke to another man who gave his details as [REDACTED] born on [REDACTED] in CHINA. [REDACTED] claimed to have no identity documentation but to having made an application for Indefinite Leave to Remain at least ten years ago. Using a telephone interpreter (Mandarin) I spoke to [REDACTED] before arresting him at 18:40hrs as a person Liable to Be Detained (Para.17(2), Sch.2, IA 1971 (aa)) and issued him the admin caution to which [REDACTED] responded, "DO I NEED TO COME WITH YOU?" I asked [REDACTED] where he lived and he replied, "UPSTAIRS" and for "7-8 YEARS." Checks with Home Office records ([REDACTED] [REDACTED]) appeared to corroborate some of [REDACTED]'s claims however, he had no outstanding applications, no current valid leave, had failed to comply with bail reporting conditions and had never had any permission to work in the United Kingdom. I obtained Para.25A authority to search the upstairs accommodation from CIO [REDACTED] BROWN at 18:45hrs.

Signature:... [REDACTED] Signature witnessed by:.....

Due to the number of offenders encountered there were operational constraints in conducting searches straight away so I asked [REDACTED] if he would be willing to participate in a voluntary interview in relation to his presence on site and explained that he was not obliged to and could withdraw his consent at any time. [REDACTED] agreed and I conducted a Question and Answer interview via a Mandarin interpreter in my Pocket Note Book as follows:

Q."HAVE YOU UNDERSTOOD EVERYTHING THE INTERPRETER HAS SAID?"

A."YES. I'M WILLING."

Q."WHAT WERE YOU DOING WHEN WE CAME IN TONIGHT AND WHERE WERE YOU?"

A."I WAS IN THE KITCHEN FRYING SOME FOOD."

Q."WHEN YOU SAW ME AND A COLLEAGUE OUTSIDE THE BACK DOOR, YOU AND SOME OF THE OTHER KITCHEN WORKERS TOOK OFF YOUR APRONS/WORK CLOTHES - WHY?"

A."I WAS NOT WEARING AN APRON TODAY BECAUSE I WAS JUST HELPING OUT."

Q."DO YOU USUALLY WEAR AN APRON WHEN YOU WORK?"

A."NORMALLY I DO."

Q."WHO GIVES YOU THE APRON OR WHERE DO YOU GET IT FROM?"

A."THERE'S A LITTLE ROOM I GET MY APRON FOM – JUST LIKE EVERYONE ELSE."

Q."HOW LONG HAVE YOU WORKED HERE AND IN WHAT CAPACITY?"

A."I HAVE WORKED HERE FOR SEVEN TO EIGHT YEARS BUT I HAVEN'T WORKED FOR THE PAST FEW MONTHS. I'VE BEEN POORLY."

Q."WHO EMPLOYS YOU HERE?"

A."I DON'T KNOW THE BOSS'S NAME."

Signature:...

[REDACTED]

Signature witnessed by:.....

Q."IS THE BOSS HERE TONIGHT?"

A."I HAVE NOT SEEN THE BOSS TONIGHT."

Q."IS IT A MAN/WOMAN – NAME?"

A."IT'S A MAN. APPROX. 50 YRS OLD."

Q."WHAT DOCUMENT DID YOU SHOW OR WERE ASKED TO SHOW TO PROVE YOUR ID AND PERMISSION TO WORK?"

A."I HAVE NOT SHOWN ANYTHING AND HAVE NOT BEEN ASKED TO SHOW ANYTHING."

Q."IS THIS THE SAME BOSS?"

A."I'M NOT SURE."

Q."HOW MUCH MONEY ARE YOU PAID, HOW, FOR HOW MANY HOURS AND BY WHOM?"

A."I WORK UP TO EIGHT HOURS A DAY, 5 DAYS A WEEK AND GET PAID IN CASH (£300 - £400) BY THE BOSS."

Q."IS THE BOSS THE MAN TO MY RIGHT/YOUR LEFT WEARING THE JEANS AND BLUE/WHITE STRIPED SHIRT?"

A."YES."

At this point, [REDACTED] had identified CHI KWONG WU as his boss.

Q."YOU HAVE SAID THAT YOU LIVE UPSTAIRS – DO YOU GET TO LIVE THERE AS PART OF YOUR WORKING ARRANGEMENTS?"

A."I DON'T HAVE TO PAY RENT AS I WORK HERE."

Q."DO YOU GET FOOD AS PART OF YOUR WORK CONDITIONS?"

A."I DO GET."

Signature:... [REDACTED] Signature witnessed by:.....

Q."DOES YOUR BOSS KNOW YOU SHOULDN'T BE WORKING?"

A."I DO NOT KNOW."

Q."DO YOU KNOW IF ANYONE ELSE HERE TONIGHT IS ILLEGAL?"

A."I DON'T KNOW."

Q."DO YOU HAVE ANY MONEY UPSTAIRS FROM YOUR WORK HERE?"

At 19:14hrs the telephone interpreter dropped out so I rearranged another Mandarin telephone interpreter at 19:25hrs and repeated the above question and CHENG replied:

A."I HAVE ABOUT EIGHTY POUNDS UPSTAIRS."

Q."YOU SAY YOU'VE BEEN POORLY – DO YOU HAVE ANY UK PRESCRIPTION MEDICATION UPSTAIRS?"

A."I HAVEN'T GOT MEDICATION BUT I MAY HAVE SOME UPSTAIRS."

Q."WHERE ABOUTS?"

A."BY MY BED."

Q."HAVE YOU UNDERSTOOD ALL OF MY QUESTIONS OR DO YOU WISH TO CHANGE/AMEND ANY OF YOUR ANSWERS?"

A."I'VE UNDERSTOOD EVERYTHING – NOTHING TO CHANGE OR AMEND."

I invited [REDACTED] to sign my Pocket Note Book, which he did, and I countersigned it at 19:29hrs.

At 19:33hrs, I escorted [REDACTED] upstairs to the accommodation above the restaurant and used one of a set of keys in his possession to initially unlock the external door then another key to open his bedroom door which was accessed via the kitchen. [REDACTED] identified his bed (bottom bunk to the immediate right of his bedroom door) and with IO GEAR we conducted a search of his bedroom in relation to evidence of his identity as no copies of employee documentation had been provided by the employer.

Signature:... [REDACTED] Signature witnessed by:.....

Prescription medication for [REDACTED] (noting his name and the address of the property) was located during the search but no Chinese identity documentation was found or seized. An Illegal Working Referral Notice was completed and served on WU noting immigration offenders encountered on site all officers and offenders had left the premises by 20:45hrs.

I produce a copy of my Pocket Note Book as my exhibit MPS/01 and this statement from contemporaneous notes in my Pocket Note Book and my recollection of events during the visit.

Signature: [REDACTED] Signature witnessed by:.....



Companies House
— for the record —

AP01 (ef)

Appointment of Director



XR8YAH5Q

Company Name: LONGWILLOW LTD

Company Number: 06517438

Received for filing in Electronic Format on the: 01/02/2010

New Appointment Details

Date of Appointment: 29/12/2009

Name: CHI CHIU WU

Consented to Act: YES

Service Address recorded as Company's registered office

Country/State Usually Resident: ENGLAND

Date of Birth: [REDACTED]

Nationality: BRITISH

Occupation: MANAGER

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver Manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.



Companies House

AR01 (ef)**Annual Return**

Received for filing in Electronic Format on the: 15/03/2016

X52S4X88

Company Name: LONGWILLOW LTD*Company Number:* 06517438*Date of this return:* 29/02/2016*SIC codes:* 68209*Company Type:* Private company limited by shares*Situation of Registered Office:* PLAZA BUILDING 102 LEE HIGH ROAD
LONDON
SE13 5PT**Officers of the company**

Company Director 1

Type: Person

Full forename(s): MR CHI CHIU

Surname: WU

Former names: WU

Service Address recorded as Company's registered office

Country/State Usually Resident: ENGLAND

Date of Birth: [REDACTED]

Nationality: BRITISH

Occupation: MANAGER

Statement of Capital (Share Capital)

Class of shares	ORDINARY	Number allotted	10
		Aggregate nominal value	10
Currency	GBP	Amount paid per share	1
		Amount unpaid per share	0

Prescribed particulars

EACH SHARE IS ENTITLED TO ONE VOTE IN ANY CIRCUMSTANCES. EACH SHARE IS ENTITLED EQUALLY TO DIVIDEND PAYMENTS OR ANY OTHER DISTRIBUTION. EACH SHARE IS ENTITLED EQUALLY TO PARTICIPATE IN A DISTRIBUTION ARISING FROM A WINDING UP OF THE COMPANY.

Statement of Capital (Totals)

Currency	GBP	Total number of shares	10
		Total aggregate nominal value	10

Full Details of Shareholders

The details below relate to individuals / corporate bodies that were shareholders as at 29/02/2016 or that had ceased to be shareholders since the made up date of the previous Annual Return

A full list of shareholders for the company are shown below

Shareholding 1 : 2 ORDINARY shares held as at the date of this return
Name: CHI CHIU WU

Shareholding 2 : 2 ORDINARY shares held as at the date of this return
Name: CHI KWONG WU

Shareholding 3 : 2 ORDINARY shares held as at the date of this return
Name: CHI ON WU

Shareholding 4 : 1 ORDINARY shares held as at the date of this return
Name: CHI SANG WU

Shareholding 5 : 1 ORDINARY shares held as at the date of this return
Name: CHI MING WU

Shareholding 6 : 1 ORDINARY shares held as at the date of this return
Name: CHUN WING LEE

Shareholding 7 : 1 ORDINARY shares held as at the date of this return

Name: YIN PING WU

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.

IN THE EPPING FOREST COUNCIL

SUBMISSIONS ON BEHALF OF VITAL EATS LIMITED
PREMISES LICENCE HOLDER OF "WO FAT RESTAURANT"

INTRODUCTION:

1. This is an application by the Essex Police to review the premises licence of the Wo Fat Restaurant, 270-272 High Street, Loughton.
2. The steps sought by the police are to revoke the premises licence.
3. The evidence submitted by the police relates to the employment of illegal workers at the premises and that these actions undermined the prevention of crime and disorder objective.
4. The evidence of the police clearly evidences the employment of illegal workers at the premises at the time of the visit in December 2018 and this is not disputed.
5. However, since the visit in December 2018, all workers have been employed legally with evidence of their right to work being checked and documentary evidence of this being kept at the premises.
6. The premises licence holder submits that the revocation of the premises licence is disproportionate and unnecessary. The premises licence holder would submit that by proposing additional conditions be added to the premises licence to include conditions regarding employer and right to work checks, would be sufficient to ensure that the premises now continue to be managed in such a way as to promote the licensing objectives.
7. The premises licence holder, accepting the seriousness of this offence, would also be willing to accept a period of suspension of the premises licence as a further penalty for their previous mistakes and would ask that the Committee consider all options available to them and not just the revocation of the premises licence as requested by the Police.

THE SUBJECT PREMISES:

1. Wo Fat Restaurant is a family restaurant which has been in the Wu family since 2008. It is now run by Mr Chi Kwong Wu. Mr Wu took over the premises from his brother Mr Chi Chiu Wu, although has been historically involved as part of the family business.
2. Mr Wu took over the premises from his brother, although his brother was still the Premises Licence and DPS.
3. However, we have since submitted applications to rectify the position and name his company 'Vital Eats Limited' as the Premises Licence Holder and him as DPS - he is

now solely responsible for the running of the business and is in day to day control of the restaurant.

THE REVIEW:

1. In considering this review application the Committee will of course have regard to the Police evidence which has been submitted surrounding the employing of illegal workers at the premises and this is not being disputed here. We are simply requesting that all of the facts of the individual case be considered here and that the decision is balanced between both the seriousness of the offence and what is appropriate and proportionate in the circumstances.
2. We appreciate that the S.182 Guidance states that revocation of the licence should be seriously considered here, but it also states that the remedial action taken should be no more than an appropriate and proportionate response to address the causes of concern that instigated the review and so we would ask you to use your discretion here in determining this case.
3. It is accepted that Mr Wu has been involved with the premises in some regard at both times the Home Office Visits have occurred, with this most recent being in December 2018 and he is remorseful of the fact that illegal workers had been employed at the premises as a result of inadequate procedures being in place to check the right to work of the employees in questions.
4. During the visit in December 2018 our client was served with a Notice of Potential Liability and a civil penalty for a potential sum of £105,000 for the employment of the 7 illegal workers is awaiting and outcome.
5. Again, this is accepted, and Mr Wu is fully aware that he will receive a financial penalty (likely to be to the sum mentioned above) and has accepted that this will have to be paid by the company as a punishment for employing illegal workers at the time of the visit.
6. However, at the time of the visit, this restaurant also legitimately employed 9 individuals and was also a means of support for Mr Wu's family due to the business it generated, as it continues to be for both his family and the workers currently employed there.
7. Further to the legal workers which were employed at the time of the visit there are currently 10 people employed by the business, including Mr Wu, who are legally employed to work there.
8. Evidence has been submitted with this statement which shows compliance with the Illegal Working Compliance Order – we have provided a list of the individuals currently working at the restaurant and the evidence which has been obtained as proof of their right to work. – this is labelled 'Appendix 1'
9. Mr Wu has realised the seriousness of these issues at the restaurant and would like to take this opportunity to reassure the parties and the Committee of his commitment to comply with the order and the legislation.

10. Mr Wu is willing to accept that should conditions be placed on the licence this could further address the issues and there are some suggested conditions below for your consideration, although you may consider others to be more appropriate.
11. Mr Wu, as a further financial penalty, and to show his regard for the seriousness of this matter, would also invite the Committee to consider a period of suspension for the premises licence, which is an alternative to the revocation of the licence, and we would argue is more proportionate and appropriate in these circumstances as all previous wrongdoings have now been rectified.
12. The restaurant does not have any issues from either a food safety or a statutory nuisance ground and the premises has a 4* hygiene rating from the local authority.
13. There are no suggestions that the licensing objectives are being undermined in any other way in the running of these premises, or indeed at all, now that the adequate checks are being undertaken at the time of employing individuals to ensure that they have the right to work.
14. Mr Wu has submitted the transfer and DPS applications to show that he is now undertaking the duties as Premises Licence Holder and DPS in a serious manner and is committed to working with the authorities to ensure the continued success of this, otherwise well run, family business.
15. It is appreciated that they do not serve as evidence to the promotion of the licensing objectives by Mr Wu, but feel that it is also worth mentioning that there have been 6 positive representations, or letters of support, submitted by local residents who frequent the restaurant, do not have any concerns with the running of the business and would like to see it remain – they appreciate the likelihood of the premises closing if the licence is revoked and they do not want to see this happen.
16. We have also submitted a petition with this statement which has been signed by numerous local residents who are of the same view of those who have submitted positive representations and do not want to see their local restaurant close - this is labelled 'Appendix 2'
17. In contrast to this however, it is also worth mentioning, that no other responsible authorities have joined this review in support of the Police which would suggest that the business does not cause concern to the authorities and in the day to day running promotes the licensing objectives and trades without issue, other than the accepted administrative failings in respect of right to work checks which has now been resolved.

PROPOSED CONDITIONS:

1. That the Designated Premises Supervisor undertakes full responsibility for the recruitment of all workers employed at the premises on a full time or temporary basis;
2. The Designated Premises Supervisor undertake right to work checks on all staff employed at the licensed premises;

3. The copies of any document checked as part of a right to work are retained at the premises at all times the premises are open;
4. Those copies of the right to work documentation are made available to the Licensing Authority, the Home Office and the Police for inspection on the premises, without notice at any time; OR
5. Those copies of the right to work documentation are served to the Licensing Authority, the Home Office and Police for inspection each time the Designated Premises Supervisor employs a new worker at the premises.

Date: 18 March 2019

David Colwell Essex Police,
Licensing Department,
Braintree Police Station,
Blyths Meadow,
Braintree,
CM7 3DJ

Civic Offices
High Street
Epping
Essex
CM16 4BZ
Our Ref WK/201903326
Your Ref: -

Dear David Colwell (Essex Police),

**Licensing Act 2003 - Committee meeting in respect of Wo Fat 270-272 High Road,
Loughton, IG10 1RB**

Further to a meeting of this Authority's Licensing Sub-Committee on 18th March 2019 the above application was revoked.

Members concluded that the application for the above premises licence was revoked; subject to:

1. Article 1 of the First Protocol of the Human Rights Act 1988 that every person is entitled to the peaceful enjoyment of his possessions (in this case the Licence). No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
2. That any decision made in respect of the premises licence for Wo Fat Restaurant 270-272 High Road, Loughton, Essex, IG10 1RB must be necessary and proportionate.
3. Details under Section 52 (4) of the Licensing Act 2003.
4. Powers of a Licensing authority on the determination of a review, paragraphs 11.16 to 11.28 Guidance under section 182 of the Licensing Act 2003

You are advised that under the Licensing Act 2003, you have the right to appeal against this decision and it should be made to a Magistrates Court. Any appeal should be made within 21 days of the date of this letter.

I trust this clarifies the decisions made, but if you would like to discuss them further I can be contacted on the number above.

Yours sincerely

Mrs Handan Ibrahim
Licensing Compliance Officer
Licensing (01992) 54****
Email: licensing@eppingforestdc.gov.uk

and need
Having received all the paperwork before us at this hearing and listened to the representations from the Police and the Solicitor on behalf of Wo Fat, we do not believe there is any other option open to us.

This is the second occasion when illegal workers have been found at the premises (in 2013 and 2018) which we believe would have continued had the visits from Immigration Officers not taken place. This was not just a case of confusion over paperwork, it was an exploitation of vulnerable people. The two brothers Chi Chu Wu and Chi Kwong Wu were and are involved in the management of the restaurant known as Wo Fat, on both occasions.

The guidance indicates our decision should be a deterrent to other potential perpetrators and no other decision would fulfil this objective. We considered the options to remove the designated premises supervisor of the Licence or the suspension of the Licence but as previously indicated we did not feel that this would be sufficient



Objection to Transfer of Premises Licence

Wo Fat

270-272 High Road, Loughton, IG10 1RB

Supplementary documentary information in support of objection.

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- 1.0 Outline of circumstances leading to the objection to transfer the premises licence.**
- 1.1** The grounds for objection are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office recently discovered disqualified persons working illegally on the premises. The relationship between the outgoing and incoming Premises Licence Holder and Designated Premises Supervisor is such that Essex Police consider that the reality is that the business will continue to act with the same 'controlling minds' and that this application is merely an attempt to pull the wool over the eyes of the authorities; that nothing is changed and the crime prevention objective will continue to be undermined.
- 1.2** The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated "particularly seriously".
- 1.3** On Thursday 6th December 2018 Immigration Compliance & Enforcement (ICE) officers attended Wo Fat, 270-272 High Road, Loughton, IG10 1RB. They entered using their powers under section 179 Licensing Act 2003.
- 1.4** Immigration Officers conducted checks of those present and found a total of seven persons listed as immigration offenders with no permission to remain or work in the United Kingdom. **Document 1** is a statement from the Chief Immigration Officer summarising the offenders.
- 1.5** With the evidence obtained a Notice of Potential Liability (NOPL) to a civil penalty of up to £20,000 per illegal worker was served in respect of these illegal workers upon Mr Chi Kwong WU, who identified himself as the manager to attending officers.
- 1.6** The premises has previously been found to be employing illegal workers and was subject to an immigration enforcement operation on 13th September 2013 when seven of the twelve workers present at that time were found to be immigration offenders. This demonstrates that those responsible for the business know that it is illegal to employ persons with no right to work; but again have perpetrated these offences on a large scale and on the balance of probabilities it must be assumed that it is the business operators' common practice to do so as a means of drastically reducing their costs.
- 1.7** Essex Police subsequently applied for a review of the premises licence; and at the hearing of the sub-committee on 18th March 2019 the licence was revoked.
- 1.8** Essex Police object to transfer the premises licence to Vital Eats Ltd. **Document 2** shows the director of this company is Chi Kwong WU who was present at Wo Fat on 6th December 2018 when Immigration Compliance & Enforcement (ICE) officers attended with Essex Police Licensing; and identified himself as the manager and the brother of Mr Chi Chiu WU; the Premises Licence Holder and Designated Premises Supervisor at the time. This is evident in the statement of Licensing Officer Peter Jones. (**See Document 3**)
- 1.9** **Document 4** is a copy of the land registry records showing the leaseholder is a company called Longwillow Limited (Company No. 06517438).

- 1.10 **Document 5** is from Companies House showing the director of Longwillow Ltd since 29th December 2009 as Mr Chi Chiu WU the outgoing Premises Licence Holder and Designated Premises Supervisor.
- 1.11 **Document 6** is the latest registered annual return for Longwillow Ltd from 2016. This shows the majority shareholders are Mr Chi Chiu WU the outgoing Premises Licence Holder and Designated Premises Supervisor; and Mr Chi Kwong WU the director of the proposed Premises Licence Holding company.
- 1.12 It is therefore reasonable to adduce that Mr Chi Kwong WU already has a financial interest in the premises with Mr Chi Chiu WU and has some control over the premises and therefore was implicit in the employment of illegal workers.
- 1.13 Mr Chi Chiu WU remains the director of the leasehold company and shareholder; and therefore regardless of this transfer remains financially linked to the premises and Essex Police suggest will remain involved in the operation of the premises.
- 1.14 Given the information to hand and provided within, it is no stretch to conclude that the controlling party remains Mr Chi Chiu WU and that the transfer is to Vital Eats Ltd; whose director Mr Chi Kwong WU who is the current licence holder Mr Chi Chiu WU brother, has been put up as a front to attempt to deceive the Licensing Committee and avoid business limiting action.
- 1.15 It is contended that nothing has changed at the premises and that Mr Chi Chiu WU remains the owner of the premises taking an active interest.
- 1.16 It is also pointed out that as shown in **Document 1**, that this is the 2nd occurrence of illegal workers being found at this premises whilst Longwillow Limited have been leaseholders of the premises.
- 1.17 Even if the transfer were legitimate **Document 7** is a statement from Immigration Officer Smith; who when interviewing one of the illegal workers identified Mr Chi Kwong WU as the boss and the person who paid him cash in return for his employment. Quite clearly the proposed new Premises Licence Holder and DPS was at the time of this latest occurrence actively involved in undermining the crime and disorder objective and will do in the future if the transfer is granted.
- 1.18 **Document 8** is a statement from Immigration Officer Donaldson; who interviewed Mr Chi Kwong WU, again confirming he was the manager, and had been at Wo Fat for 10 years. He also admits not carrying out right to work checks, and that the illegal workers received accommodation as part of their employment.
- 1.19 **Document 3** the statement of Peter Jones includes exhibits which include a photograph of PAYE records showing Mr Chi Kwong WU already on the payroll (**see Document 9**); and photographs of the accommodation (**see Documents 10**).
- 1.20 It was Mr Chi Kwong WU that was served the civil penalty referral notice as mentioned in 1.5 above.
- 1.21 In response to the application for review the solicitors acting acknowledge that Wo Fat is a family run restaurant and that Mr Chi Kwong WU has historically been involved in the business. (**See Document 11**)

- 1.22 A copy of the decision notice from the review hearing mentioned at 1.7 above is enclosed as **Document 12**; in it the sub-committee state.

'...This was not just a case of confusion over paperwork, it was an exploitation of vulnerable people. The two brothers Chi Chu Wu and Chi Kwong Wu were and are involved in the management of the restaurant known as Wo Fat, on both occasions.

- 1.23 This transfer is not a change of operational management and the total disregard for the framework of regulatory legislation is liable to continue if the transfer were to be granted. The Licensing Act 2003 is prospective (what is likely to happen) (see *East Lindsey District Council v Abu Hanif (t/a Zara's restaurant and take away)* [2016] EWHC 1265 Admin. (Appendix 8.11)).
- 1.24 One only has to look at what has happened in the past to glimpse what is likely to happen in the future. On two occasions illegal workers were found at the premises. The pre-existing licence holder and DPS is the director of the lease holding company and brother of the applicant for this transfer. This was and remains a joint business venture and employing of illegal workers is likely to continue.
- 1.25 The Licensing Authority is required to take steps to promote the prevention of crime and disorder (which includes illegal working) and Essex Police would ask that the sub-committee rejects the transfer of the premises licence.

2.0 Immigration Offences

- 2.1 Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or the revocation/suspension of their premises licence.
- 2.2 Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document checks, i.e. that they were duped by fake or forged documents.
- 2.3 The Immigration Act 2016 came into force in July 2016 and its explanatory notes state that *"these offences were broadened to capture, in particular, employers who deliberately did not undertake right to work checks in order that they could not have the specific intent required to 'knowingly' employ an illegal worker"*.
- 2.4 Since 2016 an employer may be prosecuted not only if they knew their employee was disqualified from working but also if they had reasonable cause to believe that an employee did not have the right to work: what might be described as **wilful ignorance**, where either no documents are requested or none are presented despite a request. This means an offence is committed when an employer 'ought to have known' the person did not have the right to work.
- 2.5 Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant employer, an illegal worker cannot work. Such an employer facilitates a criminal offence and Essex Police highlights this as relevant irrespective of whether a civil penalty is imposed or a prosecution launched for employing an illegal worker.

2.6 In this context, under section 3(1)(C)(i) Immigration Act 1971 (as amended by the 2016 Act) restrictions are not limited simply to employment (i.e. paid work) but now includes all work.

2.7 Thus an individual with no right to work in the UK commits offences if they undertake paid or unpaid work, paid or unpaid work placements undertaken as part of a course etc. are self-employed or engage in business or professional activity. For instance, undertaking an unpaid work trial or working in exchange for a non-monetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the 'employer'.

3.0 Statutory Guidance (s182 LA 2003) and the Authority's Licensing Policy

3.1 Whilst this is an objection to a transfer, Essex Police believes that part of the guidance relating to reviews is appropriate in considering whether allowing this transfer would undermine the licensing objective of preventing crime and disorder, which includes illegal working. In particular, Essex Police submits that paragraphs 11.24 – 11.29 of the Guidance is relevant.

3.2 Paragraph 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. (...). 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.

3.3 Thus the financial hardship occasioned by the existing revocation of the premises licence should not sway the sub-committee but instead it should look at what is appropriate to promote the objective within the wider business and local community given "illegal labour exploits workers, denies work to UK citizens and legal migrants and drives down wages" (Rt. Hon James Brokenshire, Immigration Minister on the introduction of the 2016 Act).

3.4 Paragraph 11.27 of the Guidance states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises (...) for employing a person who is disqualified from that work by reason of their immigration status in the UK.

Essex Police would draw the sub-committee's attention to the change in wording of this paragraph following the April 2017 revision of the guidance, where the previous reference to 'knowingly employing' was removed.

3.5 Paragraph 11.28 of the Guidance states:

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.

Essex Police considers this paragraph self-explanatory; where an enterprise employs illegal workers it is the duty of Essex Police to work with Immigration Enforcement to bring forward reviews and for the authority to consider revocation in the first instance.

- 3.6 In support of this statement; Essex Police would draw the sub-committee's attention to the "Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England and Wales" (Home Office)[April 2017] where at section 4.1 it states;

"It is envisaged that licensing authorities, the police, Home Office (Immigration Enforcement) and other law enforcement agencies will use the review procedures effectively to deter illegal working".

- 3.7 Since the main draw for illegal migration is work, and since low-skilled migrants are increasingly vulnerable to exploitation at the hand of criminal enterprises, the government has strengthened enforcement measures and the statutory Guidance to deter illegal workers and those that employ them.

- 3.8 Deterrence is a key element of the UK government's strategy to reduce illegal working and is supported by both the Guidance and Case Law.

4.0 Case Law

- 4.1 Deterrence as a legitimate consideration by a licensing sub-committee has been considered before the High Court where remedial measures (such as the imposition of additional conditions) were distinguished from legitimate deterrent (punitive) measures such as revocation.

- 4.2 *R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350.* Issues relevant to the case before today's sub-committee which were considered in the *Bassetlaw* judgement included whether a licensing authority was restricted to remedial action (as opposed to punitive action such as revocation); and **the precedence of wider considerations than those relating to an individual holder of a premises licence** when certain criminal activities (as specified in the Guidance) took place.

- 4.3 It specifically examined (and set aside in the case of 'certain activities') those parts of the Guidance now contained within paragraph 11.20 and 11.23, viz.

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.

*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.***

4.4 In her judgement, Mrs Justice Slade stated (at 32.1 & 33.1 of the citation):

"Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State. (...) However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable."

4.5 *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway), [2016] EWHC 1265 (Admin)*

This is a recent High Court decision (published April 2016) which has established that in considering whether the licensing objectives may be undermined one should look at what is likely to happen in the future.

4.6 The case reaffirms the principle that responsible authorities need not wait for the licensing objectives to actually be undermined; that crucially in considering whether the crime prevention objective has been engaged or likely to be engaged a prospective consideration (i.e. what is likely to happen in the future) of what is warranted is a key factor. It also reaffirmed the case of *Bassetlaw* in concluding that deterrence is a legitimate consideration of a sub-committee.

Mr Justice Jay stated: *"The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence. In any event, I agree with Mr Kolvin that criminal convictions are not required."* (Paragraph 18)

Mr Justice Jay added: *"Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked."* (Paragraph 23)

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

Statement of:  **DAVIS**.....Age if under 18: **OVER 18**. (If over 18 insert "over 18")Occupation: **CHIEF IMMIGRATION OFFICER**

This statement (consisting of 4 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature  Date: 4th February 2019

Tick if witness evidence is visually recorded

☐

(supply witness details on rear)

I am a Chief Immigration Officer of the Home Office Immigration Enforcement Immigration Compliance & Engagement Team East of England, based at Custom House, Viewpoint Road, Felixstowe, Suffolk IP11 3RF. I have been an Immigration Officer since April 1991 and have worked at a number of ports of entry to the UK, although my main work has been in the areas of enforcement and crime investigation. My current role is as the senior officer of the Immigration Enforcement arrest team, operating in the counties of Norfolk, Suffolk and Essex, responding to intelligence relating to alleged immigration offences in this area, liaising with local police and other law enforcement agencies and supporting other government departments, local authorities and relevant other organisations in enquiries or investigations relating to non-British nationals. As part of my duties I have responsibility for the compilation and custody of Home Office records in both written and electronic form. These records are compiled by officers and members of staff during their duties, from information which they have particular and specific knowledge of at the time of compiling, in light of the volume of records compiled and the length of time that has elapsed, they cannot reasonably be expected to have any recollection of the matters dealt with in relation to a specific record.

At the request of Essex Police Licensing Team, I have examined Home Office records relating to immigration offenders encountered during an enforcement visit conducted to the

Signature:  Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] DAVIS

Page 2

premises of "Wo Fat" located at 270-272 High Road, Loughton, Essex IG10 1RB.

Home Office records show that on 6 December 2018 Immigration Officers from this team conducted an enforcement visit to these premises to locate and arrest persons subject to immigration control who were suspected of working illegally in the United Kingdom. This enforcement operation was conducted following receipt of specific intelligence that the business was employing illegal workers and had been doing so for twelve months and that they also lived at accommodation above the business. Additional searches of Home Office records show that the same premises was subject to enforcement visit on 13 September 2013, when seven of the twelve staff present were arrested as immigration offenders.

Home Office records show that a total of seven immigration offenders were recorded as being encountered by the officers during the execution of the search which was conducted under section 179 of the Licensing Act 2003. They are recorded as:

[REDACTED] a Chinese national born [REDACTED] who was first encountered by Immigration Officers following his arrest at a Chinese restaurant in Cambridgeshire on 5 November 2009; he subsequently applied to remain in the United Kingdom and was released as part of this process. On 9 April 2010 he was listed as an absconder as he had failed to attend two separate interview appointments. On 23 December 2014, legal representatives acting on his behalf contacted the Home Office but again he failed to attend an interview appointment and nothing more was heard from him until his arrest on 6 December 2018. He was detained and transferred into Immigration detention facilities on the same night, where he remains pending his removal. He has never been granted any permission to remain or to work in the United Kingdom.

[REDACTED] a Chinese national born [REDACTED] originally arrived in the United Kingdom on 14 June 2009 when he claimed to be under the age of 18 and to have no genuine travel documentation. He applied to remain in the United Kingdom and was initially detained pending consideration of this, his application was refused but having been released, he absconded and was listed as an absconder on 15 October 2009. Nothing more was heard from him until his arrest on 6 December 2018. He was detained and transferred to immigration detention facilities the

Signature:
2004/05(1)



.....Signature Witnessed by:

10 of 11

RESTRICTED (when complete)Continuation of Statement of: **DAVIS**

Page 3

same night, where he remains pending his removal. He has never been granted any permission to remain or to work in the United Kingdom.

..... a Chinese national born, he had never been encountered prior to his arrest on 6 December 2018 but stated that he'd arrived in the United Kingdom illegally by boat in 2009. He was detained and transferred to immigration detention facilities the same night but has been released pending further consideration of his case. He has never been granted any permission to remain or to work in the United Kingdom.

..... a Chinese national born was found to be working in the restaurant kitchen and on being spoken to admitted that he'd arrived in the United Kingdom with a visit visa, records show that this was issued valid from 8 January 2015 to 8 July 2015. He was arrested as an overstayer and was detained and transferred to immigration detention facilities the same night. He has since submitted an application to remain in the United Kingdom. He has never been granted any permission to work in the United Kingdom.

..... a Chinese national born She admitted having entered the United Kingdom illegally and there were no records created of her prior to her arrest, she was detained and transferred to immigration detention facilities the same night but has since submitted an application to remain in the United Kingdom. She has never been granted any permission to remain or to work in the United Kingdom.

..... a Malaysian national born He initially claimed to be a British national, however on further questioning by an Immigration Officer he was found to be Malaysian and his passport was produced which showed that he had received several grants of entry as a short term visitor, the last of which was shown as six months on 29 October 2003. He was arrested as an overstayer and was detained and transferred to immigration detention facilities the same night. He has since submitted an application to remain in the United Kingdom. He has never been granted any permission to work in the United Kingdom.

Signature:
2004/05(1)

.....Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] DAVIS

Page 4

[REDACTED] originally recorded as [REDACTED] a Chinese national born [REDACTED]. Records show that he originally arrived in the United Kingdom on 13 December 2002 when he sought to remain. His application was refused and he subsequently made further submissions in 2010 and 2014 but these were rejected, he failed to report to in line with his restrictions in 2015 and had not been heard of until he was arrested on 6 December 2018. He was detained and transferred to immigration detention facilities the same night. He has since submitted an application to remain in the United Kingdom. He has never been granted any permission to work in the United Kingdom.

I make this statement of my own free will from records that I have seen and accessed today, 4 February 2019. I am willing to attend court or any other judicial or review hearing if necessary.

Signature:
2004/05(1)

Signature Witnessed by:

12 of 44

FILE COPY



**CERTIFICATE OF INCORPORATION
OF A
PRIVATE LIMITED COMPANY**

Company Number **11206981**

The Registrar of Companies for England and Wales, hereby certifies that

VITAL EATS LTD

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by shares, and the situation of its registered office is in England and Wales

Given at Companies House, Cardiff, on **15th February 2018**



* N11206981F *



Companies House



THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES



Companies House

IN01(ef)

Application to register a company



Received for filing in Electronic Format on the: **14/02/2018**

X6ZQUK55

Company Name in full:

VITAL EATS LTD

Company Type:

Private company limited by shares

Situation of Registered Office:

England and Wales

Proposed Registered Office Address:

**THE COACH HOUSE 1 HOWARD ROAD
REIGATE
SURREY
ENGLAND RH2 7JE**

Sic Codes:

56101

I wish to partially adopt the following model articles:>

Private (Ltd by Shares)

Proposed Officers

Company Director *1*

Type: **Person**

Full Forename(s): **MR CHI KWONG**

Surname: **WU**

Service Address: **THE COACH HOUSE NORTH BUILDING
1 HOWARD ROAD
REIGATE
SURREY
UNITED KINGDOM RH2 7JE**

*Country/State Usually
Resident:* **ENGLAND**

Date of Birth: [REDACTED] *Nationality:* **BRITISH**

Occupation: **DIRECTOR**

The subscribers confirm that the person named has consented to act as a director.

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: Peter JONES

Age if under 18:

(if over 18 insert 'over 18')

Occupation: Licensing Officer 7706

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: P. JONES

(witness) Date: 28/01/2019

I am a Licensing Officer employed by Essex Police. I have been employed by Essex Police since May 2003; and a Licensing Officer since August 2011.

On Thursday 6th December 2018 at 18:45hrs and in company of Immigration Compliance and Enforcement Officers (ICE); I attended WO FAT, 270-272 High Road, Loughton, IG10 2RB.

ICE entered first in order to make the sure the premises were safe; and to prevent persons from absconding. They went about their business interviewing all staff and identifying their right to work and remain in the UK.

A male approached me and identified himself as the manager. I now know this male to be Mr Chi Kwong WU; DOB [REDACTED] will refer to this male as MANAGER.

I asked MANAGER if he knew The Designated Premises Supervisor and Premises Licence Holder Mr Chi Chiu WU. MANAGER replied 'yes, he is my brother'. He went on to explain that he was out doing deliveries.

At this point the premises licence holder and DPS Chi Chiu WU arrived and identified himself to me. He produced his personal licence to me in order to confirm his identity. I asked him whether he has carried out any right to work checks on his employees. He said that he had and that they were at home. He then left to carry out more deliveries.

Approximately 30 minutes later the premises licence holder and DPS Chi Chiu WU returned and presented me with payroll paperwork for November 2018. I took a photograph of this and produce it as my exhibit (PJ/1). The individuals shown on the payroll document do not relate to the individual ICE encountered working at the premises with no right to work or leave to remain in the UK.

ICE entered the residential addresses above the restaurant as these were identified by those detained as being where they lived. I remained with ICE as they entered these properties.

The properties were two maisonettes with multiple rooms, all being used as bedrooms with more than one bed in each. Each maisonette had a bathroom; which was dirty and in a poor state of repair. I produce exhibit (PJ/2) which are some photographs I managed to take to evidence the poor living conditions of the illegal workers.

Title Number : EX814590

This title is dealt with by HM Land Registry, Peterborough Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 8 MAR 2019 at 12:16:11 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: EX814590
Address of Property	: 270-272 High Road, Loughton and garages (IG10 1RB)
Price Stated	: £100,000
Registered Owner(s)	: LONGWILLOW LIMITED (Co. Regn. No. 06517438) of 49 High Street, Saffron Walden, Essex CB10 1AR.
Lender(s)	: None

Title number EX814590

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 8 MAR 2019 at 12:16:11. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

ESSEX : EPPING FOREST

- 1 (16.05.2008) The Leasehold land shown edged with red on the plan of the above title filed at the Registry and being 270-272 High Road, Loughton and garages (IG10 1RB).

NOTE 1: As to the part tinted blue on the title plan only the ground and first floor is included in the title.

NOTE 2: As to the part tinted pink on the title plan only the ground floor is included in the title.

- 2 (16.05.2008) The title includes any legal easements referred to in clause LR11.1 of the registered lease but is subject to any rights that are granted or reserved by the lease and affect the registered land.
- 3 (16.05.2008) The land has the benefit of the rights granted by but is subject to the rights reserved by a Transfer of the freehold estate in the land in this title and other land dated 23 April 1998 made between (1) WH-One Corporation and Queenridge Properties Limited (2) Daws Investments Limited and (3) The New Property Co. Limited.

-NOTE: Original filed under EX595031.

- 4 (16.05.2008) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
Date : 4 April 2008
Term : from and including 4 April 2008 to and including 3 April 2028
Parties : (1) [REDACTED]
(2) Longwillow Limited
(3) [REDACTED]

- 5 (16.05.2008) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.

- 6 (16.05.2008) The landlord's title is registered.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (16.05.2008) PROPRIETOR: LONGWILLOW LIMITED (Co. Regn. No. 06517438) of 49 High Street, Saffron Walden, Essex CB10 1AR.

Title number EX814590

B: Proprietorship Register continued

- 2 (16.05.2008) The price, other than rents, stated to have been paid on the grant of the lease was £100,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (16.05.2008) The land is subject to the following rights reserved by a Conveyance of the freehold estate in the land in this title and other land dated 9 January 1959 made between (1) [REDACTED] and [REDACTED] (Vendors) and (2) J.H. Investments Limited (Purchaser):-

"EXCEPT AND RESERVING unto the Vendors and the persons deriving title under them owner or owners for the time being of such adjoining land the right to connect surface water drains from their said land to the north-west to any convenient surface water drains that may hereafter be laid on the land hereby conveyed the person or persons exercising such right making good all damage thereby occasioned and all such rights and easements or quasi-rights and quasi-easements as would now be used or enjoyed in connection with such adjoining land over the said property if such adjoining land and the said property had at all times belonged to different owners and such rights and easements or quasi-rights and quasi-easements had been acquired by prescription."

End of register



Companies House
— for the record —

AP01 (ef)

Appointment of Director



XR8YAH5Q

Company Name: LONGWILLOW LTD

Company Number: 06517438

Received for filing in Electronic Format on the: 01/02/2010

New Appointment Details

Date of Appointment: 29/12/2009

Name: CHI CHIU WU

Consented to Act: YES

Service Address recorded as Company's registered office

Country/State Usually Resident: ENGLAND

Date of Birth: [REDACTED]

Nationality: BRITISH

Occupation: MANAGER

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver Manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.



Companies House

AR01 (ef)

Annual Return



Received for filing in Electronic Format on the: **15/03/2016**

X52S4X88

Company Name: **LONGWILLOW LTD**

Company Number: **06517438**

Date of this return: **29/02/2016**

SIC codes: **68209**

Company Type: **Private company limited by shares**

Situation of Registered Office: **PLAZA BUILDING 102 LEE HIGH ROAD
LONDON
SE13 5PT**

Officers of the company

Company Director 1

Type: Person
Full forename(s): MR CHH CHIU

Surname: WU

Former names: WU

Service Address recorded as Company's registered office

Country/State Usually Resident: ENGLAND

Date of Birth: [REDACTED] *Nationality:* BRITISH

Occupation: MANAGER

Statement of Capital (Share Capital)

Class of shares	ORDINARY	<i>Number allotted</i>	10
		<i>Aggregate nominal value</i>	10
<i>Currency</i>	GBP	<i>Amount paid per share</i>	1
		<i>Amount unpaid per share</i>	0

Prescribed particulars

EACH SHARE IS ENTITLED TO ONE VOTE IN ANY CIRCUMSTANCES. EACH SHARE IS ENTITLED EQUALLY TO DIVIDEND PAYMENTS OR ANY OTHER DISTRIBUTION. EACH SHARE IS ENTITLED EQUALLY TO PARTICIPATE IN A DISTRIBUTION ARISING FROM A WINDING UP OF THE COMPANY.

Statement of Capital (Totals)

<i>Currency</i>	GBP	<i>Total number of shares</i>	10
		<i>Total aggregate nominal value</i>	10

Full Details of Shareholders

The details below relate to individuals / corporate bodies that were shareholders as at 29/02/2016 or that had ceased to be shareholders since the made up date of the previous Annual Return

A full list of shareholders for the company are shown below

Shareholding 1 : 2 ORDINARY shares held as at the date of this return
Name: CHI CHIU WU

Shareholding 2 : 2 ORDINARY shares held as at the date of this return
Name: CHI KWONG WU

Shareholding 3 : 2 ORDINARY shares held as at the date of this return
Name: CHI ON WU

Shareholding 4 : 1 ORDINARY shares held as at the date of this return
Name: CHI SANG WU

Shareholding 5 : 1 ORDINARY shares held as at the date of this return
Name: CHI MING WU

Shareholding 6 : 1 ORDINARY shares held as at the date of this return
Name: CHUN WING LEE

Shareholding 7 : 1 ORDINARY shares held as at the date of this return

Name: YIN PING WU

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: [REDACTED] Smith

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer 6759

This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] (witness) Date: 26/12/2018

I am the above named officer and a member of the Arrest Team at the Immigration Compliance and Enforcement Team (ICE), East of England, Immigration Enforcement, Home Office in Bedford. At approximately 15:30hrs on 06/12/2018 I was on duty in full uniform accompanied by Immigration Officers as recorded in my Pocket Note Book (IE017673). As a result of information received, and following a briefing given by the Officer In Charge (OIC), IO [REDACTED] DONALDSON at 17:45hrs at Loughton Police Station, all officers deployed in Home Office vehicles to WO FAT, 270-272 HIGH ROAD, LOUGHTON, ESSEX, IG10 1RB to search for immigration offenders under Section 179 of the Licensing Act 2003 as authorised by HMI [REDACTED] DALDRY on 04/12/2018. As Cover 3 I deployed from my vehicle and with IO [REDACTED] GEAR, stood outside the already open kitchen door at the rear of the premises whilst IO DONALDSON (in possession of Notice To Occupier), IOs and Essex Licensing Officer (PETER JONES), entered via the front. I could clearly see at least ten people in the kitchen standing around kitchen work surfaces and all were involved in various food preparation activities. At first none of the people in the kitchen noticed IO GEAR and myself in spite of the kitchen lights illuminating us. As the visit progressed only a few staff looked at us momentarily then continued with their food preparation work.

Signature: [REDACTED] Signature witnessed by:.....

At the far end of the kitchen a smartly dressed man, who initially provided false details but subsequently identified as [REDACTED], walked briskly into the kitchen from the restaurant area at the front of the premises, and appeared to be making his way towards the door where IO GEAR and I were standing. However, IO [REDACTED] DENHAM was following [REDACTED] and, having shouted 'IMMIGRATION', asked him to return to the restaurant area, which he did. The staff in the kitchen then appeared to realise that we were immigration officers and some of them immediately began to remove aprons, chef's whites and food preparation hats. This adverse reaction to our presence was clear and the kitchen staff were escorted to the restaurant area at the front of the premises. At 18:20hrs I began speaking to a man who had presented his National Insurance card as proof of identity and, having called my office to verify his identity I was content that he was British as claimed and he was allowed to return to work in the kitchen. I then spoke to another man who gave his details as [REDACTED] born on [REDACTED] in CHINA. [REDACTED] claimed to have no identity documentation but to having made an application for Indefinite Leave to Remain at least ten years ago. Using a telephone interpreter (Mandarin) I spoke to [REDACTED] before arresting him at 18:40hrs as a person Liable to Be Detained (Para.17(2), Sch.2, IA 1971 (aa)) and issued him the admin caution to which [REDACTED] responded, "DO I NEED TO COME WITH YOU?" I asked [REDACTED] where he lived and he replied, "UPSTAIRS" and for "7-8 YEARS." Checks with Home Office records ([REDACTED] [REDACTED]) appeared to corroborate some of [REDACTED]'s claims however, he had no outstanding applications, no current valid leave, had failed to comply with bail reporting conditions and had never had any permission to work in the United Kingdom. I obtained Para.25A authority to search the upstairs accommodation from CIO [REDACTED] BROWN at 18:45hrs.

Signature:... [REDACTED] Signature witnessed by:.....

Due to the number of offenders encountered there were operational constraints in conducting searches straight away so I asked [REDACTED] if he would be willing to participate in a voluntary interview in relation to his presence on site and explained that he was not obliged to and could withdraw his consent at any time. [REDACTED] agreed and I conducted a Question and Answer interview via a Mandarin interpreter in my Pocket Note Book as follows:

Q."HAVE YOU UNDERSTOOD EVERYTHING THE INTERPRETER HAS SAID?"

A."YES. I'M WILLING."

Q."WHAT WERE YOU DOING WHEN WE CAME IN TONIGHT AND WHERE WERE YOU?"

A."I WAS IN THE KITCHEN FRYING SOME FOOD."

Q."WHEN YOU SAW ME AND A COLLEAGUE OUTSIDE THE BACK DOOR, YOU AND SOME OF THE OTHER KITCHEN WORKERS TOOK OFF YOUR APRONS/WORK CLOTHES - WHY?"

A."I WAS NOT WEARING AN APRON TODAY BECAUSE I WAS JUST HELPING OUT."

Q."DO YOU USUALLY WEAR AN APRON WHEN YOU WORK?"

A."NORMALLY I DO."

Q."WHO GIVES YOU THE APRON OR WHERE DO YOU GET IT FROM?"

A."THERE'S A LITTLE ROOM I GET MY APRON FROM - JUST LIKE EVERYONE ELSE."

Q."HOW LONG HAVE YOU WORKED HERE AND IN WHAT CAPACITY?"

A."I HAVE WORKED HERE FOR SEVEN TO EIGHT YEARS BUT I HAVEN'T WORKED FOR THE PAST FEW MONTHS. I'VE BEEN POORLY."

Q."WHO EMPLOYS YOU HERE?"

A."I DON'T KNOW THE BOSS'S NAME."

Signature:... [REDACTED] Signature witnessed by:.....

Q."IS THE BOSS HERE TONIGHT?"

A."I HAVE NOT SEEN THE BOSS TONIGHT."

Q."IS IT A MAN/WOMAN – NAME?"

A."IT'S A MAN. APPROX. 50 YRS OLD."

Q."WHAT DOCUMENT DID YOU SHOW OR WERE ASKED TO SHOW TO PROVE YOUR ID AND PERMISSION TO WORK?"

A."I HAVE NOT SHOWN ANYTHING AND HAVE NOT BEEN ASKED TO SHOW ANYTHING."

Q."IS THIS THE SAME BOSS?"

A."I'M NOT SURE."

Q."HOW MUCH MONEY ARE YOU PAID, HOW, FOR HOW MANY HOURS AND BY WHOM?"

A."I WORK UP TO EIGHT HOURS A DAY, 5 DAYS A WEEK AND GET PAID IN CASH (£300 - £400) BY THE BOSS."

Q."IS THE BOSS THE MAN TO MY RIGHT/YOUR LEFT WEARING THE JEANS AND BLUE/WHITE STRIPED SHIRT?"

A."YES."

At this point, [REDACTED] had identified CHI KWONG WU as his boss.

Q."YOU HAVE SAID THAT YOU LIVE UPSTAIRS – DO YOU GET TO LIVE THERE AS PART OF YOUR WORKING ARRANGEMENTS?"

A."I DON'T HAVE TO PAY RENT AS I WORK HERE."

Q."DO YOU GET FOOD AS PART OF YOUR WORK CONDITIONS?"

A."I DO GET."

Signature:... [REDACTED] Signature witnessed by:.....

Q."DOES YOUR BOSS KNOW YOU SHOULDN'T BE WORKING?"

A."I DO NOT KNOW."

Q."DO YOU KNOW IF ANYONE ELSE HERE TONIGHT IS ILLEGAL?"

A."I DON'T KNOW."

Q."DO YOU HAVE ANY MONEY UPSTAIRS FROM YOUR WORK HERE?"

At 19:14hrs the telephone interpreter dropped out so I rearranged another Mandarin telephone interpreter at 19:25hrs and repeated the above question and CHENG replied:

A."I HAVE ABOUT EIGHTY POUNDS UPSTAIRS."

Q."YOU SAY YOU'VE BEEN POORLY – DO YOU HAVE ANY UK PRESCRIPTION MEDICATION UPSTAIRS?"

A."I HAVEN'T GOT MEDICATION BUT I MAY HAVE SOME UPSTAIRS."

Q."WHERE ABOUTS?"

A."BY MY BED."

Q."HAVE YOU UNDERSTOOD ALL OF MY QUESTIONS OR DO YOU WISH TO CHANGE/AMEND ANY OF YOUR ANSWERS?"

A."I'VE UNDERSTOOD EVERYTHING – NOTHING TO CHANGE OR AMEND."

I invited [REDACTED] to sign my Pocket Note Book, which he did, and I countersigned it at 19:29hrs.

At 19:33hrs, I escorted [REDACTED] upstairs to the accommodation above the restaurant and used one of a set of keys in his possession to initially unlock the external door then another key to open his bedroom door which was accessed via the kitchen. [REDACTED] identified his bed (bottom bunk to the immediate right of his bedroom door) and with IO GEAR we conducted a search of his bedroom in relation to evidence of his identity as no copies of employee documentation had been provided by the employer.

Signature: [REDACTED] Signature witnessed by:

Prescription medication for [REDACTED] (noting his name and the address of the property) was located during the search but no Chinese identity documentation was found or seized. An Illegal Working Referral Notice was completed and served on WU noting immigration offenders encountered on site all officers and offenders had left the premises by 20:45hrs.

I produce a copy of my Pocket Note Book as my exhibit MPS/01 and this statement from contemporaneous notes in my Pocket Note Book and my recollection of events during the visit.

Signature: [REDACTED] Signature witnessed by:.....

OFFICIAL SENSITIVE (when completed)

MG 11

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of [REDACTED] DONALDSON..... URN:

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer

This statement (consisting of: 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

Date: 10/12/2018.....

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am currently employed as an Immigration Officer on the ICE East of England Felixstowe team. On Thursday 6th December 2018 I led an Immigration Enforcement visit to WO FAT, 270-272 HIGH ROAD, LOUGHTON, ESSEX, IG101RB. As the Officer in Charge of the visit I conducted a pre-visit briefing at Loughton Police Station at approximately 1745hrs. My team consisted of the following Officers: Chief Immigration Officer [REDACTED] BROWN, Immigration Officers CLOUTING, GEAR, TROTTER, DENHAM, SMITH, NOEL and Assistant Immigration Officer RIDING. Also present at the briefing was Essex Police Licensing Officer Peter JONES. During the briefing I clearly stated that our power of entry was Section 179 of the Licensing Act 2003 and that the WO FAT licence did not cover the kitchen area of the business. Officers were therefore not to enter the kitchen on initial entry and would observe the staff reaction to our presence before any further action would be taken.

I entered WO FAT at 1813hrs and was first through the front door. My team were all dressed in full Immigration Enforcement uniform and could be clearly identified. I asked to speak to the manager but none of the staff came forward and some stated that they could not speak English. A Romanian female who I now know to be [REDACTED] born [REDACTED] came forward and communicated in English. I explained to her who I was showing my warrant card and then served and explained a Section 179 notice and the Notice to Occupier. She confirmed her understanding. During this period, I was in constant radio communications with my team who had observed a strong adverse reaction to our presence from staff trying to escape from the kitchen area and so had entered the kitchen.

All members of staff were brought to the restaurant seating area and were questioned. In total, seven members of staff were found to be illegally present in the UK and were arrested.

Signature:

Signature witnessed by:

03/2015 MG 11

22 of 11

Continuation of Statement of [REDACTED] DONALDSON.....

At approximately 1850hrs a man came into the restaurant and identified himself as Chi Kwong WU born [REDACTED] a GBR national and the manager of WO FAT. I believe that he had been called by another member of staff and so had attended the restaurant. I explained to WU why we were at his restaurant and the initial power of entry as Section 179 of the Licensing Act 2003 and explained the Notice to Occupier to him. He confirmed his understanding.

At 1919hrs I conducted illegal working (employer) questions with Chi Kwong WU which was recorded on PRONTO and is shown below:

JJD: What are the Companies House and VAT numbers of the business?

CKW: 291736478 (VAT NO.)

JJD: What is your position here?

CKW: Manager

JJD: How long have you been working here?

CKW: About 10 years

JJD: Have you taken any right to work evidence from the 7 members of staff shown on the referral notice?

CKW: Most of them are part (time) so no.

JJD: Do the persons living upstairs get accommodation as part of their employment here?

CKW: Yes we give them accommodation and if we need them they come down and work.

JJD: Do you issue all the staff wages here?

CKW: Yes to everybody on your list (Civil Penalty Referral Notice)

JJD: Do you know all 7 on the referral notice?

CKW: Yes I recognise them all.

Chi Kwong WU then signed my phone to state that he understood all the questions and that the details were true and correct.

At 1926hrs I served and explained a Civil Penalty Referral Notice to Chi Kwong WU with the details of the seven illegal workers that had been encountered working in his restaurant. He confirmed his understanding and I photographed the notice.

Signature: Signature witnessed by:

03/2015

24-544

Continuation of Statement of [REDACTED] DONALDSON.....

After several Section 25A(2) Immigration Act 1971 searches were carried out at the addresses of 270A and 272A HIGH ROAD, LOUGHTON, ESSEX, IG101RB, which are the flats above the restaurant and used for staff accommodation, all Officers were off the premises by 2040hrs. The seven immigration offenders were then transferred directly to an Immigration Removals Centre and booked in.

This statement was compiled at Custom House, Viewpoint Road, Felixstowe, IP11 3RF on Monday 10th December 2018 at 1020hrs and has been produced from the information noted on the (Police Report and Notebook Organiser) PRONTO visit reference EV8-4,212 .

Signature: Signature witnessed by:

03/2015

25 of 44

WO FAT, 270-272 HIGH ROAD, LOUGHTON, IG101RB

1040-SS (01/01)
 Social Security Statement
 Social Security Number: [REDACTED]
 Pay Date: 10/11/2018

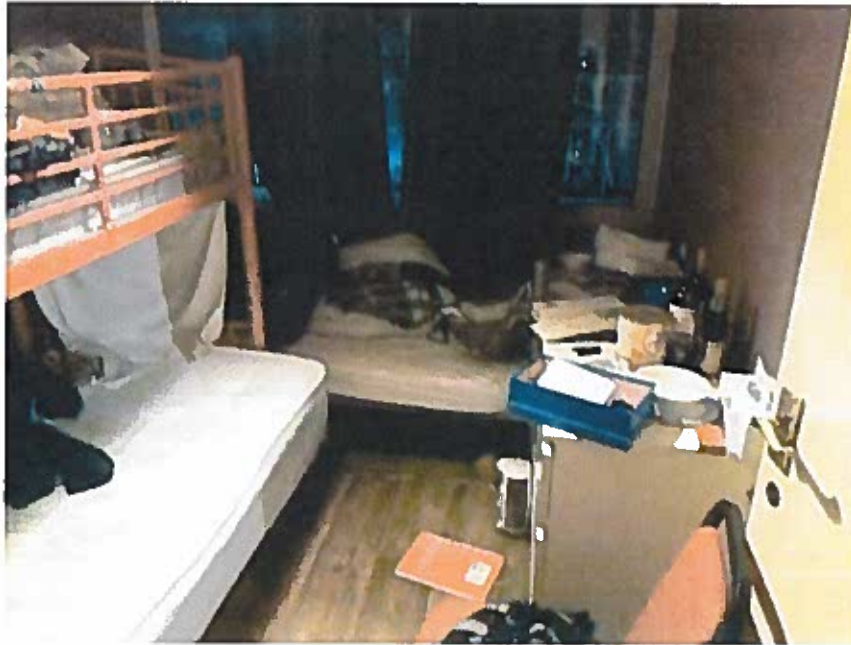
Period Summary

		Social Security Tax		Medicare Tax		Total Social Security Tax		Total Medicare Tax		Total Social Security and Medicare Tax	
Code	Name	Amount	Rate	Amount	Rate	Amount	Rate	Amount	Rate	Amount	Rate
1	W-2 K WONG, CHAN	[REDACTED]	6.2%	[REDACTED]	1.45%	[REDACTED]	6.2%	[REDACTED]	1.45%	[REDACTED]	6.2%
2	W-2 K WONG, CHAN	[REDACTED]	6.2%	[REDACTED]	1.45%	[REDACTED]	6.2%	[REDACTED]	1.45%	[REDACTED]	6.2%
		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	

Total Social Security Tax: [REDACTED]
 Total Medicare Tax: [REDACTED]
 Total Social Security and Medicare Tax: [REDACTED]

EXHIBIT PJ/02 – PHOTOGRAPHS OF ACCOMMODATION ABOVE WO FAT, 270-272 HIGH ROAD, LOUGHTON, IG101RB WHERE THE DETAINED PERSONS RESIDED





IN THE EPPING FOREST COUNCIL

SUBMISSIONS ON BEHALF OF VITAL EATS LIMITED
PREMISES LICENCE HOLDER OF "WO FAT RESTAURANT"

INTRODUCTION:

1. This is an application by the Essex Police to review the premises licence of the Wo Fat Restaurant, 270-272 High Street, Loughton.
2. The steps sought by the police are to revoke the premises licence.
3. The evidence submitted by the police relates to the employment of illegal workers at the premises and that these actions undermined the prevention of crime and disorder objective.
4. The evidence of the police clearly evidences the employment of illegal workers at the premises at the time of the visit in December 2018 and this is not disputed.
5. However, since the visit in December 2018, all workers have been employed legally with evidence of their right to work being checked and documentary evidence of this being kept at the premises.
6. The premises licence holder submits that the revocation of the premises licence is disproportionate and unnecessary. The premises licence holder would submit that by proposing additional conditions be added to the premises licence to include conditions regarding employer and right to work checks, would be sufficient to ensure that the premises now continue to be managed in such a way as to promote the licensing objectives.
7. The premises licence holder, accepting the seriousness of this offence, would also be willing to accept a period of suspension of the premises licence as a further penalty for their previous mistakes and would ask that the Committee consider all options available to them and not just the revocation of the premises licence as requested by the Police.

THE SUBJECT PREMISES:

1. Wo Fat Restaurant is a family restaurant which has been in the Wu family since 2008. It is now run by Mr Chi Kwong Wu. Mr Wu took over the premises from his brother Mr Chi Chiu Wu, although has been historically involved as part of the family business.
2. Mr Wu took over the premises from his brother, although his brother was still the Premises Licence and DPS.
3. However, we have since submitted applications to rectify the position and name his company 'Vital Eats Limited' as the Premises Licence Holder and him as DPS - he is

now solely responsible for the running of the business and is in day to day control of the restaurant.

THE REVIEW:

1. In considering this review application the Committee will of course have regard to the Police evidence which has been submitted surrounding the employing of illegal workers at the premises and this is not being disputed here. We are simply requesting that all of the facts of the individual case be considered here and that the decision is balanced between both the seriousness of the offence and what is appropriate and proportionate in the circumstances.
2. We appreciate that the S.182 Guidance states that revocation of the licence should be seriously considered here, but it also states that the remedial action taken should be no more than an appropriate and proportionate response to address the causes of concern that instigated the review and so we would ask you to use your discretion here in determining this case.
3. It is accepted that Mr Wu has been involved with the premises in some regard at both times the Home Office Visits have occurred, with this most recent being in December 2018 and he is remorseful of the fact that illegal workers had been employed at the premises as a result of inadequate procedures being in place to check the right to work of the employees in questions.
4. During the visit in December 2018 our client was served with a Notice of Potential Liability and a civil penalty for a potential sum of £105,000 for the employment of the 7 illegal workers is awaiting and outcome.
5. Again, this is accepted, and Mr Wu is fully aware that he will receive a financial penalty (likely to be to the sum mentioned above) and has accepted that this will have to be paid by the company as a punishment for employing illegal workers at the time of the visit.
6. However, at the time of the visit, this restaurant also legitimately employed 9 individuals and was also a means of support for Mr Wu's family due to the business it generated, as it continues to be for both his family and the workers currently employed there.
7. Further to the legal workers which were employed at the time of the visit there are currently 10 people employed by the business, including Mr Wu, who are legally employed to work there.
8. Evidence has been submitted with this statement which shows compliance with the Illegal Working Compliance Order – we have provided a list of the individuals currently working at the restaurant and the evidence which has been obtained as proof of their right to work. – this is labelled 'Appendix 1'
9. Mr Wu has realised the seriousness of these issues at the restaurant and would like to take this opportunity to reassure the parties and the Committee of his commitment to comply with the order and the legislation.

10. Mr Wu is willing to accept that should conditions be placed on the licence this could further address the issues and there are some suggested conditions below for your consideration, although you may consider others to be more appropriate.
11. Mr Wu, as a further financial penalty, and to show his regard for the seriousness of this matter, would also invite the Committee to consider a period of suspension for the premises licence, which is an alternative to the revocation of the licence, and we would argue is more proportionate and appropriate in these circumstances as all previous wrongdoings have now been rectified.
12. The restaurant does not have any issues from either a food safety or a statutory nuisance ground and the premises has a 4* hygiene rating from the local authority.
13. There are no suggestions that the licensing objectives are being undermined in any other way in the running of these premises, or indeed at all, now that the adequate checks are being undertaken at the time of employing individuals to ensure that they have the right to work.
14. Mr Wu has submitted the transfer and DPS applications to show that he is now undertaking the duties as Premises Licence Holder and DPS in a serious manner and is committed to working with the authorities to ensure the continued success of this, otherwise well run, family business.
15. It is appreciated that they do not serve as evidence to the promotion of the licensing objectives by Mr Wu, but feel that it is also worth mentioning that there have been 6 positive representations, or letters of support, submitted by local residents who frequent the restaurant, do not have any concerns with the running of the business and would like to see it remain – they appreciate the likelihood of the premises closing if the licence is revoked and they do not want to see this happen.
16. We have also submitted a petition with this statement which has been signed by numerous local residents who are of the same view of those who have submitted positive representations and do not want to see their local restaurant close - this is labelled 'Appendix 2'
17. In contrast to this however, it is also worth mentioning, that no other responsible authorities have joined this review in support of the Police which would suggest that the business does not cause concern to the authorities and in the day to day running promotes the licensing objectives and trades without issue, other than the accepted administrative failings in respect of right to work checks which has now been resolved.

PROPOSED CONDITIONS:

1. That the Designated Premises Supervisor undertakes full responsibility for the recruitment of all workers employed at the premises on a full time or temporary basis;
2. The Designated Premises Supervisor undertake right to work checks on all staff employed at the licensed premises;

3. The copies of any document checked as part of a right to work are retained at the premises at all times the premises are open;
4. Those copies of the right to work documentation are made available to the Licensing Authority, the Home Office and the Police for inspection on the premises, without notice at any time; OR
5. Those copies of the right to work documentation are served to the Licensing Authority, the Home Office and Police for inspection each time the Designated Premises Supervisor employs a new worker at the premises.

Date: 18 March 2019

David Colwell Essex Police,
Licensing Department,
Braintree Police Station,
Blyths Meadow,
Braintree,
CM7 3DJ

Civic Offices
High Street
Epping
Essex
CM16 4BZ
Our Ref WK/201903326
Your Ref:

Dear David Colwell (Essex Police),

**Licensing Act 2003 - Committee meeting in respect of Wo Fat 270-272 High Road,
Loughton, IG10 1RB**

Further to a meeting of this Authority's Licensing Sub-Committee on 18th March 2019 the above application was revoked.

Members concluded that the application for the above premises licence was revoked; subject to:

1. Article 1 of the First Protocol of the Human Rights Act 1988 that every person is entitled to the peaceful enjoyment of his possessions (in this case the Licence). No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
2. That any decision made in respect of the premises licence for Wo Fat Restaurant 270-272 High Road, Loughton, Essex, IG10 1RB must be necessary and proportionate.
3. Details under Section 52 (4) of the Licensing Act 2003.
4. Powers of a Licensing authority on the determination of a review, paragraphs 11.16 to 11.28 Guidance under section 182 of the Licensing Act 2003

You are advised that under the Licensing Act 2003, you have the right to appeal against this decision and it should be made to a Magistrates Court. Any appeal should be made within 21 days of the date of this letter.

I trust this clarifies the decisions made, but if you would like to discuss them further I can be contacted on the number above.

Yours sincerely

Mrs Handan Ibrahim
Licensing Compliance Officer
Licensing (01992) 54****
Email: licensing@eppingforestdc.gov.uk

and read
Having received all the paperwork before us at this hearing and listened to the representations from the Police and the Solicitor on behalf of Wo Fat, we do not believe there is any other option open to us.

This is the second occasion when illegal workers have been found at the premises (in 2013 and 2018) which we believe would have continued had the visits from Immigration Officers not taken place. This was not just a case of confusion over paperwork, it was an exploitation of vulnerable people. The two brothers Chi Chu Wu and Chi Kwong Wu were and are involved in the management of the restaurant known as Wo Fat, on both occasions.

The guidance indicates our decision should be a deterrent to other potential perpetrators and no other decision would fulfil this objective. We considered the options to remove the designated premises supervisor of the Licence or the suspension of the Licence but as previously indicated we did not feel that this would be sufficient

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(b) to the designated premises supervisor (if there is one),
and that notice must state whether the application is one to which section 38 applies.

- (5) Where a chief officer of police notified under subsection (4) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
- (6) The chief officer of police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (4).

38 Circumstances in which section 37 application given interim effect

- (1) This section applies where an application made in accordance with section 37, in respect of a premises licence which authorises the supply of alcohol, includes a request that the variation applied for should have immediate effect.
- (2) By virtue of this section, the premises licence has effect during the application period as if it were varied in the manner set out in the application.
- (3) For this purpose “the application period” means the period which –
 - (a) begins when the application is received by the relevant licensing authority, and
 - (b) ends –
 - (i) if the application is granted, when the variation takes effect,
 - (ii) if the application is rejected, at the time the rejection is notified to the applicant, or
 - (iii) if the application is withdrawn before it is determined, at the time of the withdrawal.

39 Determination of section 37 application

- (1) This section applies where an application is made, in accordance with section 37, to vary a premises licence so as to specify a new premises supervisor (“the proposed individual”).
- (2) Subject to subsection (3), the relevant licensing authority must grant the application.
- (3) Where a notice is given under section 37(5) (and not withdrawn), the authority must –
 - (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
- (4) Where an application under section 37 is granted or rejected, the relevant licensing authority must give a notice to that effect to –
 - (a) the applicant,
 - (b) the proposed individual, and
 - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.

- (a) gives the relevant licensing authority a notice in accordance with this section, and
 - (b) satisfies the requirements of subsection (3) or (4),
- he is to be treated for the purposes of this Act as if, from the relevant time, he were ~~not~~ the designated premises supervisor.
- (8) For this purpose “the relevant time” means –
- (a) the time the notice under subsection (1) is received by the relevant licensing authority, or
 - (b) if later, the time specified in the notice.

Transfer of premises licence

42 Application for transfer of premises licence

- (1) Subject to this section, any person mentioned in section 16(1) (applicant for premises licence) may apply to the relevant licensing authority for the transfer of a premises licence to him.
- (2) Where the applicant is an individual he must be aged 18 or over.
- (3) Subsection (1) is subject to regulations under –
 - (a) section 54 (form etc. of applications etc.);
 - (b) section 55 (fees to accompany applications etc.).
- (4) An application under this section must also be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.
- (5) The applicant must give notice of his application to the chief officer of police for the police area (or each police area) in which the premises are situated.
- (6) Where a chief officer of police notified under subsection (5) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
- (7) The chief officer of police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (5).

43 Circumstances in which transfer application given interim effect

- (1) Where –
 - (a) an application made in accordance with section 42 includes a request that the transfer have immediate effect, and
 - (b) the requirements of this section are met,
 then, by virtue of this section, the premises licence has effect during the application period as if the applicant were the holder of the licence.
- (2) For this purpose “the application period” means the period which –
 - (a) begins when the application is received by the relevant licensing authority, and
 - (b) ends –

2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

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

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Licensing qualifications

- 4.27 Details of licensing qualifications accredited by the Secretary of State will be notified to licensing authorities and the details may be viewed on the GOV.UK website.

Relevant licensing authority

- 4.28 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts. For applications made on or after 6 April 2017, a licence granted to someone subject to immigration control will lapse if the individual ceases to be entitled to work in the UK. The requirement to renew a personal licence was removed from the Licensing Act 2003 by the Deregulation Act 2015. While personal licences issued before the 2015 Act have expiry dates, these licences will remain valid and such dates no longer have an effect. Once granted, the licensing authority which issued the licence remains the “relevant licensing authority” for it and its holder, even though the individual may move out of the area or take employment elsewhere. The personal licence itself will give details of the issuing licensing authority.

Changes in name or address

- 4.29 The holder of the licence is required by the 2003 Act to notify the licensing authority of any changes to a holder’s name or address. These changes should be recorded by the licensing authority. The holder is also under a duty to notify any convictions for relevant offences to the licensing authority and the courts are similarly required to inform the licensing authority of such convictions, whether or not they have ordered the suspension or forfeiture of the licence. The holder must also notify the licensing authority of any conviction for a foreign offence. These measures ensure that a single record will be held of the holder’s history in terms of licensing matters.
- 4.30 The 2003 Act authorises the provision and receipt of such personal information to such agencies for the purposes of that Act.

Specification of new designated premises supervisors

- 4.31 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act. Guidance on such applications is set out in paragraphs 4.52 to 4.65 of this Guidance.
- 4.32 The Government considers it essential that police officers, fire officers or officers of the licensing authority can identify immediately the DPS so that any problems can be dealt with swiftly. For this reason, the name of the DPS and contact details must be specified on the premises licence and this must be held at the premises and displayed in summary form. The DPS’ personal address should not be included in the summary form in order to protect their privacy.
- 4.33 To specify a DPS, the premises licence holder should normally submit an application to the licensing authority (which may include an application for immediate interim effect) with:
- a form of consent signed by the individual concerned to show that they consent to taking on this responsible role, and

- the relevant part (Part A) of the licence.

- 4.34 If they are applying in writing, they must also notify the police of the application. If the application is made electronically via GOV.UK or the licensing authority's own electronic facility, the licensing authority must notify the police no later than the first working day after the application is given.
- 4.35 The premises licence holder must notify the existing DPS (if there is one) of the application on the same day as the application is given to the licensing authority. This requirement applies regardless of whether the application was given by means of an electronic facility, or by some other means.
- 4.36 The general guidance in Chapter 8 on electronic applications applies in respect of new applications.
- 4.37 Only one DPS may be specified in a single premises licence, but a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with the 2003 Act and conditions on the premises licence.
- 4.38 Where there are frequent changes of DPS, the premises licence holder may submit the form in advance specifying the date when the new individual will be in post and the change will take effect.

Police objections to new designated premises supervisors

- 4.39 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.
- 4.40 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.
- 4.41 The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.

Applications to change the designated premises supervisors

- 8.88 Chapter 4 covers designated premises supervisors and applications to vary a premises licence covering sales of alcohol by specifying a new designated premises supervisor. Chapter 4 covers applications by community premises to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act concerning the authorisation of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence.

Provisional statements

- 8.89 Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.
- 8.90 The 2003 Act does not define the words “otherwise altered”, but the alteration must relate to the purpose of being used for one or more licensable activities.
- 8.91 Any person falling within section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. This would be possible where clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule including details of:
- the activities to take place there;
 - the time at which such activities will take place;
 - the proposed hours of opening;
 - where the applicant wishes the licence to have effect for a limited period, that period;
 - the steps to be taken to promote the licensing objectives; and
 - where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.
- 8.92 In such cases, the licensing authority would include in the licence the date upon which it would come into effect. A provisional statement will normally only be required when the information described above is not available.
- 8.93 The 2003 Act therefore provides for a person, if an individual aged 18 or over, who has an interest in the premises to apply for a “provisional statement”. This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations. “Person” in this context includes a business.
- 8.94 When a hearing is held, the licensing authority must decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:
- attach conditions to the licence;
 - rule out any of the licensable activities applied for;
 - refuse to specify the person nominated as premises supervisor; or

- reject the application.

It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.

- 8.95 The licensing authority must copy the provisional statement to each person who made relevant representations, and the chief officer of police for the area in which the premises is situated. The licensing authority should give full and comprehensive reasons for its decision. This is important in anticipation of an appeal by any aggrieved party.
- 8.96 When a person applies for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded in certain circumstances. These are where:
- the application for a licence is in the same form as the licence described in the provisional statement;
 - the work in the schedule of works has been satisfactorily completed;
 - given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
 - there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made.
- 8.97 Any decision of the licensing authority on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.
- 8.98 A provisional statement may not be sought or given for a vessel, a vehicle or a moveable structure (see section 189 of the 2003 Act).

Transfers of premises licences

- 8.99 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment. Where it is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police and the Home Office (Immigration Enforcement) no later than the first working day after the application is given. However, the responsibility to notify the DPS remains with the applicant. Otherwise the general guidance on electronic applications set out in paragraphs 8.21 to 8.28 applies.
- 8.100 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police or the Home Office

(Immigration Enforcement) raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

- 8.101 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.
- 8.102 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or the Home Office (Immigration Enforcement).

Interim authorities

- 8.103 The 2003 Act provides special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly, becomes bankrupt, mentally incapable or ceases to be entitled to work in the UK. In the normal course of events, the licence would lapse in such circumstances. However, there may also be some time before, for example, the deceased person's estate can be dealt with or an administrative receiver appointed. This could have a damaging effect on those with interests in the premises, such as an owner, lessor or employees working at the premises in question; and could bring unnecessary disruption to customers' plans. The 2003 Act therefore provides for the licence to be capable of being reinstated in a discrete period of time in certain circumstances.
- 8.104 These circumstances arise only where a premises licence has lapsed owing to the death, incapacity or insolvency of the holder or where the holder ceases to be entitled to work in the UK. In such circumstances, an "interim authority" notice may be given to the licensing authority within 28 consecutive days beginning the day after the licence lapsed. Where applications are made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment. If an application is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police and the Home Office (Immigration Enforcement) no later than the first working day after the notice is given.
- 8.105 An interim notice may only be given either by a person with a prescribed interest in the premises as set out in the regulations made under the 2003 Act (which may be viewed on www.legislation.gov.uk, the Government's legislation website); or by a person connected to the former holder of the licence (normally a personal representative of the former holder; or a person with power of attorney; or where someone has become

Home Office Immigration Enforcement acting as a responsible authority

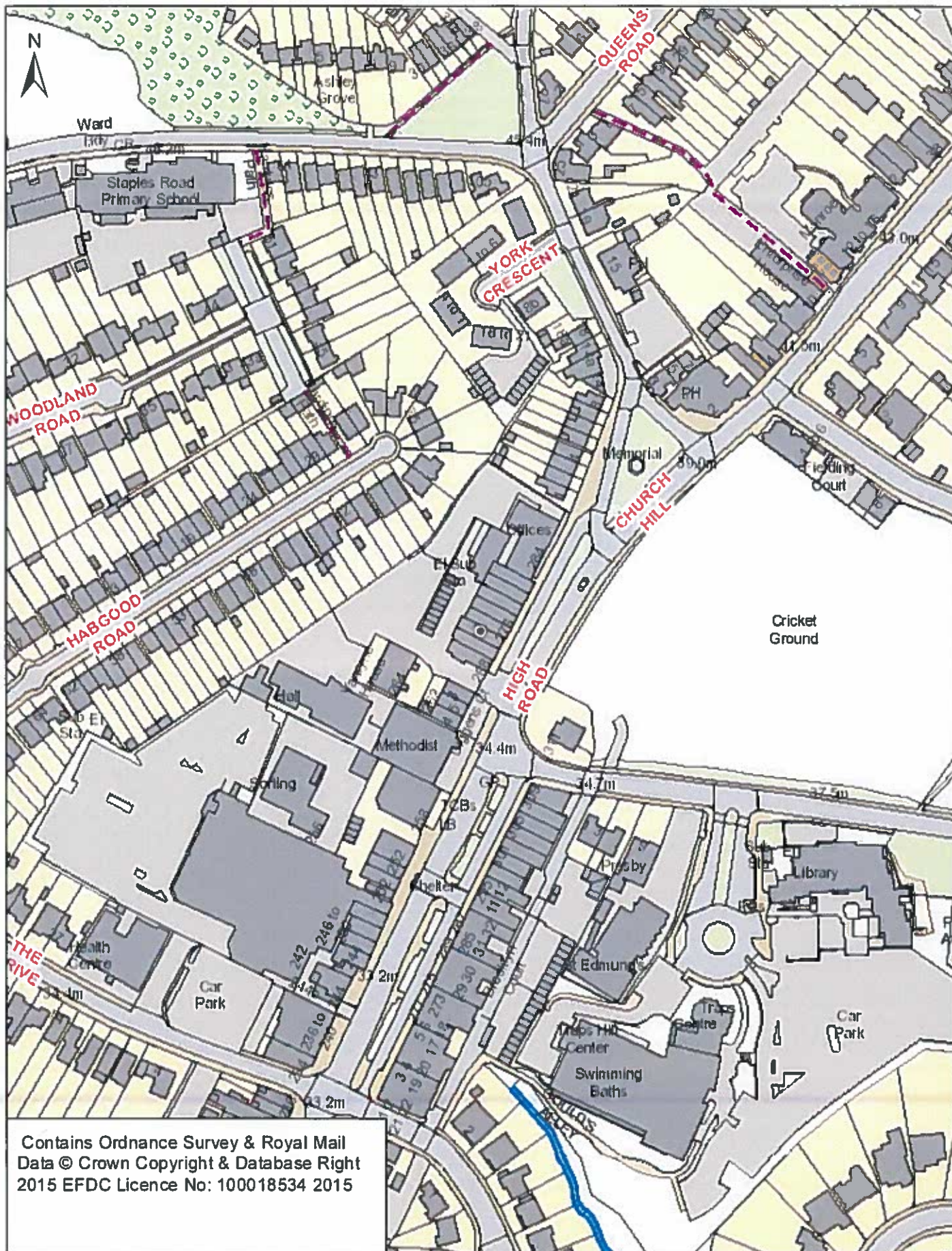
- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, 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.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.



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