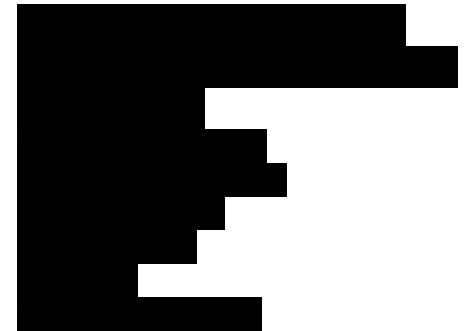


## APPENDIX C

Licensing Team  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP



Friday 5<sup>th</sup> June 2020

### **MSB CON ENDS 12.06.20 VALID PCD (A)**

Dear Sirs,

I am a warranted [REDACTED] Immigration Officer serving with the Sussex Immigration, Compliance and Enforcement (ICE) team, within the Home Office. I am writing this letter in support of Sussex Police in their Application for the review of a premises license under Section 51 of the Licensing Act 2003 for the premises trading as **Wimpy at 14 Station Road, Portslade, Brighton, BN41 1GA.**

Immigration Enforcement are supporting the application made by Sussex Police as immigration offences have been discovered at the address that undermine the Licensing objectives of the Prevention of Crime and Disorder. As outlined in the application for a review, during Police investigations to the premises, immigration offenders have been encountered multiple times by officers, that is persons who are forbidden from taking employment in the UK by virtue of their immigration status. On 8<sup>th</sup> March 2020 during an investigation into a serious offence, a [REDACTED] was encountered at the premises. Checks conducted by Sussex Police officers at the time via the Home Office National Control and Command Unit showed that [REDACTED] was an illegal entrant to the UK who had failed to adhere to bail conditions.

[REDACTED] was therefore considered an immigration absconder since October 2010 and had no right to work in the UK.

Furthermore, on 8<sup>th</sup> April 2020 Sussex Police Officers again visited Wimpy to speak to the Premise License holder. The officers encountered a [REDACTED] in the kitchen working as a chef. Officers had also encountered him working at the premise on the evening of the 8<sup>th</sup> March. Checks conducted on the 8<sup>th</sup> March by Sussex Police officers via the Home office National Control and Command Unit and again by myself on 30<sup>th</sup> April 2020 show that [REDACTED] has an outstanding application with the Home Office since 3<sup>rd</sup> August 2018 and does not have the right to work in the UK therefore illegally working.

Sections 182 Guidance at Section 11.27 identifies certain criminal activity that may arise in connection with licensed premises, which should be treated particularly seriously. Amongst the list of activities is the use of premises for employing a person who is disqualified from that work by reason of their immigration status in the UK. The

employment of people who do not have the right to work in the UK is a serious crime and can be linked to exploitation of vulnerable people.

Continuing to employ people without making the legally required checks, and not making improvements to prevent such allegations again goes to demonstrate that the premises license holder is not robust and does not take the responsibilities towards the licensing objectives seriously. Working illegally is a criminal offence and on conviction in England and Wales, an illegal worker may receive a custodial sentence of up to six months and an unlimited fine.

Immigration Enforcement are committed to tackling the economic motivation behind illegal migration and those people who facilitate it. However, employers also have an important role to play in preventing illegal working by undertaking simple checks on their employees' right to work in the UK.

Employers have had a responsibility since 1997 to ensure they do not employ illegal workers. Since 2008, this requirement has been underpinned by civil and criminal sanctions for non-compliance, set out in the Immigration, Asylum and Nationality Act 2006 - sections 15 and 21. Under these sanctions, an employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker and an employer who knowingly or has reasonable cause to believe that the employment is not permitted may on conviction after indictment be subject to a custodial sentence of up to five years and an unlimited fine.

Employers may prevent a liability for a civil penalty by undertaking simple right to work checks on all those they intend to employ and should repeat the checks if the employee has time-limited permission to live and work in the UK. If these checks had been conducted by the premise license holder and immigration law abided to, neither [REDACTED] would have been given a position of trust at the premises and would have been in the position to commit such a serious criminal offence in the licensed premises.

To conclude, as previously stated within this letter, Immigration Enforcement are supporting Sussex Police's application for the review of the premises license recommending the revocation of this premise license. This is due to the fact that the licensing objectives of prevention of crime and disorder and public safety have been significantly undermined.

Yours Sincerely,

[REDACTED]  
[REDACTED]

Mr Savage-Brookes  
Licensing Authority  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 8 June 2020

Our Ref: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

## **MSB CON ENDS 12.06.20 VALID PCD (B)**

Dear Mr Savage-Brookes

### **Licensing Act 2003**

### **Representation in support of an application by Sussex Police seeking a review of the Premises Licence - 1445/3/2019/06206/LAPRET Wimpy, 14 Station Road, Portslade, Brighton BN41 1GA**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application made by Sussex Police seeking to review the Premises Licence for the Wimpy, 14 Station Road, Portslade, Brighton BN41 1GA.

This representation is made as the Licensing Team have concerns that the licensing objective of the Prevention of Crime and Disorder and Public Safety are not being upheld.

The history of this matter is explained in more detail in the application of Sussex Police.

Following an application received by the Licensing Authority notifying of a change of Premises Licence Holder and Designated Premises Supervisor I was allocated a job sheet to carry out a Licence Inspection at the premises of Wimpy, 14 Station Road, Portslade.

On Wednesday 8 January 2020, I visited the premises and carried out a full licensing inspection. At the time of my visit, I spoke with [REDACTED] who informed me that he was the manager. I asked [REDACTED] if Ketheesan Tharmasseelan was still the Designated Premises Supervisor (DPS). At first [REDACTED] said he didn't know who that was, and then advised that Ketheesan Tharmasseelan visited the premises every 4 weeks, sometimes longer and that it was the owner, Kapilraj Vigneswaran who visited the premises regularly.

Whilst going through the licence with [REDACTED] I asked if he could show me the CCTV and whether it was working correctly and storing footage for 31 days. He advised that he couldn't show me, as it was locked away and he didn't have access to it.

Following my inspection on 10 January 2020 I wrote to the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) outlining my findings and breaches of the premises licence found. (I have attached a copy of this letter at the end of this representation as Appendix A).

On 12 March 2020, I was contacted by [REDACTED] of Sussex Police. [REDACTED] informed me that there had been an incident at the premises and during their investigation they had found a copy of my inspection form and asked me to clarify whether at the time of my inspection I had physically seen the CCTV system. I informed him that I did not and followed this in an email to [REDACTED] attaching a copy of my breach letter sent to the premises following my inspection. (I have attached a copy of this email at the end of this representation as Appendix B).

It seems that the DPS, KetheesanTharmasseelan, has no or very little involvement in the running of the business and is merely a name on the premises licence. I also have no confidence in the PLH, Kapilraj Vigneswaran or any of the individuals who are running the business.

In the circumstances, I fully support the application of Sussex Police seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objectives of the Prevention of Crime and Disorder and Public Safety are met.

Yours sincerely

██████████  
Licensing Officer  
Licensing Team

**Appendix A** - Letter of 10 January 2020 sent to PLH following Licensing Inspection

**Appendix B** - Email of 12 March 2020 sent to ██████████

**APPENDIX A**

Kapilraj Vigneswaran  
322A Portland Road  
Hove  
BN3 5LP

Date: 10 January 2020  
Our Ref: ██████████  
Phone: ██████████  
Email:

Dear Sirs

**Licensing Act 2003 - BREACH OF CONDITIONS**  
**Wimpy, 14 Station Road, Portslade BN41 1GA**  
**Premises Licence Number: 1445/3/2019/06206/LAPRET**

I am writing to you in your capacity as the Premises Licence Holder (PLH) for the above premises concerning breach of your licence conditions.

On Wednesday 8 January 2020 I visited your premises and carried out a full licensing inspection. At the time of my visit, I spoke with ██████████. Below are my findings and details of breaches of your premises licence:

**Annex 1 – Mandatory conditions**

**S 19;** mandatory conditions where licence authorises supply of alcohol

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.

*I was advised that KetheesanTharmasseelan (DPS) usually only visits the premises approximately every 4 weeks. The DPS should have day to day involvement in the running of the premises.*

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **For the prevention of crime & disorder:**

2. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 31 days.
- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the Police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.

**██████ confirmed that █████ did not know how to use the CCTV and so it was not possible to check whether the CCTV footage was storing for a minimum of 31 days.**

3. a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week.
- b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the Police. An incident will be defined as being one which involves an allegation of a criminal offence.
- c) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

**██████ showed me a folder with copies of an Incident Log. These were empty and there were no entries by the DPS signing off as per the condition above. There was also no Refusals Log.**

### **For the Protection of Children from Harm**

7. The premises licence holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the same of alcohol to a person who is drunk

8. Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

***I was advised that training had been given but verbally. All training undertaken should be recorded and training records made available. Training should also be refreshed no less than 8 weeks.***

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that:-

**(1) A Person commits an offence if –**

**(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**

**(b) he knowingly allows a licensable activity to be carried on.**

**(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.**

Irrespective of the permission's and restrictions attached to any premises licence all licensed premises are required to operate with regard to the 4 licensing objectives, which are;


- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm


Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

Please note this Authority and Sussex Police have officers monitoring the City both day and night.

If you wish to discuss the contents of this letter please contact me.

Yours faithfully

  
**Licensing Officer**  
Licensing Team

c.c. Ketheesan Tharmasseelan (DPS),   
c.c. The Manager, Wimpy, 14 Station Road, Portslade BN41 1GA  
c.c. Brighton Police Licensing Office (via email)

## **APPENDIX B**

**From:** [REDACTED]

**Sent:** 12 March 2020 13:36

**To:**

**Subject:** Wimpy, 14 Station Road, Portslade, Brighton

Hi [REDACTED]

Please find attached a copy of the warning letter sent following my Licensing Inspection carried out at the above premises.

I can confirm I had not physically seen the CCTV system, only the location of the cameras and advised they covered the outside area.

Please let me know if I can further assist.

Regards

[REDACTED] | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP

T [REDACTED]

