

# Blackpool Council

## **APPLYING FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003**



Licensing Service  
Blackpool Council  
Municipal Buildings, PO Box 4  
Blackpool, FY1 1NA

### **Contact**

T: (01253) 47 8572 / 8589  
F: (01253) 47 8372

[www.blackpool.gov.uk](http://www.blackpool.gov.uk)

# Blackpool Council

## APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

### LICENSING ACT 2003

***Review  
requested by:***

Mark Marshall



Licensing Service  
Blackpool Council  
Municipal Buildings, PO Box 4  
Blackpool, FY1 1NA

#### Contact

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## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

<b>I</b>	Mark Marshall, Licensing and Health and Safety Manager
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[insert name of person requesting review]

**apply for the review of a premises licence under section 51 or apply for the review of a club premises certificate under section 87, of the Licensing Act 2003 for the premises described in part 1 below.**

### ***Part 1 – Premises Details***

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
<b>Premises Name and Address</b>	Spice Grill								
	49 – 51 Red Bank Road								
	Blackpool	<b>Post Code</b>	F	Y	2		9	H	X
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Nasir Uddin									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL0563	

### ***Part 2 – Applicant details***

**I am:**

1) an individual, body or business which is not a responsible authority	Please tick
2) a responsible authority (please also complete 2C below)	<b>X</b>
3) a member of a club to which this application relates (also complete section 2A below)	

**(2A) Individual Applicants (fill in as applicable)**

<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	Other	<b>I am 18 years old or over</b>	Please tick						
							<b>Yes</b>	<b>No</b>					
<b>Forenames</b>						<b>Surname</b>							
<b>Home address</b>													
						<b>Post Code</b>							
<b>Telephone Number</b>						<b>Mobile Number</b>							
<b>E-Mail Address</b>													

**(2B) Other Applicant or Representing Body**

<b>Name</b>													
<b>Address</b>													
					<b>Post Code</b>								
<b>Telephone No.</b>													
<b>Email Address</b>													

**(2C) Responsible Authority applicant**

<b>Name</b>	Mark Marshall												
<b>Address</b>	Health and Safety												
	Bickerstaffe House, 1 Bickerstaffe Square												
					<b>Post Code</b>	F	Y	1		3	A	H	
<b>Telephone Number</b>	01253-478493												
<b>Email Address</b>	Mark.marshall@blackpool.gov.uk												

## Part 3 – Reason for Review

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

Please tick	
1) the prevention of crime and disorder	<b>X</b>
2) public safety	<b>x</b>
3) the prevention of public nuisance	
4) the protection of children from harm	

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

### Introduction

On the 30<sup>th</sup> September 2017 licensing Officer working in company with Home Office, Immigration Officers, lead officer Michelle Livesey and several other immigration officers.

The intention was to visit takeaways and medium size restaurants based around the town centre and outskirts of Blackpool. This was a national operation (operation wise) led by the Home Office in conjunction with Local Authorities targeting licensed takeaways and restaurants.

At approximately 18.00hrs officers entered the Spice Grill restaurant on Redbank Road, This Business has been the subject of three previous Home Office immigration visits in 2015, 2016 and the most recent visit 2017 when on each occasion one staff member had been found working without the right to work in the UK and arrested and a civil penalty issued to the owner of the business. Mr Summan Ahammad (2015, 2016) and Mr Nasir Uddin (2017)

At the time of the visit on 30<sup>th</sup> September 2017 the premises was open for business and at this time there were a large number of customers sitting at the tables eating food and drinking alcohol.

I introduced myself as a licensing officer for the Council and spoke to Mr Nasir Uddin the licence holder and explained our purpose for the visit.

Michelle Livesey then spoke to the licence holder Mr Uddin, who confirmed staff members stayed upstairs at the property. Immigration officers then moved to the kitchen at the rear of the premises to speak with and check kitchen staff.

Other officers went upstairs to search the bedrooms for any other staff members.

I was advised by Michelle Livesey that a male who had been working in the kitchen was to be further questioned as it had been established he did not have the right to work in the UK. The male was interviewed by Immigration Officers. I had no part in this process. After several hours I was informed by Michelle Livesey the male had been arrested and was transported to Bonny Street Police station for detention. During the search of the upstairs bedroom a knife was found secreted under the bed of the detained male who's identity was established as Rofiq Ahmed dob 07/10/1984. A fine was issued to Nasir Uddin the current licence holder for the premises for employing an illegal worker at the restaurant.

### Employment of illegal Workers

The latest revision of the Section 182 Guidance makes numerous references to the employment of illegal workers , the paragraphs below explain how the employment of illegal workers ties in with the Crime and Disorder Objective and also highlights it as an issue that Licensing Authorities should take very seriously;

*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.*

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

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

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

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- for the sale and distribution of illegal firearms;*
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- for prostitution or the sale of unlawful pornography;*
- by organised groups of paedophiles to groom children;*
- as the base for the organisation of criminal activity, particularly by gangs*
- for the organisation of racist activity or the promotion of racist attacks;*
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;*
- for unlawful gambling; and*
- for the sale or storage of smuggled tobacco and alcohol.*

*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.*

### Conclusion.

The employer should be obtaining and confirming that individuals have the right to work in the UK.

The employment of illegal workers opens all sorts other concerns from illegal human trafficking right through to labour exploration, tax avoidance and in the worst case organised crime. For Licensed Premises based in the town to be found in this position causes this Authority huge concern and I believe the premises have traded irresponsibly and in the view of the Authority making this application the licence should be revoked.

Please see Para 11.23 of the Section 182 Guidance;

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

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

## Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick	
	Yes	No
		X

If yes please state the date of that application	Day		Month		Year		

If you have made representations before relating to this premises, please state what they where and when you made them.

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	Please tick	
	Yes	No
	X	


I understand that if I do not comply with the above requirements my application will be	Please tick	
	Yes	No
	X	

rejected	
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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

### Part 5 – Signatures (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 5) If signing on the behalf of the applicant please state in what capacity.**

<b>Signed</b>	
<b>Print Name</b>	Mark Marshall
<b>Capacity</b>	Licensing and Health and Safety Manager
<b>Date</b>	

**Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)**

<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	<b>Other</b>										
<b>Forenames</b>					<b>Surname</b>										
<b>Address for Correspondence associated with this application</b>															
						<b>Post Code</b>									
<b>Telephone Number</b>	01253 478493				<b>Mobile Number</b>	07796994786									
<b>E-Mail Address</b>	Mark.marshall@blackpool.gov.uk														

### Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives



3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.
6. This is the address that we shall use to correspond with you about this application.

**Witness Statement**

(Criminal Procedure Rules 2005, r27.1 (1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A (3) (a) and s.5B)

Statement of David Verity

Age: if under 18. Over 18.

Occupation: Public Protection Officer

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.

Dated the 15th day of February 2018

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

Signature



I am David Verity & I am currently employed as a Public Protection Officer within the Public Protection Division of Blackpool Council. As such I am duly authorised to enforce legislation in relation to the Licensing Act 2003.

On Saturday 30<sup>th</sup> September 2017 I was on duty working in company with a team of Home Office, Immigration officers led by Michelle Livesey.

This was part of a national operation (operation Weise) led by the home office working in conjunction with local authorities targeting licensed takeaways and restaurants checking on staff working at such premises ensuring staff have the right to work in the UK. I was informed by Michelle Livesey they were interested in a particular premises Spice Grill as there had been illegal workers discovered at this premises on previous immigration visits.

At approximately 18.00hrs we entered The Spice Grill a restaurant situated at 49 – 51 Red Bank Road, Blackpool. This premises benefits from a premises licence for the supply of alcohol on the premises PL0563. On entering the premises I observed approximately 20 customers sitting at various tables around the restaurant eating food and drinking alcohol I spoke to a male who was waiting on tables and identified myself as a licensing officer from the Council and asked to speak to the licence holder Mr Nasir Uddin I was shown to the bar where Mr Uddin was standing behind the bar. I again identified myself and explained that the immigration officers would be speaking to him Michelle Livesey explained our reason for entering the premises Michelle Livesey then requested

Signature



witnessed by

me to stay at the front of the premises for safety reasons, as other immigration officers made their way into the back to check the kitchen staff. During her conversation with Nasir Uddin it was disclosed that staff use the upstairs bedrooms the rooms upstairs were checked and confirmed persons had been sleeping in the bedrooms although nobody was present upstairs. I was then told by Michelle Livesey that one of the kitchen staff a male was being interviewed in relation to illegally working at the premises. This process took a considerable length of time and I was later told the male had been arrested removed from the premises and placed in the immigration secure vehicle and transported to Bonny Street police station. Nasir Uddin was issued with a fine for employing illegal workers. I then left the premises.

At a later date I received an email from my line manager Mark Marshall who had been in contact with Joseph Shirley, Chief Immigration Office who confirmed that the male arrested at Spice grill working illegally having no right to work in the U.K. was called Rofiq Ahmed date of Birth 07/10/1984 and at the time of the upstairs accommodation being searched a knife was found under the bed of Ahmed. A copy of the email dated 15<sup>th</sup> February 2018 is produced and shown for evidence as exhibit SG/01.

Further email requesting details of previous immigration visits to Spice Grill dated 17<sup>th</sup> February 2018 is presented and shown for evidence as SG/02. This shows that Spice grill has been visited by immigration three times over the last three years 2015, 2016 & 2017 and on each occasion one member of the staff have been arrested for illegally working and a civil penalty has been issued to the owner of the business.

I later made a statement to that effect.

Signature

witnessed by

**Dave Verity**

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**From:** Mark Marshall  
**Sent:** 15 February 2018 10:47  
**To:** Dave Verity  
**Subject:** FW: SPICE GRILL

**From:** Shirley Joseph (LPL) [<mailto:Joseph.Shirley5@homeoffice.gsi.gov.uk>]  
**Sent:** 08 February 2018 11:14  
**To:** Mark Marshall  
**Subject:** SPICE GRILL

Mark

The results I can see from Spice Grill is that we attended 30/9/17 entry gained using s179 powers. 1 immigration offender arrested as entry without leave. Rofiq AHMED 7/10/1984 BGD. Illegal working served on business. I am awaiting a response to see if they have paid there fine.

Whilst searching accommodation a knife was found under his bed.

Business owner Mr Nasir UDDIN

Regards

Joe Shirley  
Chief Immigration Officer 8635  
Personal Safety Trainer / Level 1 Criminal Investigator  
Liverpool Immigration Enforcement  
Tel: 0151 213 2908  
Mob: 07827 982 063

Immigration Enforcement and Compliance Team - Merseyside & North Wales  
The Capital Building, New Hall Place, Liverpool L3 9PP

Tel Ops: 0151 213 4330  
Ops Email: [UKBAE&CLiverpoolDutyDeskinbox@homeoffice.gsi.gov.uk](mailto:UKBAE&CLiverpoolDutyDeskinbox@homeoffice.gsi.gov.uk)  
Ops Intel: 0151 213 2601  
Intel Email: [IntelLiverpoolWorkflow@homeoffice.gsi.gov.uk](mailto:IntelLiverpoolWorkflow@homeoffice.gsi.gov.uk)



**Immigration  
Enforcement**

**From:** Mark Marshall [<mailto:mark.marshall@blackpool.gov.uk>]  
**Sent:** 08 February 2018 10:42  
**To:** Shirley Joseph (LPL)  
**Subject:** RE:

**Dave Verity**

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**From:** Shirley Joseph (LPL) <Joseph.Shirley5@homeoffice.gsi.gov.uk>  
**Sent:** 17 February 2018 12:58  
**To:** Dave Verity  
**Subject:** RE: Spice Grill further info

Hi Dave

I have looked at our systems and we have been 3 times over the past 3 years

26/3/2015 – 6 encountered 1 arrested and illegal working civil penalty served to owner Summan AHAMMAD

13/12/2015 – 1 male arrested attempting to run out the rear and then was located hiding behind a fridge. Again civil penalty for illegal working served to owner SUMMAN AHAMMAD

30/09/2017 – 1 person arrested again but this time illegal working civil penalty was served to Nasir UDDIN (possibly person in charge on the night of visit)

Any issues then let me know as I can provide further details if required

Joe Shirley  
Chief Immigration Officer 8635  
Personal Safety Trainer  
Liverpool Immigration Enforcement  
Tel: 0151 213 2908  
Mob: 07827 982 063

Immigration Enforcement and Compliance Team - Merseyside & North Wales  
The Capital Building, New Hall Place, Liverpool L3 9PP

*Tel Ops: 0151 213 4330*

*Ops Email: [UKBAE&CLiverpoolDutyDeskinbox@homeoffice.gsi.gov.uk](mailto:UKBAE&CLiverpoolDutyDeskinbox@homeoffice.gsi.gov.uk)*

*Ops Intel: 0151 213 2601*

*Intel Email: [IntelLiverpoolWorkflow@homeoffice.gsi.gov.uk](mailto:IntelLiverpoolWorkflow@homeoffice.gsi.gov.uk)*



**Immigration  
Enforcement**

**From:** Dave Verity [mailto:dave.verity@blackpool.gov.uk]  
**Sent:** 15 February 2018 17:04  
**To:** Shirley Joseph (LPL)  
**Subject:** RE: Spice Grill further info

Hi Joe

No rush thanks for getting back to me.

Many thanks  
Dave