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Our Ref: PRM0176

24 October 2019

Dear Mr Ali

Licensing Act 2003 – Premises Licence PRM0176 - Jaflong at 51 Market Square Bicester OX26 6AJ

Following my attendance at the above listed premises, with UK Border Agency Officers on 11/10/2019, you licensed premises was found to have people allegedly working at the premises, when those persons had no right to work in the UK.

The Border Agency removed 3 males from the premises, and they were detained under UK Immigration laws. One male, who had not been seen working, was escorted away from the premises.

Officers noted that away from the dining areas, the premises appeared to be in a poor state of repair. It had had 8 bed spaces, which appeared to have been recently used. Doors marked as fire door, had door handles removed, the fire exit route from the kitchens was blocked. There appeared to be an infestation of pigeons alongside the kitchens, and the cellar had a whole knocked out of the partitioning wall into what appeared to be a neighbouring property.

As a premises licence holder, you are expected to promote and uphold the licensing objectives:

- the prevention of Crime and Disorder;
- Public Safety;
- the Prevention Public Nuisance; and
- the protection of Children from Harm.

Section 182 guidance under the Licensing Act 2003 states the following:

4.22 Civil penalties received after 6 April 2017 for immigration matters are treated in the same way as relevant offences. Licensing authorities are required to notify the Secretary of State for the Home Department (through Home Office Immigration Enforcement) when an applicant declares that they have been issued with an immigration penalty or convicted of an immigration offence or a foreign offence comparable to an immigration offence. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises. Civil penalties for

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immigration matters were added to the Licensing Act with effect from 6 April 2017, and penalties received before that date cannot be taken into account in respect of grant, revocation or suspension of a personal licence.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

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

- As the base for the organisation of criminal activity, particularly by gangs;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;

Following this enforcement action from the Boarder Agency, you may be issued with a fine, or face a prosecution.

Such enforcement action by the Boarder Agency may have a direct impact on your ability to retain any type of licence under the said Act.

Therefor I would advise that you take remedial action immediately, and any remedial action is recorded as evidence that you are complying with the licensing objectives, and conditions of your licence.

Yours sincerely


Chris Pegler
Lead Licensing Enforcement Officer