



PRIVACY NOTICE

Waverley Borough Council will use the information you provide in this form to process your application for a review of a premises licence, or club premises certificate, to fulfil our licensing obligations and maintain our statutory public register. We may share your information with other local councils, the police and other government agencies to verify/process the information you have supplied, where required by law and for statistical research purposes (anonymised data) by government agencies only. We will keep it for ten years after the premises licence ends.

For Online Payments Only;

Please note; Our payments website processes your payment and does not store any personal data.



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Ava Ansari, Immigration Enforcement

(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Rajasthan Restaurant, 103 Long Gore, Farncombe	
Post town Godalming	Post code (if known) GU7 3TW

Name of premises licence holder or club holding club premises certificate (if known) Rajasthan Restaurant

Number of premises licence or club premises certificate (if known) 1
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Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Ava Ansari, Immigration Officer 18323 South Central Immigration, Compliance and Enforcement Team 2nd Floor, Eaton House 581 Staines Road Hounslow TW4 5DL	
Telephone number (if any)	
E-mail address (optional)	Ava.Ansari@homeoffice.gov.uk

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 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)

One of the licensing objectives which underpins the Licensing Act 2003 is the prevention of crime and disorder and all operators are expected to take steps to promote the licensing objectives.

Home Office (Immigration Enforcement) believe Mr Aminur Rahman is not preventing crime and disorder and therefore should no longer be allowed to hold a premises licence.

Mr Aminur Rahman is using his restaurant businesses to employ illegal workers which is strictly prohibited under the Licensing Act 2003 and Immigration Act 1971(aa).

Employing illegal workers in the UK has the following impact on the community and society as a whole:-

1. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
2. It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
3. It encourages other overstayers / illegals to seek similar work.
4. It allows a business to unfairly undercut other businesses by employing cheap labour.
5. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

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

Rajasthan Restaurant is a restaurant in the town of Farncombe, Surrey. The premises has a licence to sell Alcohol for consumption on the premises between the hours of 1200-1430 and 1700-2300 Monday - Sunday.

Home Office (Immigration Enforcement) had received information stating that the employer is employing Students who are not attending college to work full time, they are not paying taxes and being paid low wages. Students have employment restrictions of 20 hours a week in term time but must be attending college for conditions to be valid.

Immigration Enforcement has previously encountered illegal workers at the Rajasthan Restaurant. Incidences as follows:

06/03/2013 - Three males arrested for illegal working.
22/11/2016 - Two males arrested for illegal working.

As a result of this intelligence, Home Office (Immigration Enforcement) with Police Officers from Surrey Police and Licensing Officers from Waverley Council, planned an Enforcement visit to Rajasthan Restaurant, 103 Long Gore, Farncombe, Godalming, GU7 3TW which was conducted on 21/02/2023.

Entry was gained by Immigration Officers from South Central ICE under Section 179 of the Licencing Act 2003.

Throughout the visit 5 individuals were encountered, with 1 being arrested for illegally working in the UK.

Due to this, a Civil Penalty Referral has been served on the business and it is currently under consideration as to whether a fine will be served on the business for the employment of people who have no right to be working in the UK.

The business has previously had three referrals made against them for a civil penalty as follows:

CPCT ref:308687

Is

Penalty was cancelled at objection 23/01/17

CPCT ref:309729

Is

£20,000 penalty maintained at objection 23/02/17

Remains unpaid.

Referred for legal review.

CPCT ref:313929

Is

No Action Notice (NAN) issued 17/01/18

The Business has employed people who have no right to work in the UK, this means no checks have been carried out on the employees. Therefore, there is no knowledge of the persons history, this could put any member of the public at unnecessary risk.

There is clear disregard to UK law as the employment of people with no right to work in the UK has taken place at the restaurant on multiple occasions, with no consideration given to the potential harm that members of the public may face due to required checks not being carried out.

Revised Home Office guidance issued under section 182 of the Licensing Act 2003 – December 2022 states:

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

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

- for employing a person who is disqualified from that work by reason of their immigration status in the UK;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Please

tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

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

Signature Ava Ansari, IO 18323

Date 12.05.2023

Capacity Immigration Enforcement Officer

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</p> <p>Please copy Caroline Laird, Immigration Officer 18876 into all correspondence.</p> <p>Postal address is the same as myself.</p>	
<p>Post town</p>	<p>Post Code TW4 5DL</p>
<p>Telephone number (if any)</p>	
<p>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</p>	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003
SECTION 13 (4) - RELEVANT LICENSING AUTHORITIES

RESPONSIBLE AUTHORITY

- (a) **Police Authority**
Chief Officer of Police, c/o Waverley Licensing Officer, Surrey Police, P O Box 101,
GU1 9PE
Tel: 01483 639512
- (b) **Fire Authority**
Surrey Fire and Rescue Service, Surrey County Council, Woodhatch Place, 11 Cockshot
Hill, Reigate, Surrey, RH2 8EF
Tel: 01737 242444
- (c) **Trading Standards**
Surrey County Council Trading Standards, Consort House, 5-7 Queensway, Redhill,
Surrey, RH1 1YB
Tel: 01372 371700
- (d) **Health and Safety at Work**
Head of Environment, Waverley Borough Council, The Burys, Godalming, Surrey,
GU7 1HR.
Tel: 01483 523333
- (e) **Local Planning Authority**
Head of Planning, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR.
Tel: 014873 523333
- (f) **Local Authority – Prevention of Pollution (to environment or harm to human health)**
Head of Environment, Waverley Borough Council, The Burys, Godalming, Surrey, GU7
1HR.
Tel: 01483 523333
- (g) **Protection of Children from Harm**
County Child Employment Enforcement and Strategy Manager, Quadrant Court,
35 Guildford Road, Woking, Surrey. GU22 7QQ.
Tel: 01483 517838
- (h) **Licensing Authority (Other than the relevant licensing authority) in whose area part
of the premises is situated**
- (i) **Primary Care Trust**
Room G55, County Hall, Penrhyn Road, Kingston Upon Thames, KT1 2DN
Tel: 01737 733746
- (j) **Home Office (Immigration Enforcement)**
Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, Surrey, CR9 2BY

To be advised on individual cases
- (k) **In relation to a vessel - Navigation Authority**
Navigation Manager, National Trust, River Wey Navigations, Dapdune Wharf, Wharf Road,
Guildford, Surrey, GU1 4RR.
Tel: 01483 561389