

DELEGATED

AGENDA NO.

REPORT TO THE STATUTORY LICENSING COMMITTEE

5 NOVEMBER 2019

LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISE LICENCE LEBANEAT, 48 HIGH STREET, YARM TS15 9AH

SUMMARY

The purpose of this report is for Members to consider an application for a review of a premise licence from Cleveland Police on the grounds of the prevention of crime and disorder.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for a review of the premise licence in respect of Lebaneat 48 High Street, Yarm has been received from Cleveland Police. The application to review the premises licence relates to the undermining of the licensing objectives of the prevention of crime and disorder. A copy of the application and supporting evidence is attached at Appendix 1.
2. A copy of the current premises licence showing licensable activity and hours is attached at Appendix 2.
3. A map showing the location of the premises is attached at Appendix 3.

POLICY CONSIDERATION

6. Members must carry out their functions with a view to promoting the four licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
7. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and the Section 182 Revised Guidance issued April 2018 under the Licensing Act 2003 when considering this application for review. Part 11 of the Guidance deals with 'Reviews':

11.18“.....However, where responsible authorities like the police and environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their approach to 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. ”

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 procedure 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.”*

8. A copy of the policy documents will be available at the meeting for Members information and details regarding the full range of powers available to members can be found at Paragraphs 11.16 to 11.28 of the Guidance.

MEMBERS OPTIONS

9. Members are advised that under the provisions of Section 51(4) The Licensing Act 2003 the authority may, at any time, reject any ground for review if it is satisfied –
 - (a) that the ground is not relevant to one or more of the licensing objectives, or
 - (b) in the case of an application made by a person other than a responsible authority, that-
 - (i) the ground is frivolous or vexatious, or
 - (ii) the ground is a repetition
10. If Members are not minded to reject the application, then under the provisions of Section 52(3) The Licensing Act 2003, the authority must, having regard to the application and any relevant representations take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the four licensing objectives.

The steps are –

- (a) to modify the conditions of the licence which could include reducing opening hours or requiring door supervisors at a particular time;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premise supervisor for example, because they consider that the problems are the result of poor management;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the authority takes a step mentioned in (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

11. The Committee also have the option to leave the licence in its existing state.

ASSOCIATED PAPERS

12. The following appendices are attached for information:

- Appendix 1 The application for review and supporting documents
Appendix 2 Copy of the existing licence
Appendix 3 Location Map

**Assistant Director Administration
Democratic And Electoral Services:**

Contact Officer:

Telephone No.

Email Address:

Margaret Waggott
Sandra Percival
(01642) 526601
Sandra.percival@stockton.gov.uk

Financial Implications:

None

Community Safety Implications:

The Licensing Act 2003 requires the licensing authority to have regard to:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Legal implications

Any decision made in respect of the review application can be appealed to the magistrate's court within 21 days by –

- 1 The applicant
- 2 The premises licence holder
- 3 Any other person who made relevant representations

Any decision made in respect of the review does not have effect until –

- (a) the end of the period given for appealing against the decision, or
- (b) If the decision is appealed against, the time the appeal is disposed of.

Human Rights

Members should have regard to the Human Rights Act when conducting this hearing.

Background Papers:

Stockton Borough Council Licensing Policy Statement and Section 182 Guidance

Ward(s) and Ward Councillors:

Tony Hampton
Andrew Sherris
Julia Whitehill



Application For A Review Of A Premises Licence Or Club Certificate (Form LA09)

www.stockton.gov.uk

Trading Standards & Licensing, PO Box 232, 16 Church Road, Stockton on Tees TS18 1XD
Tel: (01642) 526558 • Fax: (01642) 526584

Application for A Review Of A Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

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 (Insert name of applicant)

Andrew Thorpe

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 Club Premises, or if none, ordnance survey map reference or description Lebaneat 48 High Street	
Post Town Yarm	Post Code TS15 9AH
Name of premises licence holder or club holding club premises certificate (if known) Oksana Sayed	
Number of premises licence or club premise certificate (if known) 146366	

PART 2 – APPLICANT DETAILS

I am

Please
Tick ✓

- | | | |
|----|---|--------------------------|
| 1) | an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| | a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| | b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| | c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| | d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) | a responsible authority (please complete (C) below) | x |
| 3) | a member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

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

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

Surname

First Names

I am 18 years old or over

Yes

(Please Tick)

Current 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 Chief Constable of Cleveland Police c/o PC Andrew Thorpe Licensing Unit Middlesbrough Police Bridge Street West Middlesbrough TS2 1AB

Telephone Number (If any)	01642 302360
E-Mail address (optional)	Andrew.thorpe@cleveland.pnn.police.uk

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

	Please Tick ✓
1. The prevention of crime and disorder	X
2. Public safety	
3. The prevention of public nuisance	<input type="checkbox"/>
4. The protection of children from harm	<input type="checkbox"/>

Cleveland Police make an application to review the premises licence at Lebaneat for the following reasons:

On Wednesday 4th September 2019 at 17:26 hours, a joint partnership operation was carried out with HMRC Revenue and Customs, Department for Work and Pensions, Gangmasters and Labour Abuse Authority and Immigration. Due to information received about illegal workers in some of the Lebaneat premises we attended the premise and carried out Licensing and Immigration checks. It was found that of the nine (9) persons working at the premise that night that one of the males working in the kitchen, although legally in the country, was not authorised to be working.

This is the second time in the past thirteen months that a Lebaneat premises has been found to employ someone who is not authorised to work in this country. A premise in the Durham authority area had its licence revoked for a similar incident earlier this year.

We also carried out licensing checks on the premises and found they were not fully complying with their Premise Licence. During checks it was found that of the nine people working, there were only training records for three of them, this is contrary to the condition stating ;

“All staff will be fully trained in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales) persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 25" policy. Staff will receive refresher training at least every 6 months“

It was also noted that there were no signs asking patrons to leave quietly in contravention of the condition in the Premise Licence stating;

“Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises. This should include placing at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles) “

Finally with regards to the CCTV, no one on site knew the password for the CCTV system so the

CCTV footage could not be reviewed at the time. Again this is in contravention of their Premise Licence which clearly states;

“The digital recorder will have the facility to be password protected

to prevent unauthorised access, tampering, or deletion of images.

There will be at all times a member of staff on duty who is trained in

the use of the equipment and upon receipt of a request for footage

from a governing body, such as Cleveland Police or any other

Responsible Authority”

These events have left us with no other option than to request a review of the premise licence.

Please provide as much information as possible to support the application. (Please read guidance note 2)
See attached evidence

Please
Tick ✓

Have you made an application for review relating to these premises before?

X

If Yes, please state the date of that application

Day		Month		Year			
0	2	1	1	2	0	1	8

If you have made representation before relating to these premises please state what they were and when you made them.

Please
Tick ✓

- 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.

X

- I understand that if I do not comply with the above requirements my application will

be rejected.

X□

It Is An Offence, Liable On Conviction To A Fine Up To Level 5 On The Standards Scale Under Section 158 Of The Licensing Act 2003 To Make A False Statement In Or In Connection With This Application.

How We Collect And Use Information

The information collected, on this form and from supporting evidence, by Stockton on Tees Borough Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Stockton on Tees Borough Council nor use information about you for other purposes unless the law permits us to.

Stockton on Tees Borough Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at; Trading Standards and Licensing, PO Box 232, 16 Church Road, Stockton on Tees, TS18 1XD

Part 3 – Signatures (Please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the applicant please state in what capacity.

Signature	P. Higgins	Date	02/11/18
Capacity	Licensing Sgt		

Contact name (where not previously given) and address for correspondence associated with this application. (Please read guidance note 5)	
Sgt P. Higgins Middlesbrough Police Station Bridge Street West Middlesbrough	
Post Town Middlesbrough	Post Code TS2 1AB

Telephone Number (if any)	01642 302160
E-mail Address (optional)	Paul.higgins@cleveland.pnn.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for review, if applicable.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this application.
6. Information on the Licensing Act 2003 is available at www.tradingstandards.gov.uk/stockton and you are advised to read any relevant guidance leaflets before completing this form.

RESTRICTED (when complete)
CLEVELAND POLICE

WITNESS STATEMENT

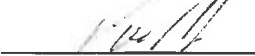
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN	17			
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Statement Paul Higgins

Age if under 18: **Over 18** (if over 18 insert "Over18") Occupation: Police Sergeant 944

This statement (consisting of **5** 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:  Date: 23/10/2019

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

I am a Police Sergeant in Cleveland Police presently stationed at Middlesbrough Police station in the Licensing Support Unit. I have performed this role for over 16 years and during that time I have successfully completed the BIIAB level 2 National Certificate for Licensing Practitioners and the BIIAB level 2 course in the Assessment of Licensed Premises.

Lebaneat is a restaurant situated at 48 High Street Yarm. The premises is licensed to sell alcohol from 12:00 to 23:00hrs with opening times from 12:00 to 23:30hrs.

The Premises Licence Holder is Lebaneat (Yarm) Limited, 47 North Bailey, Durham.

This company is registered with companies house and has one Director a Mr Ahmed SAYED and gives a correspondence address of 47 North Bailey, Durham. I attach a print out from Companies House website detailing this as PH/1

The Designated Premises supervisor is a Ms Oksana SAYED who is the wife of Ahmed SAYED

The premises licence was granted on 12th December 2018

On the 5th February 2019 Durham County Council held a licensing hearing for the Review of two premises licences, one called Lebaneat at 47 North Bailey, Durham, the other called Lebaneat

Signature  Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**

Continuation of Statement of Paul Higgins
 Wrap House at 69 Claypath, Durham. The Review was brought by Durham Police following an incident on the 2nd August 2018 where Durham Police and Immigration enforcement visited both premises.

At the Lebaneat at 47 North Bailey, Durham, the Officers identified 2 workers who were foreign nationals and working at the premises without legal permission to work.

On the same day Durham Police and Immigration Officers also visited the Lebaneat wrap House at 69 Claypath in Durham, where they identified 2 further foreign national workers who were working without legal permission to work in the UK.

At the Review Hearing on the 5th February 2019 in Durham both of the premises had their Premises Licences revoked.

I produce the review paperwork in relation to this hearing PH/2 and a copy of the determination notice as PH/3

The decision of the Durham Licensing Committee was appealed and eventually heard at Magistrates Court on 10th July 2019 where it was upheld

Prior to that hearing an application was made to Durham Council for a new premises licence at Lebaneat located at 47 North Bailey, Durham. The applicant for that licence was a Pierre CHIDIAC, however during the hearing held on the 5th July 2019 it emerged that Ahmed SAYED still owned 49% of the business. At that hearing Sgt Dickenson from Durham Police produced evidence of another incident on the 23rd February 2019 where a delivery driver for Lebaneat was involved in a road traffic accident. The delivery driver was identified to be yet another illegal worker. The application for that licence was refused by Durham Council Licensing Dept. I produce a copy of the statement from Sgt Dickenson as PH/4 and the Notice of determination from Durham Council for the hearing on the 5th July 2019 as PH/5

At 17:26 on Wednesday 4th September I was on duty when I attended the Lebaneat restaurant

Signature



Signature Witnessed by

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 3

Continuation of Statement of Paul Higgins
on the High street in Yarm. I was in company with PC 894 Thorpe and we were wearing plain clothes but with Police stab proof vests on. We were in company with a number of other officers including

A Police regional crime operations team officer in plain clothes

Police Community Support Officers in uniform

Immigration Officer Waller

Stockton Council Licensing Officer John Wynn

Officers from the Gangmasters and Labour Authority and the HMRC minimum wage team

As we approached the front door of Lebaneat I was the third person to enter. The first was DC Burrell from the North East Regional Special Operations Unit and the second was John Wynn from Stockton Council. As we walked in we were greeted by a male who I will refer to as Male 1. He was wearing a white shirt and black trousers and greeted us as if he were a member of staff. Male 1 initially spoke to John Wynn and said something which I did not hear.

The male indicated that we should talk to other members of staff and John Wynn and I walked over to the other staff members where I identified myself and explained that we were conducting a multiagency operation to conduct a Licensing Inspection and to check on the welfare of staff working at the premises. A male then identified himself as the on duty manager that night. I will refer to him as Male 2

There were only a small number of customers in the restaurant.

Whilst the other officers spoke to the members of staff I asked male 2 to show me various requirements which make up the conditions on the licence.

- The condition relating to an incident book was being complied with
- The condition relating to a refusals register was being complied with
- The condition relating to Challenge 25 signage was being complied with

Signature



Signature Witnessed by

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 4

Continuation of Statement of Paul Higgins

- Although there was a CCTV system and I am now able to say that the system complies with the technical specifications stated on the licence, at the time of the visit none of the staff knew the password to operate the CCTV. The condition states "There will be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24 hours routine or less if urgently required for investigation of serious crime"
- There were up to date training records for the three members of staff who were present serving customers, however there were no training records for Male 1 nor for the kitchen staff.

Whilst at the restaurant male 1 was spoken to by Immigration Officer Waller and it was established that he is an Egyptian National who had entered the UK illegally and did not have permission to work.

I was also present when Immigration Officer Waller spoke to male 2 who had identified himself as the manager. She asked him a number of questions about the employment of male 1 which she recorded on an electronic device which male 2 then signed as a true account.

Section 21 of the Immigration, Asylum and Nationality Act 2006 makes it a criminal offence to employ illegal workers. Given that there was no one present to operate the CCTV system at the premises, I was concerned that the footage would contain evidence of the illegal working of male 1 and that if it were not secured that evidence could be lost. I therefore seized the CCTV hard drive system under section 19 of the Police and Criminal Evidence Act 1984.

I have since examined the footage recorded on this device and it clearly shows male 1 working in the premises in the 3 days prior to the Police visit on the 4th September. The male can be seen bringing cutlery and food to customers at tables and taking payment. I have produced a

Signature



Signature Witnessed by

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **5**

Continuation of Statement of Paul Higgins
precis of the footage showing the activity of male 1 whilst working at the premises. The footage is based on a time slot I requested be produced by our technical support team between 16:00 and 17:30 on 3 days the 2nd 3rd and 4th September 2019. This is now contained on 9 separate DVDs. It should therefore be noted that Male 1 was working at Lebaneat either side of the times but to reproduce that entire footage would involve a huge amount of data. The hard drive has since been returned to the premises so they have access to the entire collection of footage.

Paragraph 11.27 of the Section 182 Guidance to the Licensing Act 2003 (April 2018) states that "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"

Signature



Signature Witnessed by

LEBANEAT (YARM) LIMITED

Company number **11252182**

Follow this company

File for this company

Overview

Filing history

People

View all

Officers

Persons with significant control

Filter officers

Current officers

1 officer / 0 resignations

SAYED, Ahmed

Correspondence address

47 North Bailey, Durham, United Kingdom, DH1 3ET

Role **ACTIVE**

Director

Date of birth

March 1984

Appointed on

13 March 2018

Nationality

Egyptian

Country of residence

United Kingdom

Occupation

Restaurateur

LEBANEAT (YARM) LIMITED

Company number **11252182**

[Follow this company](#)

[File for this company](#)

[Overview](#)

[Filing history](#)

[People](#)

[View all](#)

Registered office address

47 North Bailey, Durham, United Kingdom, DH1 3ET

Company status

Active

Company type

Private limited Company

Incorporated on

13 March 2018

Accounts

First accounts made up to **31 March 2019**
due by **13 December 2019**

Confirmation statement

Next statement date **12 March 2020**
due by **26 March 2020**

Last statement dated **12 March 2019**

Nature of business (SIC)

56101 - Licensed restaurants

Statutory Licensing Sub-Committee

5th February 2018

Application for the Review of a Premises Licence



Ordinary Decision

Report of Ian Thompson, Corporate Director of Regeneration and Local Services

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Elvet and Gilesgate

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine an application by Durham Constabulary to review the premises licence in respect of Lebaneat, 47 North Bailey, Durham. DH1 3ET.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

3. On 12th December 2018, the Licensing Authority received the application from Durham Constabulary asking for a review of the premises licence (ref. no. LAPREG/05/0527) for Lebaneat, 47 North Bailey, Durham.
- 4 During the consultation period the Licensing Authority received two representations in support of the Police review application, one from the Home Office Immigration Enforcement Team and one from Mr Khan, a local business owner.
- 5 Comments not amounting to a representation were received from the Durham County Council Planning Authority and the Fire Safety Authority.
- 6 The Environmental Health Department and the Durham Local Safeguarding Children Board have both responded to the consultation with no comments.

Recommendation(s)

- 7 The Sub-Committee is asked to determine the review application with a view to promoting the licensing objectives.
- 8 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 8;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 9.

Background

- 9 Background information

Applicant	Durham Constabulary	
Type of Application: Review of a Premises Licence	Date received: 12th December 2018	Consultation ended: 10th January 2019
Premises Licence Holder	Mr Ahmed Mohamed Hussein Sayed	
Designated Premises Supervisor	Ms Oksana Sayed	

- 10 The premises licence in respect of Lebaneat, 47 North Bailey, Durham currently permits the Sale of Alcohol and the provision of Late Night Refreshment as detailed in the table below:

Licensable Activities	Days & Hours
Sale of Alcohol (for consumption on and off the premises)	Monday to Saturday: 11:00 – 00:00 hrs Sunday: 12:00 – 23:30 hrs. Good Friday & Christmas Day: 12:00 – 23:30 hrs

Late Night Refreshment (Indoors)	From end of permitted hours on New Years Eve to start of permitted hours on New Years Day. Monday to Saturday: 23:00 – 00:30 hrs Sunday: 23:00 – 00:00 hrs. Good Friday & Christmas Day: 23:00 – 00:00 hrs From end of permitted hours on New Years Eve to start of permitted hours on New Years Day.
Opening Hours	Not stated

- 11 A copy of the current premises licence for Lebaneat, 47 North Bailey, Durham is attached at Appendix 3.

Details of the application

- 12 The review application by Durham Constabulary was received by the Licensing Authority on 12th December 2018.
- 13 The application is deemed by the Licensing Authority to be relevant and the application was advertised in accordance with the regulations.
- 14 The application for review relates to the following licensing objective:
- The Prevention of Crime and Disorder
- 15 On 22nd January 2019, additional documentation was received from Durham Constabulary in support of their review application.
- 16 A copy of the application and supporting documents from Durham Constabulary are attached at Appendix 4.

The Representations

- 17 During the consultation period, the Licensing Authority received two representations in support of the Police review application, one from the Home Office Immigration Enforcement Team (Responsible Authority) and one from a local business owner Mr Khan (Other person). Mr Khan also provided additional information on 22nd January 2019.

Copies of the representations including Mr Khan's additional information are attached at Appendix 5.

18 The Licensing Authority received comments not amounting to a representation from the Planning Authority and the Fire Safety Authority.

Copies of these comments are attached at Appendix 6 for information.

19 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the review application:

- Durham County Council's Environmental Health Department
- Durham Local Safeguarding Children Board

Copies of these responses are attached at Appendix 7.

The Parties

20 The Parties to the hearing will be:

- Durham Constabulary (Applicants)
- Mr Ahmed Mohamed Hussein Sayed (Premises Licence holder)
- Mr Terry Hamer (Solicitor for the licence holder)
- The Home Office Immigration Enforcement Team (Responsible Authority)
- Mr Khan (Other person)

Options

21 The options open to the Sub-Committee are:

- (a) To take no further action;
- (b) To modify or add conditions to the licence;
- (c) Exclude a licensable activity from the licence;
- (d) Remove the Designated Premises Supervisor;
- (e) Suspend the licence for a period (not exceeding three months);
- (f) Revoke the licence.

Main implications

Legal Implications

- 22 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

Consultation

- 23 The review application was subject to a 28 day consultation.

See Appendix 1

Conclusion

- 24 The Sub-Committee is asked to determine the application for the review of the premises licence for Lebaneat, 47 North Bailey, Durham.

Background papers

- Durham County Council's Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

Other useful documents

- None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

Consultation

The premises licence review application was subject to a 28 day consultation in accordance with the Licensing Act 2003 and its regulations.

The Responsible Authorities were consulted on the application.

The notice of application was displayed on the premises for a period of 28 days.

Notice of the application was displayed at the Council's Head Office at County Hall, Durham.

In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

Appendix 2: Location Plan

Appendix 3: Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

LAPREG/05/0527
24 November 2005
13 January 2017

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
LEBANEAT 47 NORTH BAILEY DURHAM CITY DH1 3ET	DURHAM COUNTY COUNCIL ADULT AND HEALTH SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by this licence

Late Night Refreshment
Sale by retail of alcohol

Opening Hours of the Premises

	Non-standard/seasonal timings
Not stated	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:
ON AND OFF ALCOHOL SALES

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

<p>Late Night Refreshment Indoors</p> <p>Mon 23:00-00:30 Tue 23:00-00:30 Wed 23:00-00:30 Thu 23:00-00:30 Fri 23:00-00:30 Sat 23:00-00:30 Sun 23:00-00:00</p>	<p>Further details N/A Non-standard/seasonal timings Christmas Day: 23:00 - 00:00 Good Friday: 23:00 - 00:00 On New Years Eve: from the end of the permitted hours on New Years Eve to the start of permitted hours on the following day</p>
<p>Sale by retail of alcohol</p> <p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 12:00-23:30</p>	<p>Further details Non-standard/seasonal timings Christmas Day 12.00 - 23.30 Good Friday: 12:00 - 23:30 On New Years Eve: from the end of the permitted hours on New Years Eve to the start of permitted hours on the following day</p>

Part 2

<p>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</p>	
<p>MR AHMED MUHAMMED HUSSEIN SAYED</p>	
<p>Registered number of holder, for example company number, charity number (where applicable)</p>	
<p>Company no:</p>	<p>N/A</p>
<p>Charity no:</p>	<p>N/A</p>

<p>Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol</p>
<p>MRS OKSANA SAYED</p>

<p>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol</p>
<p></p>

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Price of Alcohol:

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

Conditions for Delivery of Alcohol

Challenge 25 will be in operation with the acceptance of photographic ID, this includes Driving Licence and Passport.

An EPOS (Electronic Point of Sale) system is in place at the restaurant. This system is used with every sale. The details recorded include: caller ID, name and address of customer, record of sale, product, delivery driver allocated, time and date of sale.

Delivery drivers will only carry stock that has been ordered for specific delivery.

Delivery drivers are fully trained and understand the four licensing objectives, specifically with regard to the Protection of Children from Harm.

Delivery of alcohol will not be carried out if it is believed that alcohol will be passed to under 18's.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans attached

Attached

Signature of Authorised Officer
Head of Environment, Health and Consumer Protection

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**Appendix 4: Review application and supporting documents from
Durham Constabulary**

DURHAM COUNTY COUNCIL, Licensing Services, PO Box 617, Durham. DH1 9HZ

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 Mr M Barton - the Chief Constable of Durham

(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 Lebateat Wrap House 47 North Bailey Durham DH1 3ET	
Post town Co Durham	Post code (if known) DH1 3Et

Name of premises licence holder or club holding club premises certificate (if known) Mr Ahmed Muhammed Hussein Sayed
--

Number of premises licence or club premises certificate (if known) LAPREG/05/0527

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 Mr M Barton The Chief Constable of Durham Constabulary Police Headquarters Aykley Heads Durham DH1 5TT
Telephone number (if any)
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

Durham Constabulary have grounds to believe the Premises licence holder Mr SAYED is not promoting the licensing objective of prevention of crime and disorder, as illegal workers have been identified at this premises.

On 2nd August 2018 a joint visit by Durham Constabulary and Immigration enforcement was carried out at Lebaneat at 47 North Bailey, Durham.

Within this premises there were two people working who did not have the right to work within the United Kingdom, this matter is currently subject to an ongoing investigation by Immigration.

The DPS of this premises is MRS Oksana SAYED who is the wife of the PLH

As the PLH of this company I would expect Mr SAYED to have had better management of his employees and to have a full understanding of their right to work in the UK, or lack of it.

The revised guidance issued under section 182 of the Licensing Act 2003 (issued April 2018) states at section 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;

Mr SAYED is also the owner of Lebaneat Wrap House, 69 Claypath, Durham which was also subject to a visit on 2nd August 2018 by police and immigration.

Two people were also found to be at work within this premises (Wrap House) who did not have the right to work within the United Kingdom, this matter is also now subject to investigation by immigration.

During the recent licencing hearing on 18th September 2018 when there was an application to change the DPS and PLH for the Wrap House to Mr SAYED's wife, Mr SAYED stated that all the staff employed at the premises were through SAYED Training limited which Mr SAYED confirmed was his company.

This shows that Mr SAYED has not carried out the checks to establish entitlement to work in the UK as per the Sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.

The PLH by his actions is undermining the crime and disorder objective by employing illegal workers at his premises which is being used in the connection with criminal activity

Durham Constabulary are therefore using the review procedure in order to effectively deter such

activities. It is Durham Constabulary's position that it is a very serious matter to employ workers who do not have the right to work in the UK and as such would request revocation of the licence.

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

As Above

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

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

.....

Date

10/12/18

Capacity

INSPECTOR 878 STOCKDALE

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) DC 2065 Haythornthwaite Alcohol Harm Reduction Unit Annand House John Street North Meadowfield	
Post town Durham	Post Code DH7 8RS
Telephone number (if any) 101 ex1	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

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.

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9**

URN

Statement of Sgt 484 Caroline DICKENSON

Age if under 18: (if over 18 insert 'over 18') Occupation: PS 484

This statement (consisting of 3 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

Date 21st January 2019

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Sergeant with Durham Constabulary, presently stationed in the Alcohol Harm Reduction Unit. I have responsibility for licenced premises within County Durham and Darlington and I hold a National Certificate for Licensing Practitioners. I am a current member of the National Police Chiefs Council Licensing Sub Group dealing with up to date licensing issues.

On 2nd August 2018 visits were carried out at the following premises by Durham Constabulary officers and Home Office Immigration Enforcement to the following licenced premises.

1 - LEBANEAT, 47 NORTH BAILEY, DURHAM I will refer to this premises throughout the statement as Lebaneat.

2 - LEBANEAT WRAP HOUSE, 69 CLAYPATH, DURHAM I will refer to this premise throughout the statement as Lebaneat Wrap House.

At LEBANEAT Home Office Immigration Enforcement encountered two people who they suspected of working illegally so subsequently issued a referral notice in respect of a suspected breach under section 15 of the immigration, Asylum and Nationality Act 2006. LEBANEAT have since been Issued with £10,000 fine on 14/01/2019, which is due to be paid by 12/02/2019. Ahmed Mohammed Hussein SAYED is the only named person with significant control on companies house.

At LEBANEAT WRAP HOUSE Home Office Immigration Enforcement encountered two people who they suspected of working illegally so subsequently issued a referral notice in respect of a suspected breach under section 15 of the immigration, Asylum and Nationality Act 2006. LEBANEAT WRAP HOUSE have also been Issued with a£20,000 fine on 10/01/2019 which is due to be paid on 08/02/2019. Ahmed SAYED is the only named person with significant control on companies house.

Following the visit on 2nd August 2018 at LEBANEAT WRAP HOUSE it was established the PLH and DPS of the premises was Jahaangir Hussain QURESHI who hadn't been at or involved with the premises for the past two years. The annual licence fee also hadn't been paid for the past two years. Mr SAYED stated at the licencing hearing on 18th September 2018 that they hadn't been serving alcohol or carrying out any licensable activities in the last two years. PCSO CAREY who was at the visit disputed this and has provided a statement and photographs of the menu showing the prices of alcoholic drinks.

On 8th August 2018 Durham Constabulary received an application to transfer the premise licence (PL) for LEBANEAT WRAP HOUSE, from Mr Jahaangir Hussain QURESHI to LEBANEAT WRAP HOUSE LTD and to change the DPS from Mr Jahaangir Hussain QURESHI to Oksana SAYED (wife of Ahmed SAYED). Under section 38 of the licencing act 2003 these changes took immediate effect, however following the licencing hearing on 18th September 2018 the applications were not granted and an appeal was not submitted.

On 24th October 2018 a further application was received to transfer the PL and DPS for LEBANEAT WRAP HOUSE from the current PLH Mr Jahaangir Hussain QUERSHI to LEBANEAT WRAP HOUSE LTD and to change the DPS from Mr Jahaangir Hussain QUERSHI to Ahmed Mohamed Hussein SAYED. Again Under section 38 of the licencing act 2003 these changes took immediate effect. Durham Constabulary objected to these changes on 6th November 2018 and a hearing with the licencing subcommittee was arranged for 27th November 2018.

On 26th November 2018 at 15:13 I received notification the Licensing Authority that they had received an e-mail from Jane Gilliead, Agent for Lebaneat Wrap House, Durham giving them formal notice that she wished to withdraw the pending applications to transfer and vary the DPS at Lebaneat Wrap House, Durham.

On 4th December 2018 another application was received to transfer the PL and DPS for LEBANEAT WRAP HOUSE again from Mr Jahaangir Hussain QUERSHI to Mohamed Abd EL HAMID and to nominated the DPS as Ahmed Mohamed Hussein SAYED, again with immediate effect.

The application for Mr Ahmed Mohamed Hussein SAYED to be the DPS at LEBANEAT WRAP HOUSE had only been withdrawn on 26th November 2018 one day before the scheduled licencing hearing but then another application was submitted for him to be the DPS of the same premises only 8 days later and by ticking immediate effect meant that Durham Constabulary had to object again to this change and he had avoided going to the licencing hearing on 27th November. This is now to be heard on 5th February 2019.

Durham Constabulary on this occasion did not object to Mohamed Abd EL HAMID being the premises licence holder.

On enquiring as to the reason why he had applied again it was established that this was a temporary measure to allow the sale of alcohol until a more suitable candidate was found, upon which the application for Mr SAYED would be withdrawn again. To date this application has not been withdrawn and Mr SAYED remains the DPS of this premises. It is my opinion that this is a clear attempt to expose and exploit loopholes within the Licensing act.

On 3rd January 2019 another application was received to transfer the PL from Mohamed Abd EL HAMID to LEBANEAT WRAP HOUSE. This is now the third time an application has been made to transfer the PL to LEBANEAT WRAP HOUSE having already been refused by the sub licencing committee on 18th September 2018. Durham Constabulary have objected to this change and this will be heard by the licencing committee on 5th February 2019.

In relation to LEBANEAT the current PLH is Ahmed Mohamed Hussein SAYED and the DPS since 13th January 2017 is Oksana SAYED so both parties were involved in the premises when the illegal workers were found within the premises.

As the PLH of this company I would expect Mr SAYED to have had better management of his employees and to have a full understanding of their right to work in the uk, or lack of it.

The revised guidance issued under section 182 of the Licensing Act 2003 (issued April 2018) states at section 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;

Mr SAYED is owner of both LEBANEAT and LEBANEAT WRAP HOUSE both of which were subject to the visits on 2nd August 2018. During the recent licencing hearing on 18th September 2018, Mr SAYED stated that all the staff employed at the premises were through SAYED Training limited which Mr SAYED confirmed was his company.

This shows that Mr SAYED has not carried out the entitlement to work in the UK as per the Sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.

His actions is undermining the crime and disorder objective by employing illegal workers at his premises which is being used in the connection with criminal activity.

It is Durham Constabulary's position that it is a very serious matter to employ workers who do not have the right to work in the UK and also how Mr SAYED has conducted himself around the numerous application to change the PLH and DPS at LEBANEAT WRAP HOUSE especially after a meeting was held with him show that he has a total disregard for the licencing Act, sub licencing committee decisions and promotion of the licencing objectives and chooses to exploit legislation for the purpose of profit. As such would request revocation of the premise licence for LEBANEAT and LEBANEAT WRAP HOUSE

Signature:

Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9

URN

Statement of Dean Haythornthwaite

Age if under 18: Ov 18

(if over 18 insert 'over 18')

Occupation: Police Officer - DC 2065

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 _____

Date 21/01/2019

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded (supply witness details on rear)

I am a police officer in Durham Constabulary currently posted to the Harm Reductin Unit at Annand House, Meadowfield.

On Thursday 29th November 2018 at 1400hrs I held a meeting at Annand House in Meadowfield with Mr Ahmed Sayed owner of the Lebaneat Restaurant chain, including Lebaneat Wrap House at 69 Claypath, Durham City. Mr Sayed had with him a business associate Ms O C and his licensing consultant Jane Gilliead. Also present during this meeting were several members of Durham County Council Licensing Team. The purpose of this meeting was to address a number of points and to discuss the licence at Lebaneat Wrap House. During this meeting I explained to Mr Sayed that Durham Constabulary viewed the employment of illegal workers (working without the right to work in the UK) as a very serious matter, Mr Sayed disputed this saying that it was not that serious. This was of concern to me as he didn't appear to agree as to the importance and serious nature of what had happened. As this formed part of an ongoing investigation by Home Office Immigration Officers I didn't question Mr Sayed or explore the circumstances with him much beyond that comment.

I made notes of the meeting on an internal police system and can produce those as exhibit DLH/1.

Signature: _____

Signature witnessed by: _____

Witness contact details

URN

Name of witness: Dean Haythornthwaite
 Home Address: c/o Durham Constabulary
 E-mail address:
 Home Telephone Number:
 Preferred method of contact:
 Gender:
 Former name:

Postcode:
 Mobile:
 Work Telephone Number:
 Date and place of birth:
 Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY: ...

Witness care

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) Yes No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness:

PRINT NAME:

Signature of Parent

PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by: Self

Station: Harm Reduction Unit - Meadowfield

Time and place statement taken: 1600hrs - Darlington Police Station

DLH/1

Summary

Premises LEBANEAT WRAP
HOUSE

Reference

Date and Time 29/11/2018 14:00

Description MEETING HELD AT ANNAND HOUSE WITH MR AHMED SAYED, AND OPERATIONS MANAGER AND O, C (OPERATIONS MANAGER) ALSO IN ATTENDANCE WAS MR SAYED'S AGENT - JANE GILLIAD. ALSO PRESENT WAS CRAIG RUDMAN, IAN DARGUE AND LAURA CLONEY. DURING THE MEETING I EXPLAINED TO MR SAYED THAT WE SAW THE EMPLOYMENT OF ILLEGAL WORKERS AS A SERIOUS CRIME AND AS SUCH WE WOULD BE LAUNCHING A REVIEW OF THE PREMISES LICENCE FOR THE WRAP HOUSE AND THE MAIN RESTAURANT ON NORTH BAILEY. MR SAYED DISPUTED THAT THIS WAS SERIOUS CRIME.

DURING THE SAME MEETING MR RUDMAN EXPLAINED THAT HE DID NOT THINK THEY HAVE A DPS IN PLACE, DESPITE A NAME BEING ON THE PAPER. MISS C EXPLAINED THAT THEY WERE NOT SELLING ALCOHOL AT THE MOMENT AND WOULD BE MAKING AN APPLICATION FOR A NEW DPS NEXT WEEK.

[Send Letter](#)
[Edit Details](#)

Officers

Code

2065

Name

Dean Haythornthwaite

Responsible People

There are no people associated with this visit.

RESTRICTED (when complete)

WITNESS STATEMENT

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

Statement of: Michael Sandberg

URN

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Age if under 18: 0/18

(if over 18 insert 'over 18')

Occupation: Assistant Immigration Officer

This statement (consisting of 1 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 anything in it, which I know to be false, or do not believe to be true.

Signature: _____

Date: 04/08/2018

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

I am the above named officer. I work in the Arrest team at NORTH EAST AND CUMBRIA IMMIGRATION COMPLIANCE AND ENFORCEMENT TEAM, part of the Home Office, based in Newcastle Upon Tyne.

On 02/08/2018 I visited LEBANEAT, 69 CLAYPATH, DURHAM, DH1 1QT.

I was arrest 1 for the visit. I entered at 17:21. I made my way up the stairs and introduced myself to a female working behind the counter on the first floor. She was later confirmed as J J T G. She has been naturalised and is now a GBR citizen.

I showed my warrant and explained the reason for my visit. G. give signed consent to allow us onto the premises. G. confirmed that she has been working at the address for some time.

I was then asked to speak with a male who was encountered on the 2nd floor. His name was confirmed as A. He admitted to working at the premises for 1 week. He washes dishes. He did not admit to being paid any cash for his work but that he receives food in return for his work.

He works 2/3 days per week. He stated that he doesn't know who the owner is and that an unknown lady gave him the job. I Rapidscanned A and his details were confirmed. He is a FAS with no PTW.

Approximately 10-15 minutes later a male entered the premises and asked my why I was questioning his friend. A admitted that this male was the manager and that his name was AHMED SYED, an national. After referral to CIO RENNIE it was agreed to serve A Al with an BAIL201 and ask that he reports on Monday to MIDDLESBROUGH REPORTING CENTRE. I served a referral notice on AHMED MOHAMED HUSSEIN SAYED,

Sandberg
69 Clenpath

2/8/18. ENF JOBS PM

C. Mc Crystal

S - Rennie

B. - Bryten

DB. Sandberg

Police Led Units - OP LAROCHE

49 North Baiter

DHT SET. 5179 of 2003 CA.

69 Clenpath House, Duchen.

Manager is AHMED SYED

Some lady gave me
the job

SALE 201 BOUND RETIRED

nska wuca

J
GB JPHL | VWSR

CID checks =

Naturalised =

Partner - R:

Male.

Works 2 hrs per day.

Washes dishes.

Eats food

2/3 days per week.

Doesn't know owner,

a lady gave him a job

- Name unknown.

Came to UK hidden in container;

Got out in unknown place, got on bus, travelled 3 hrs.

Came to Dublin 3 years ago. Came to UK 4 years ago - to Manchester.

R A A

Rapid - TYN/470874
04-65

17/1/14
PF2 78/015931/J

Asylum refused. ABS.
(dated 13/3/14)

Address =>

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: Toni Ellison.....

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer 16712.....

This statement (consisting of 3 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: Toni Ellison.....

Date 03 August 2018

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

I am the above named officer and I'm based at North East and Cumbria ICE in Newcastle. I have been an Immigration Officer since April 2017 and I have been employed by the Home Office since 2016.

I attended LEBANEAT WRAP HOUSE FIRST FLOOR, 69 CLAYPATH, DURHAM, DH1 1QT on Thursday 02 August 2018 as part of a planned Police led visit. My role was arrest officer with IO SANDBERG. Entry to the premises was under Informed Consent gained at 17:21hrs by Police and ourselves. I attended the kitchen area where there was 1 male working making bread. He provided his details as M A Male, and he stated he arrived in the United Kingdom (UK) 1yr 3month ago via a lorry and further stated he had made a claim for asylum. He provided his home address as

Home Office checks conducted corroborated what A advised me showing he entered the UK 19/04/2017 and claimed asylum at port. He is now a Third Country Unit drop out case and therefore the UK is responsible for processing his asylum case and he has no permission to work.

Q: HOW LONG WORKING HERE?

A: 1 MONTH

Q: HOME ADDRESS?

A:

Q: HOW DID YOU GET JOB?

A: I CAME AND ASKED FOR A JOB

Q: BOSSES NAME?

A: I DON'T KNOW - I ASKED H FOR JOB

Q: HOW DO YOU GET TO WORK?

A: BUS - 1HR FROM

Q: WHO TELLS YOU DUTIES?

A: BOSS

Q: HOW MUCH PAID?

A: I'VE NOT BEEN PAID YET

Q: HOW DO YOU PAY TO TRAVEL TO WORK?

A: HOME OFFICE, ASYLUM APPLICATION

Q: HAPPY WORKING HERE?

A: YES, I DON'T KNOW

Q: WHAT DAYS WORKED?

A: WED-SUN

Q: WHAT HOURS WORKED?

A: 4-10PM

Subject at this point stated he claimed Asylum on 19/04/2017.

Q: DO YOU RECEIVE ACCOMMODATION/FOOD/DRINK WORKING HERE?

A: NO, I TAKE 1 DRINK

Q: WHY DID YOU LEAVE

A: AFTER I WAS RELEASED FROM DETENTION I CAME TO 4 MONTHS AGO

Q: WHAT IS YOUR DUTIES?

A: MAKING BREAD ONLY

Q: TO CLARIFY, NO MONEY RECEIVED FOR WORKING HERE?

A: NO, NOTHING, I THOUGHT MAYBE AFTER 1 MONTH I WOULD BE PAID BUT NOTHING

Q: ANY REASONS FOR NOT ASKING FOR PAY?

A: NO

Q: ANY INTENTION OF ASKING BOSS TO PAY YOU?

A: NO

Q: ANY REASONS WHY?

A: NO

Whilst subject claims to have not been paid, nor has he asked for his pay, when asked questions regarding this he nervously smiled and simply stated no to being asked if there were any reasons why he did not ask to have his pay paid to him. During the visit the Gangmaster Licensing Abuse Authority team member also spoke with the subject regarding Modern Day Slavery issues – details of this interview not provided to myself.

Subject was asked to leave the premises as he had no permission to work, he collected his belongings from the kitchen area and left the premises.

Following this, the owner arrived at the premises and I spoke to him regarding the subject and also regarding another male being interviewed by IO SANDBERG.

Q: NAME/DOB/NAT?

A: AHMED MOHAMMED SAYED.

Q: WHO EMPLOYS STAFF?

A: COMPANY EMPLOYS FROM AN AGENCY

Q: WHAT AGENCY?

A: SAYED TRADING LTD, MEADOWFIELD

Q: DO THEY PROVIDE EMPLOYEE PAPERWORK?

A: YES, NINO, ADDRESS, NO ID DOCUMENTS – I DON'T ASK AS THAT'S THEIR JOB THAT'S WHY THE

COMPANY USES THEM

SAYED stated "I HAVE OVER 150 STAFF I DON'T HAVE STAFF DETAILS TO TELL YOU HOW LONG ANYONE HAS WORKED HERE - IT'S HELD IN OUR HEAD OFFICE IN BEIRUT"

Q: ROLE WITHIN COMPANY?

A: OVERALL OWNER

SAYED stated "PAYROLL IS 6TH OF THE MONTH, ALL PAPERWORK IS WITH RIBCHESTER GROUP LIMITED CONTACT IS

Q: HOW OFTEN STAFF PAID?

A: MONTHLY ON 6TH MONTH

Q: IS AGENCY YOUR COMPANY?

A: NO

Full interview relayed back to SAYED and completed in English. He confirmed he understood everything and signed my pocket notebook to this effect also.

Left premises at 19:00

Witness contact details

Home address: Postcode:.....
 Home telephone No: Work telephone No:..
 Mobile/Pager No: E-mail address:..
 Preferred means of contact (specify details): ...email.....
 Best time of contact (specify details):.....anytime.....
 Female Date and place of birth:
 Former name:..... Ethnicity Code (16 + 1)..... Religion / Belief (Specify.....)

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form MG6.
 b) What can be done to ensure attendance?
 c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
 Yes No If 'Yes' submit MG2 with file.
 d) Does the witness have any particular needs? Yes No If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
 b) I have been given the Victim Personal Statement leaflet Yes No
 c) I have been given the leaflet "Giving a witness statement to the police – what happens next?" Yes No
 d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes No N/A
 e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
 e) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA: Yes No
 g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:..... PRINT NAME:.....

Signature of parent/guardian/appropriate adult:..... PRINT NAME:.....

Address and telephone number if different from above:.....

Statement taken by (print name): TONI ELLISON Station: LINK HOUSE

Time and place statement taken: 03/08/2018 23:14:00

WITNESS STATEMENT

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

Statement of Mark Bryden URN:

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Age if under 18 (if over 18 insert 'over 18') Occupation: Immigration Officer 8158

This statement (consisting of: 2 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: 04-8-18

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

I am an immigration Officer (IO) within the Home office and work for the North East and Cumbria Immigration Compliance and Enforcement team (NE & Cumbria ICE) based at Link House, Newcastle upon Tyne, NE1 2JQ. I have been employed by the Home Office in the capacity of an arrest trained officer for ten years. My duties include establishing the immigration status of foreign nationals present in the United Kingdom and investigation of offences under the Immigration Act 1971 (as amended).

On Thursday 02/08/18 I was part of a Durham Constabulary led visit to the Lebaneat Restaurant, 47 North Bailey, Durham, DH1 3ET. I was in full PPE uniform and accompanied by IO Cooper. Entry to the premises was via Section 179 of the licensing act 2003 as the premises held an alcohol licence. I entered the premises at 17:21 which was open but had no customers inside. I made my way to the rear open plan kitchen area I noted 2 males had entered the toilets located to my left Durham Police officers had made their way to the kitchen area and were also knocking on the toilet doors asking the 2 males to come out. I identified myself to a chef in the kitchen and showed my warrant card and asked to speak to who was in charge. The chef looked around and nodded at another male who I now know to be A A S I born from I is speaking to a police officer he then comes over to me I explain the reason for the visit and give him the notice to occupier and Section 179 licensing act information. I produces his passport no as identify. A police officer brings 1 of the males from the toilet and sits him at a table at the rear of the premises. The police officer tells me on entry she had seen the male who I now know to be F A St M born from working in the kitchen wearing a chefs top and hat preparing food. On seeing officers he left the kitchen and ran to a toilet locking the door behind him when police knocked on the door he opened it but had changed out of his chefs clothing the police officer located the uniform hidden under paper towels at the

Signature: Signature witnessed by:

Continuation of Statement of

MARK BAYAN

bottom of a waste paper bin in the toilet. M confirms he is from and he came to the UK as an asylum seeker. IO Loughran at Tyne Enforcement office conducts Home Office systems checks which trace M as having entered the UK illegally on 29/11/17 hidden in a lorry. He made an asylum claim on the same date which was refused however he has appealed that decision and his appeal remains outstanding. Checks show he does not have permission to work in the UK. M can speak English and I ask him the following questions in English:

Q1. HOW LONG HAVE YOU WORKED HERE?

A1. 2 DAYS

Q2. WHAT IS YOUR JOB?

A2. LEARNING BREAD

Q3. WHAT HOURS DO YOU WORK?

A3. 12 O'CLOCK LAST WEEK. 1PM. THIS WEEK FOR 1 DAY

Q4. HOW MUCH ARE YOU PAID?

At 17:39 the owner Ahmed Mohamed Hussein SAYED enters the restaurant and shouts at all the staff to stay quiet and not speak to anyone. A female who entered with the owner approaches M and tells him to be quiet not say anything another male says something in Arabic to M I ask M question 4 again he replies:

A4. NOT WORKING, LEARNING.

At this point M says he does not understand English I tell M his English is excellent and we have been conversing in English without problem until the manager arrived. M replies NO UNDERSTAND. I call a big work Arabic interpreter and continue my questions.

Q5. DO YOU RECEIVE FOOD OR ACCOMDATION FOR WORKING HERE?

A5. THEY GIVE ME FOOD

Q6. WHO GAVE YOU THE JOB HERE

A6. AHMED, HE IS THE OWNER

Q7. DID YOU SHOW ANY DOCUMENTS TO AHMED TO WORK HERE?

A7. NO WITHOUT DOCUMENTS

Q8. DO YOU HAVE FERMISSION TO WORK IN THE UK?

Signature:

Signature witnessed by:

Continuation of Statement of

..... MARK BRADEN

A8. NO IM NOT WORKING IM TRAINING. I DON'T KNOW IF I NEED PERMISSION TO TRAIN.

I tell M have written down all my questions and his answers and ask him if he is willing to sign my notebook to confirm his answers I tell him I can read back my questions and his answers if required. He takes my pen and signs my notebook. I tell M via the interpreter that according to my checks he has no permission to work in the UK until his asylum appeal is decided and that he should not be in the kitchen working or helping or learning until he is given permission to. M understands he goes to a small staff area and changes into different clothing he has with him and leaves the premises. I place M's name on the referral notice which is explained and served on the kitchen manager AJ. AS I asks me why I am serving the referral notice as M is just learning. I ask I what is M learning and what will happen when M completes his learning? I does not reply. At 18:21 all officers leave the premises.

Signature:

Signature witnessed by:

Continuation of Statement of

[Empty rectangular box for statement content]

Signature:

Signature witnessed by:

03/2015

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: **Rebecca Carey**

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

Occupation: **PCSO**

This statement (consisting of **1** pages(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: _____ Date: **03/08/2018**

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court:

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

I am a Police Community Support Officer currently stationed at Durham City Police Office.

On Thursday 2nd August at approx. 17:15hrs, I entered The Wrap House, 69 Claypath, Durham in company with Immigration and other officers.

While in the premises, I noticed that there was no alcohol licence on display. There was wine and spirits on display behind the bar area and wine glasses on all of the tables. I looked at the drinks menu that was on all the tables and listed on there was wine and spirits for people to purchase.

The following day I have checked with Police and Council Licencing and found that the licence for the venue was suspended in 2016 due to none payment of the licensing fee.

Signature: _____

Signature witnessed by: _____

Not Disclosable

Witness Contact Details

Name of Witness: **Rebecca Carey**

Home Address:

Postcode:

E-mail Address:

Mobile:

Home Telephone Number:

Work Telephone Number:

Preferred means of contact (specify details for vulnerable/intimidated victims and witnesses only):

Gender: Male Female

Date and place of birth:

Former name:

Ethnicity Code (16+1): **1**

DATES OF WITNESS NON-AVAILABILITY:

Witness Care

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case)
 Yes No If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No
 If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me. Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) Child Witness cases only. I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'

Signature of witness: _____ PRINT NAME: **Rebecca Carey**

Signature of Parent: _____ PRINT NAME: _____

Address and telephone number (of parent etc), if different from above:

Statement taken by: _____ Station: _____

Time and place statement taken:



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: **Rebecca Carey**

Age if under 18: **over 18** (If over 18 insert 'over 18')

Occupation: **PCSO**

This statement (consisting of **1** pages(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: _____ Date: **04/08/18**

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court:

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

I am a Police Community Support Officer currently stationed at Durham City Police Office.

On Friday 3rd August 2018 at 19:10hrs, I attended The Wrap House, Claypath, Durham City, in company with PC 2210 Brown.

I spoke to staff at the location in relation to the venue currently not having a valid licence. I told them that they could not serve/sell alcohol to any customers, nor could they serve hot food after 11pm. I informed them that the owner, AHMED MUHAMMED HUSSEIN SAYED had been spoken to by the council via phone and email so he was fully aware.

The venue still had alcohol behind the bar, I witnessed a waitress taking a bottle of lager to a table, another table had a bottle of white wine on it and another had lager on it. The staff agreed that no more alcohol would be sold.

This visit was recorded on bodyworn video and uploaded on the red sigma under number BWV00126057.

Signature: _____

Signature witnessed by: _____

Not Disclosable

Witness Contact DetailsName of Witness: **Rebecca Carey**

Home Address:

Postcode:

E-mail Address

Mobile:

Home Telephone Number:

Work Telephone Number:

Preferred means of contact (*specify details for vulnerable/intimidated victims and witnesses only*):Gender: Male Female

Date and place of birth:

Former name:

Ethnicity Code (16+1):

DATES OF WITNESS NON-AVAILABILITY:**Witness Care**

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*)
 Yes No If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No
 If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me. Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) Child Witness cases only. I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'

Signature of witness: _____ PRINT NAME: **Rebecca Carey**

Signature of Parent: _____ PRINT NAME:

Address and telephone number (of parent etc), if different from above:

Statement taken by:

Station:

Time and place statement taken:

Yvonne Raine

From: Caroline Dickenson
Sent: 22 January 2019 14:43
To: Yvonne Raine
Subject: Lebaneat
Attachments: Lebaneat - menus; Lebaneat; Lebaneat reviews; Lebaneat

Hi Yvonne,

Please see attached emails which we intend to refer to at committee, they are relevant in that they show alcohol being sold at a time when the licence was not in effect.

Thanks

Caroline
DURHAM CONSTABULARY, Protecting Neighbourhoods, Tackling Criminals, Solving Problems...Around the Clock

NEIGHBOURHOOD POLICING: Use your postcode to get access to local news and events from your Neighbourhood Policing Team, at <https://www.durham.police.uk>

This email carries a disclaimer, a copy of which may be read at <https://www.durham.police.uk/Pages/E-Mail%20and%20SMS%20Text%20Disclaimer.aspx>

LUNCH TIME
MENU
 12 NOON - 5PM



STARTER & WRAP £7.99

STARTER & MAIN £9.99

STARTERS

SHISHI TACOS £3.50 V

SHISHI TACOS WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

WRAPS

SHISHI WRAP £3.50 V

SHISHI WRAP WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.50

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.50

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.50

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.50

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.50

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTERS

SHISHI TACOS £3.95

SHISHI TACOS WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

WRAPS

SHISHI WRAP £3.95

SHISHI WRAP WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.95

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.95

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.95

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.95

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.95

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

STARTER & MAIN

SHISHI BURGER £3.95

SHISHI BURGER WITH CHICKEN, TOMATO, CUCUMBER, ONION, GARLIC SAUCE & SPICES

www.lebeaneat.co.uk



Lebeaneat Restaurant
 Like This Page · 22 March 2018

it's tuesday people! Bring your own alcohol night at Lebeaneat bring all of your own drink between 5pm and 11pm!

1

Like Comment Share

Write a comment...

Please share to post...



Lebaneseat Restaurant

Like This Page · 22 December 2016 · 6

Gather your family and friends for a meal before Christmas at Lebaneseat Wrap House. Enjoy some amazing wraps, as well as Lebanese wine or Lebanese lager. Visit lebaneseat.co.uk



Like



Comment



Share

1 share



Write a comment...

Please Enter a post.

Wrap House

Drinks menu

Lebanese Wines

Wine	750 ml	Esale
St. Thomas Red	£4.95	£16.75
St. Thomas White	£4.95	£16.75
St. Thomas Rose	£4.95	£17.95
Wandy Syrah		£27.95

Beers

Almaza (Lebanese)	£3.95
Peroni	£3.20

Soft Drinks

Coke	£1.90	Apple Juice	£1.90
Diet Coke	£1.90	Grandberry Juice	£2.50
Fanta	£1.90	Mango Lassi	£2.20
Sprite	£1.90	Fresh Mango Juice	£2.50
Fruit water	£1.60	Fresh Orange Juice	£2.50
Soda	£1.00	Fresh Lebanese Lemonade	£2.90
Sparkling water	£1.90	Fresh Fruit Cocktail	£1.90
Still water	£1.90	Red Lebanese Iced Tea	£1.90

9 April 2016

Lebanese beef at Lebanese Restaurant

5

2 comments

Share

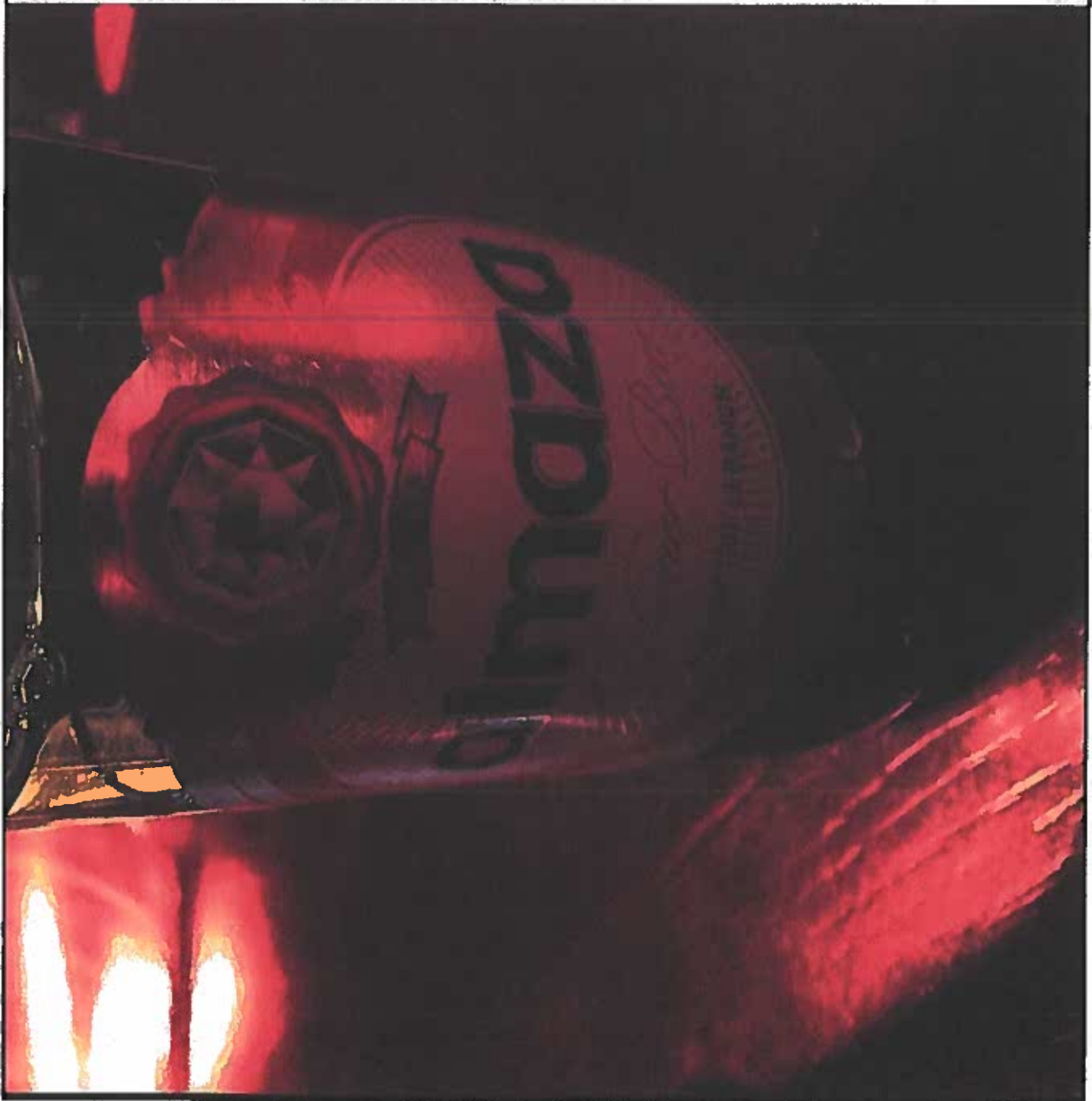
Any good?

2y

That's one I've never had.

Not bad but 4.2% so
breaks the under 5% rule

2y



Lebanese beer



SPRING SPECIAL OFFER

AVAILABLE UNTIL 2ND APRIL
EXCLUSIVE AT:

Lebanese Wrap House
First Floor | 69 Claypath | DH1 1QT

0191 370 9998
07939 254 429

wrap-house@lebanesebeer.co.uk



More than 10 family members and friends?



Get our mixed platter for only £15/person!

For more than 6 people, the price is £17.99/person

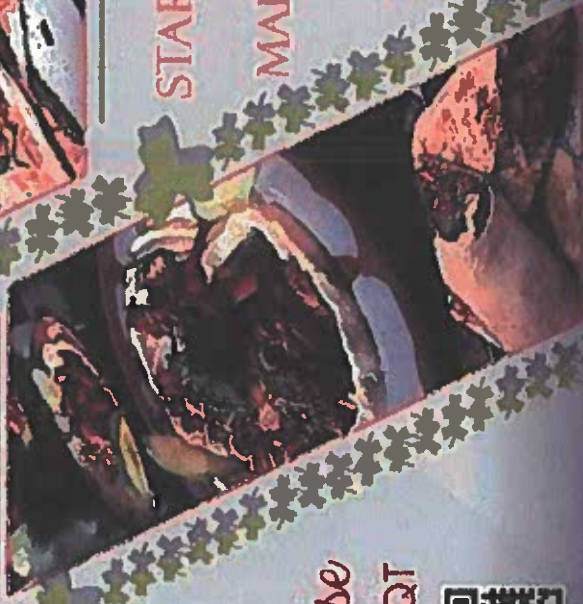
The standard price is £20 per person and in cases to groups with fewer than 6 people.



STARTER + WRAP + 175ML LEBANESE WINE OR BOTTLE OF LEBANESE BEER

£14.95

Offer includes Lebanese Mixed Starter and Lebanese Spiced Wrap.



STARTER + MAIN COURSE

175ML LEBANESE WINE OR BOTTLE OF LEBANESE BEER

£19.95

Offer includes Lebanese Mixed Starter, Mixed Grill and Lebanese Spiced Wrap.



Lebanese Restaurant

Like This Page 13 April 2017

Join us at Lebanese Wrap House this Easter and take advantage of our promotional offers!

Treat your family to a fabulous dinner with starter, main course, and a glass of Lebanese wine or a Lebanese beer for only £19.95!

Fancy something lighter? Opt for a starter, wrap main course, and a glass of Lebanese wine or Lebanese beer for only £14.95! See more

23

4 comments 4 shares



Like



Comment



Share

Most relevant

Like Reply 1y

1 reply

Like Reply 1y

Very good and very nice

If you like it that much get back here for some. We miss you like mad xxxxx

Like Reply 1y

Write a comment...

Press Enter to post.





Lebanese Restaurant

Like This Page 1 August 2018

Marhaba August!
This month might mean the continuation of a holiday or the end of one. We hope you can still enjoy our refreshing wines, beers, soft drinks, salads and cold starters while summer is still on!
Check out what we can offer here
<http://lebaneseal.co.uk/menu/food-menu/>

8

2 shares

Like Comment Share

Write a comment.
Press Enter to post.

Fellow · 21 February 2018

Sunday Lunch... Lebanese beer to start — at Lebanese Restaurant.

3

Like



Comment

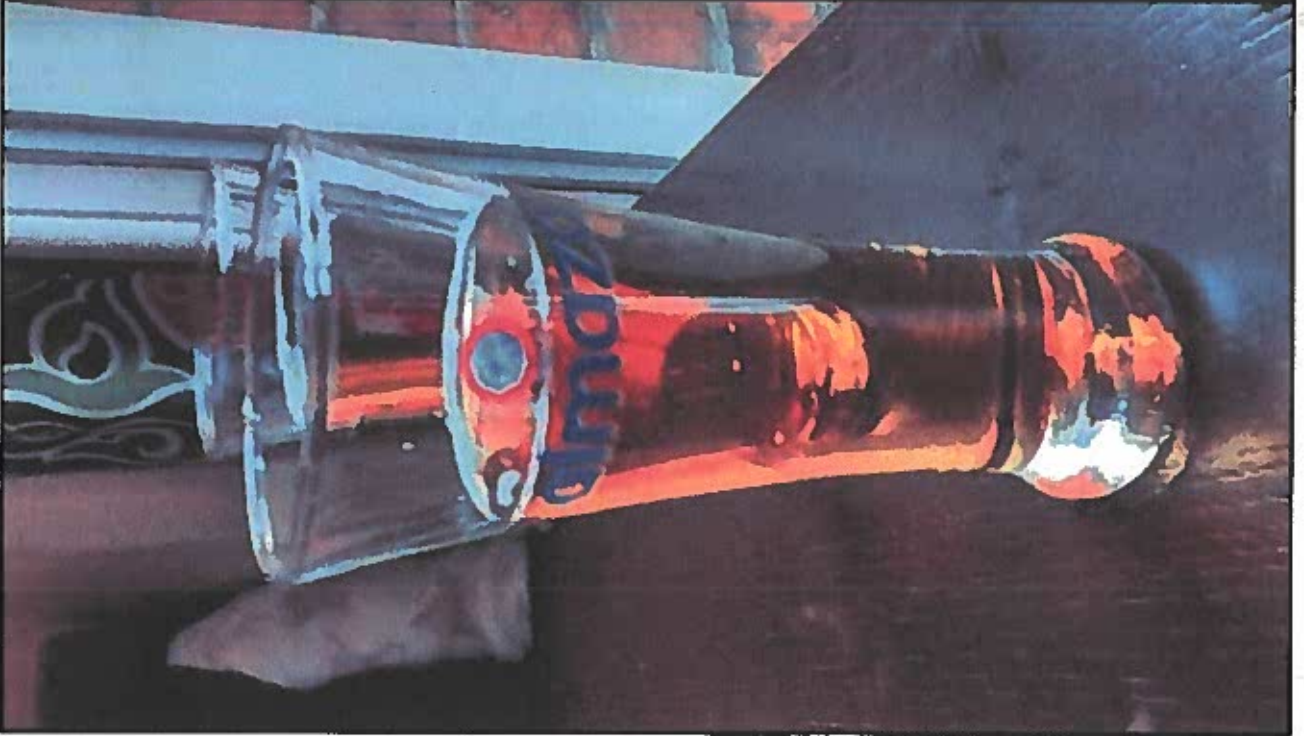


Share



Write a comment...

Press Enter to post.



reviewed Lebanese Restaurant

18 June 2017

Visited for lunch on a Saturday in June after being handed a flyer in town centre. Ordered a starter and wrap for just under a tenner. Great value. The food was delicious, fresh, full of flavour and as described on the menu. The portions were ample (I had to have half of my main wrapped to take home as I couldn't finish it all in one go). The Lebanese beer was also lovely on a hot day. The service was exceptional. I will be visiting again and recommending to friends



Like



Comment



Share



Write a comment...



Please enter a post



...

reviewed **Lebanese Restaurant** - 

24 June 2017 · 

Took my dad for his Father's Day/birthday present, had a wonderful time. The staff are quick and attentive, the close quarters makes eating here very social, and for my first experience of Lebanese food, I thoroughly enjoyed it. Only thing that disappointed me was the lack of options on the wine menu, but other than that we had a great time. 
Also, if you're planning on wearing stilettos to visit this restaurant, rethink, because you will slip on the floor and fall into a gentleman sitting at a different table... 

 1

 Like

 Comment

 Share

reviewed Lebaneat Restaurant -

4 January 2018 · G

Shopping in Durham, something we dont do regular.. Received a flyer in the street!!! Decided to investigate as we like various foods. LOVED IT. Excellent food, tentative service and great value for money. We had starter, main course each.. bottle of wine.. the bill was just under £40 definitely go back and definitely recommend. If your in this area "SHUKRAN" Lebaneat



Like



Comment



Share

reviewed Lebanese Restaurant - 2.5

11 February 2018 · G

I must have ordered the wrong thing. Really bland. Wasn't a fan of the 8 quid double vodkas either



Like



Comment



Share



Write a comment...

Press Enter to post



...

reviewed **Lebanese Restaurant** -

28 May 2017

We visited here on a recommendation from a good friend, we prebooked a table in advance.

We opted for the platter, wasn't disappointed at all, far too much for us both but the food was cooked really nice & all the flavours complimented each other.

It was a bit tight in the restaurant, bit close to the next table. The food went cold quickly but I put that down to being next to the entrance as the door was wedged open.

The beer was £3.95 a bottle although very nice it was served in 330ml bottles which became expensive after a couple. Wish they would do draft!!!

Great restaurant, great food & good service.

2



Like



Comment



Share



Write a comment...



Please Enter @ text

reviewed Lebonood Restaurant - ...

9 May 2017

Went yesterday to the one near the cathedral for the 1st time and all the food we had was beautiful.
Got the platter to share to start. I had the mixed grill and my wife had the shevamma chicken. It was all nice. We will be returning.

Only downside for me was the price of the alcohol £3.90 for 330ml bottle of Peroni.



Comment



Share



Write a comment...

Please enter a word



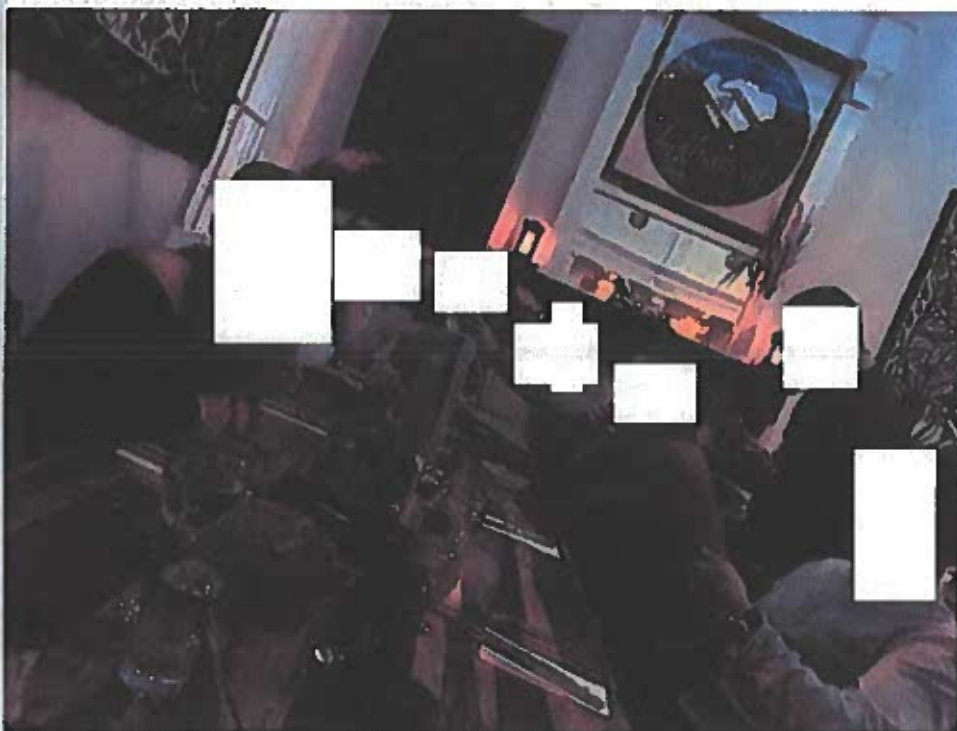


Lebaneat Restaurant shared a photo.



20 October 2018 · 🌐

Happy Times In Lebaneat, Come and join us 😊



Lebaneat Restaurant

31 December 2016 · Durham

Amazing food and service was fab too 😊



Lebanese Restaurant

Like This Page 7 August 2018

Lunch time menu is ON! Enjoy before 5pm.



Like

Comment

Share

3 shares



Write a comment...

Press Enter to post.



Timeline Photos

LEBANEAT WRAPHOUSE Bring along your own bottle



Lebaneat Restaurant

Like This Page 25 October 2018

Many of our customers have been asking us about our drink policy. At Lebaneat Wraphouse we have a BYOB policy in operation. No corkage fee! Everyone is welcome 🍷

👍 11

2 comments

Like Comment Share

Most relevant

Like Reply 12w

: a Even better

So longer and a wrap 🍷🍷

Like Reply 12w



Write a comment...

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Lebanese Restaurant
Lebanese Wrap House
First Floor 69 Claypath Durham DH1 1QT

SPECIAL OFFER
AVAILABLE FROM 15TH AUGUST
TO 15TH SEPTEMBER

20% DISCOUNT

APPLIES TO THE ENTIRE BILL, INCLUDING DRINKS



0191 370 9998

WRAPHOUSE@LEBANEAFCO.UK

WWW.LEBANEAFCO.UK

THE QR CODE WILL DIRECT YOU TO OUR LOCATION



Lebanese Restaurant
Like This Page 14 August 2017

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Write a comment...
Please enter text



Lebaneat Wrap House
 First Floor 69 Claypath Durham DH1 1QJ

SPECIAL OFFER
MINERS' GALA, 8TH JULY
BETWEEN 12PM AND 5PM

20% DISCOUNT

APPLIES TO THE ENTIRE BILL, INCLUDING DRINKS



0191 370 9998

WRAPHOUSE@LEBANEAAT.CO.UK

WWW.LEBANEAAT.CO.UK

THE OFFER WILL APPLY TO OUR LOCATION



Lebaneat Restaurant

Like This Page 7 July 2017

Join us at lunch to celebrate Miners' Gala 2017! 20% off for the entire bill when you visit Lebaneat Wrap House on 69 Claypath!
 Durham Miners' Association #MinersGala2017
 Durham, Durham

15

14 comments 2 shares

Like Comment Share

Most relevant

miss it already

Like Reply 1y

was a force to

beats!

Like Reply See translation 1y

0 replies

Like Reply 1y

1 reply

Never mind 20% off, the patrons on that day will want the taxpayer to pay for everything!

Like Reply 1y

1 reply

Food is absolutely

AWFUL

Like Reply 1y

1 reply

Write a comment...

Please Enter text





Lebanese Restaurant
 First Floor 69 Claypath Durham DH1 1PT

SPECIAL OFFER
FROM 26TH JUNE UNTIL 1ST JULY
BETWEEN 12PM AND 5PM

20% DISCOUNT
 APPLIES TO THE ENTIRE BILL, INCLUDING DRINKS



0191 370 9998

WRAPHOUSE@LEBANEA.CO.UK
 WWW.LEBANEA.CO.UK



THE QR CODE WILL DIRECT YOU TO OUR LOCATION

Lebanese Restaurant
 Like This Page 23 June 2017

Celebrate Durham University Congregation at Lebanese Wrap House! Bring all your friends and family along! Large groups welcomed.
 #LebaneseatWrapHouse #graduation #durhamuniversity

20 9 comments 3 shares

Like Comment Share

Most relevant

Like Reply 1y
 1 reply

Like Reply 1y

! this just the wrap house or will this discount include your north bailey restaurant too?

Like Reply 1y

Lebanese Restaurant It's just for the Wrap House. Lebanese on North Bailey has a lunch special menu available until 5pm.

Like Reply 1y

HALLO M!

Like Reply 1y
 1 reply

Write a comment

Please Enter text





SPRING SPECIAL OFFER

AVAILABLE UNTIL 21ST APRIL

EXCLUSIVE AT:

Lebanese Wrap House

First Floor | 69 Claypath | DH1 1QT

0191 370 9998

07939 254 429

wraphouse@lebaneat.co.uk



STARTER

+

WRAP

+

175ML LEBANESE WINE OR BOTTLE OF LEBANESE BEER

£14.95

Offer includes Lebanese Mixed Starter and Lebanese Special Wrap

More than 10 family members and friends?



Get our mixed platter for only **£15/person!**

For more than 6 people, the price is **£17.99/person**

The standard price is £20 per person and in applies to groups with fewer than 6 people.

STARTER

+

MAIN COURSE

+

175ML LEBANESE WINE OR BOTTLE OF LEBANESE BEER

£19.95

Offer includes Lebanese Mixed Starter, Mixed Grill and any fish dishes.

Lebanese Restaurant

Like This Page 13 April 2017

Join us at Lebanese Wrap House this Easter and take advantage of our promotional offers!

Treat your family to a fabulous dinner with starter, main course, and a glass of Lebanese wine or a Lebanese beer for only **£19.95!**

Fancy something lighter? Opt for a starter, wrap main course, and a glass of Lebanese wine or Lebanese beer for only **£14.95!** ... See more

21

4 comments 4 shares



Like



Comment



Share

Most relevant

Like Reply 1y

1 reply

Very good and very nice

Like Reply 1y

'you like it that much get back here for some. We miss you Eba mad xxxxx

Like Reply 1y

Write a comment

From Eba to you



Appendix 5: Representations

Yvonne Raine

From: ISD Alcohol Licensing <
Sent: 08 January 2019 16:54
To: AHS Licensing
Subject: Review: Lebaneat Wrap House 47 North Bailey Durham DH1 3ET AL21259

Good afternoon,

Further to receiving your review application for the above address. We wish to add to your submission details are as follows below:

An enforcement visit was successfully conducted by NE & Cumbria ICE Arrest Team at the above address at 21:11hrs on 01/04/2016.

Three subjects were encountered and arrested. One included an illegal worker.

Two of the three were released following valid identification provided. The other subject was served offender papers on site.

Referral Notice to be served once an interview with the manager was completed.

Another visit took place on 03/08/2018 at Lebaneat, 47 North Bailey, Durham, DH1 3ET

Durham Police led the visit under Operation Larrocha. Entry to the premises gained at 17:21 under Section 179 Licensing Act 2003.

Two subjects were encountered with Outstanding Asylum Claim

The business owner is: Ahmed SAYED

Civil penalty noticed served to A A S on 02/08/2018 which has not been processed.

Regards

*Interventions and Sanctions Directorate | Alcohol and LNR Licensing Team
Immigration Enforcement
Apollo House | 3rd Floor
36 Wellesley Rd | Croydon
CR9 2BY*

For new applications

For enquiries relating to license applications or ongoing reviews-

For reviews to be considered or initiated along with hearing dates

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to whom they are addressed.

From: Khan
Sent: 20 December 2018 17:55
To: AHS Licensing <Licensing@durham.gov.uk>
Subject: Lebaneat licence review

I operate at a buisness nearby

And fully support the application made by durham constabulary The premises should have its licences revoked At north bailey and Claypath durham Due to constant employment of illegal workers on numerous occasions

The buisness in my opinion is defrauding the tax man and underpaying staff by employing illegal workers with also giving the area a bad name durham has been part of my life for over 30 years and we should all support this application The buisness has been operating for several years where the licensing objectives should have been adhered to

I BELIVE had the matter not been serious enough the police would not have taken the action they have I whole heartedly support this application made by durham constabulary Keep up the good work I will be in attendance at the hearing if you could give me the details Many thanks Mr khan Sent from my iPhone

Mr B khan
North Bailey
Durham
Dh1 3et

Telephone

Lebanat licence review

I operate at a buisness nearby

And fully support the application made by durham constabulary The premises should have its licences revoked At north bailey and Claypath durham Due to constant employment of illegal workers on numerous occasions

The buisness in my opinion is defrauding the tax man and underpaying staff by employing illegal workers with also giving the area a bad name durham has been part of my life for over 30 years and we should all support this application The buisness has been operating for several years where the licensing objectives should have been adhered to

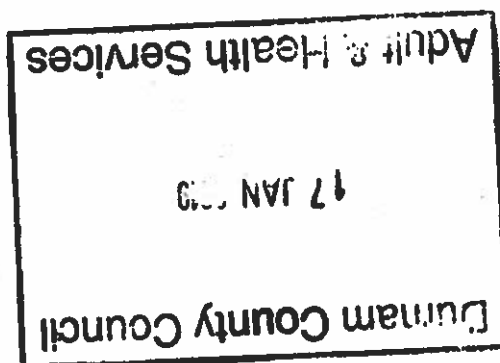
I BELIVE had the matter not been serious enough the police would not have taken the action they have I whole heartedly support this application made by durham constabulary Keep up the good work I will be in attendance at the hearing if you could give me the details Many thanks Mr khan

Mr B khan

Signed

Capacity : director

Date : 20/12/2018



Mr B khan

North Bailey
Durham

Dh1 3et

Date -17/01/2019

Further evidence regarding Lebaneat wrap house

And Lebaneat 47 , North Bailey durham DH1 3et

I mr B khan would just like to address The licensing committee with further information in respect to the property's agenda regarding a review brought by Durham Constabulary

I accept that durham constabulary have reviewed the licensing act 2003 very carefully before requesting this review

From my experience of running an establishment next door to this premises it has been difficult at times when immigration have raided the Lebaneat restaurant

The first raid happened on 05/02/2016 were 4 illegal immigrants were arrested

The second raid happened 08/11/2016 were 1 person was illegal that was twice in one year

The third raid happened on the 02/08/2018 were both premises had illegal workers

It has also come to light that the premises Lebaneat express gilesgate also had people sleeping at the premises when no actual permission had been granted

And also from the report of durham fire and safety it clearly states that there is an immediate risk to life

I BELIVE the venue is not responsible in running any establishments as this is putting neighbouring buisness in danger and also residents at great risk

From these raids happening in durham it affects my buisness by having immigration and police presence in durham

I BELIVE that the buisness should have learnt the first time but clearly it is evidenced that the establishment has no regard for the licensing objectives

Furthermore I would like to say by reading the the documentation available online Mr Sayed states that the employees are employed by Sayed trading limited

By public information available online Sayed trading limited belongs to Ahmed Sayed the same person who has stated the company carries out the checks this information is available via companies house

I BELIVE that the licensing committee should take all the information on board and make a decision in to whether Lebaneat is capable of having any licence at any of it's premises

I don't BELIVE the premises should be trading if the licensing law objectives are not being adhered to The buisness has had several raids by immigration officials and I don't BELIVE any more chances should be given as this establishment has had severe immigration problems where no lessons have been learnt

Lebaneat has also had issues with planning in durham for erecting a shisha bar unlawfully
On university land
From my understanding legal notices have been served from planning and durham university
The establishment has undercut the tax payer by employing illegal workers
They have undercut honest hard working Buisness by employing illegal workers

Durham police application is supported by me once again may I say good work Durham
Constabulary
And durham licensing police

Many thanks
Mr B khan

Appendix 6: Comments received

Yvonne Raine

From: Lisa Morina
Sent: 14 December 2018 07:43
To: Yvonne Raine
Subject: Lebaneat, 47 North Bailey - CON28/18/03016

Yvonne

Proposed Application for the Review of a Premises Licence (to address concerns relating to the Prevention of Crime and Disorder objective)
At Lebaneat 47 North Bailey Durham DH1 3ET

I refer to the above review of licence and can confirm that the planning department has no comments to make however, I would be grateful if you could pass on the following information to the applicants.

The application which allowed the change of use of the property to a restaurant was subject to a condition which reads:

"The restaurant element of the change of use shall not be open to customers outside the hours of 12.00 - 14.00 and 17.30-23.00 Tuesday to Sunday".

Therefore, the applicant should be aware that if the property opens outside of these hours then they would require a variation of condition to allow longer opening hours and should they require further information regarding this then they can contact the planning department direct.

I trust this information is of assistance.

Thanks

Lisa

Lisa Morina
Planning Officer
Planning Development (Central East),
Room 4/86-102
County Hall, Durham
DH1 5UL
Tel:

www.durham.gov.uk

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Follow us on Instagram [@durham_county_council](https://instagram.com/durham_county_council)



Chief Fire Officer: Stuart Errington

Fire and Rescue Service Headquarters,
Belmont Business Park, Durham, DH1 1TW

Date: 14 December 2018

This matter is being dealt with by: Chris Hockaday

Ext:

Our Ref: 7D40850470

Your Ref: xx

Direct Dial Telephone:

E-mail:

Sgt Dickenson
Alcohol Harm Reduction Unit
Annand House
John Street North
Meadowfield
DH7 8RS

Dear Madam

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Lebanat Lebanese Restaurant, 47 North Bailey, Durham, DH1 3ET

I acknowledge your application dated 12 December 2018 for a Review to the Premises Licence under The Licensing Act 2003 in respect of the above named premises.

No representations will be made to the Licensing Authority subject to the responsible person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

A suitable and sufficient fire safety risk assessment must be carried out in order to comply with the above Order. The Fire Authority recommend that any Licensing Committee consider the following areas for discussion:-

- The premises were audited on the 26th October and found to have deficiencies of the Regulatory Reform (Fire Safety) Order 2005 in such that the emergency lighting had not been tested and records of maintenance were not being kept.
- Staff training was insufficient and no records were maintained.

For further guidance please refer to <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents> which provides information about the Regulatory Reform (Fire Safety) Order 2005.



www.ddfire.gov.uk



Should you require any further information please do not hesitate to contact me on the telephone number or e-mail address shown above or visit our website www.ddfire.gov.uk and follow the link to Fire safety at work.

Yours faithfully

Chris Hockaday
Fire Safety Section

Electronic Copy

Appendix 7: Responses from Responsible Authorities

Yvonne Raine

From: Martin Scott
Sent: 12 December 2018 16:25
To: Yvonne Raine
Subject: Lebaneat, 47, North Bailey, Durham

Dear Yvonne

Thank you for consulting the Nuisance Action Team, regarding the application for the Review of a Premises Licence for:

Lebaneat, 47, North Bailey, Durham

Dated: 12th, December, 2018.

I have no representations to make regarding the application.

Regards

Martin Scott
Senior Environmental Health Officer
Environment, Health & Consumer Protection
Regeneration and Local Services

Direct:
Switchboard: 03000 260000
E-mail:

Web: www.durham.gov.uk
Follow us on Twitter @durhamcouncil
Like us at [facebook.com/durhamcouncil](https://www.facebook.com/durhamcouncil)

We have recently updated our privacy information. To find out how we collect, use, share and retain your personal data, visit: www.durham.gov.uk/dataprivacy

Yvonne Raine

From: Mark Quinn
Sent: 14 December 2018 15:45
To: Yvonne Raine
Subject: FW: Licensing Act 2003 - Review application rec'd - Lebaneat, 47 North Bailey, Durham
Attachments: Lebaneat 47 North Bailey Durham REDACTED Review application.12Dec18.pdf; Lebaneat 47 North Bailey licence.pdf
Importance: High

Good Morning Yvonne

I have no representations to make in relation to the application for a review of the premises Lebaneat, 47 North Bailey, Durham. DH1 3ET by Durham Police.

Mark Quinn
Quality and Performance Coordinator
Durham Local Safeguarding Children Board

Tel.

County Hall
Durham
DH1 5UJ

www.durham-lscb.org.uk

Appendix 8: Statement of Licensing Policy

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or issues

arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- At all times when the premises is a "vertical drinking establishment" where little or no seating is provided.
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

7.10 The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

7.11 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the premises in order to

prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

22.0 Reviews

22.1 The Licensing Act provides a mechanism for reviewing premises licences and Club Premises Certificates where problems associated with premises undermine the licensing objectives following grant or variation.

22.2 At any stage during the life of a premises licence or a club premises certificate, an application for a review can be made to the Licensing Authority by any responsible authority, elected Member or any other person. However, where an application for a review is considered to be frivolous vexatious or repetitious or where an application for a review is considered not relevant to the licensing objectives the Licensing Authority will reject it.

22.3 The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community. Unless an application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the licensing objectives, the Licensing Authority will hold a hearing and take any necessary steps to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the licence/certificate for up to 3 months or the revocation of the licence/certificate.

22.4 Local residents can request that their licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

22.5 It is always worth considering other options before requesting a review of a licence, including:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues,
- Asking the licensing department at your council to talk to those who manage the premises on your behalf, or
- Talking to the relevant "responsible authority" (e.g. local authority exercising environmental health functions in relation to noise nuisance, or the police in relation to crime and disorder) about the problem.

22.6 If a request for a review of the premises licence is made by e.g. a local resident, they are required to notify the holder of the premises licence or club premises certificate and the "responsible authorities", by sending them a copy of the request, together with any accompanying documents, on the same day as the request is given to the licensing authority. The licensing authority will advertise the

review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.

22.7 A licensing authority must act on requests for review unless they consider the request to be irrelevant, repetitive, frivolous or vexatious. Frivolous representations would concern minor issues which the licensing authority could not reasonably be required to take any action to remedy. Representations may be considered vexatious if they appear to be intended to cause aggravation or annoyance without reasonable cause.

22.8 The licensing authority will advertise the fact that a request for review of the licence has been received, and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).

22.9 After the period for making representations has expired, the licensing authority will hold a hearing to consider the request unless the request for review has been withdrawn. The request will in most cases be considered by the licensing sub-committee who will hear representations from all parties involved.

22.10 The licensing authority will invite you to attend the hearing and give the applicant for the review the opportunity to address the licensing sub-committee in support of the request for review. They must then give the authority at least 5 working days' notice (prior to the start of the hearing), advising:

- If they will attend the hearing in person,
- Whether they will be represented by someone else (e.g. councillor / MP / lawyer / residents' association representative / friend),
- If they think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
- They may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review

22.11 Once the sub-committee has listened to and considered all views and evidence, it must decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:

- No action,
- Modifying the conditions of the licence (change, add or remove conditions – Including operating hours),
- Excluding a licensable activity from the licence,
- Removing the designated premises supervisor,
- Suspend the licence for a period (not exceeding 3 months), and
- Revoke the licence.

22.12 The Licensing Authority will not expect a premises licence to be reviewed more than once within any 12 month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.

22.13 Appeals against the decisions of the Licensing Authority - There is a right of appeal for all parties concerned with the request for review (i.e. the applicant for the

review, the premises licence holder or any other person who made relevant representations in relation to the application). This means that they can appeal to the magistrates' court if they are not happy with the decision of the licensing authority.

22.14 If there is an appeal against a licensing authority's decision, and you are unsuccessful, the magistrates' court can award costs against the appellant if it sees fit. This would mean that they would have to pay other parties' legal costs as well as your own. However, the Magistrates' Association and the Justices' Clerks Society has advised that awarding costs for a licensing appeal should be an **exception** and not a rule, and any resident with reasonable grounds for appeal should not be penalised.

22.15 If the licence holder appeals against the licensing authority's decision, the appeal will be heard by the magistrates' court. The licensing authority will be the respondent to the appeal and may call the person who brought the review (and any other person or responsible authority) as a witness in support of its case. The decision of the licensing authority in relation to the review will be suspended until the appeal is determined.

22.16 An application to appeal the decision must be made within 21 days of the notice of decision.

22.17 In hearing an appeal against the Licensing Authority's decision, the court will have regard to this policy and the guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.

22.18 In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other authorisations must be made to the Magistrates' Court where the premises or event is situated.

Appendix 9: Section 182 Guidance

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.

Section 182 Guidance - The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be

positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more

than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 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.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 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.

- 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.
- 11.23 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 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 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.
- 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.

Review of a premises licence following closure order or illegal working compliance order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

THE COUNTY COUNCIL OF DURHAM

Licensing Act 2003 (the Act) Committee

NOTICE OF DETERMINATION

Date of Hearing : 5 February 2019
Date of Determination : 5 February 2019
Committee Members : 1. Councillor P Crathorne (Chair)
2. Councillor L Brown
3. Councillor P Atkinson

1. Type of application or hearing

- 1.1 Application for the transfer of a premises licence at Lebaneat Wrap House, First Floor, 69 Claypath, Durham, DH1 1QT
- 1.2 Application to vary the Designated Premises Supervisor (DPS) at Lenaneat Wrap House
- 1.3 Application for the review of the premises licence for Lebaneat Wrap House, First Floor, 69 Claypath, Durham, DH1 1QT
- 1.4 Application to review the premises licence for Lebaneat, 47 North Bailey, Durham, DH1 3ET

2. Applicants

- 2.1 Application to transfer the premises licence- Lebaneat (Wrap House) Limited
- 2.2 Application to transfer the Designated Premises Supervisor- Mr M A E F
- 2.3 Review applications- Durham Constabulary

3. The Applications

- 3.1 The application to transfer the premises licence was received on 3rd January 2019.

- 3.2 The application to vary the Designated Premises Supervisor (DPS) was received on 4 December 2018 and names Mr Ahmed Mohamed Hussein Sayed as the proposed Designated Premises Supervisor.
- 3.3 The applications to review the premises licences were received on 12 December 2018.
- 3.4 Lebaneat Wrap House is licensed for the following:

Licensable Activity	Timings
The Sale of Alcohol (for consumption on the premises)	Monday to Sunday: 11.00 until 23:00 hrs, New Years Eve: 11.00-01.00hrs
Films & Recorded Music (Indoors)	Monday to Sunday: 11.00- 23.30hrs New Years Eve: 11.00-01.30hrs
Late Night Refreshment (Indoors & Outdoors)	Monday to Sunday: 23.00- 23.30hrs New Years Eve: 23.00-01.30hrs
Opening hours	Monday to Sunday: 11.00-23.30hrs New Years Eve: 11.00-01.30hrs

- 3.5 Lebaneat, North Bailey is licensed for the following:

Licensable Activity	Timings
The Sale of Alcohol (for consumption on and off the premises)	Monday to Saturday: 11.00 until 00.00hrs, Sunday: 12.00-23.30hrs Good Friday and Christmas Day: 12.00- 23.30hrs From end of permitted hours on New Years Eve to start of permitted hours on New Years Day.
Late Night Refreshment (Indoors)	Monday to Saturday: 23.00 until 00.30hrs, Sunday: 23.00-00.00hrs hrs Good Friday and Christmas Day: 23.00- 00.00hrs From end of permitted hours on New Years Eve to start of permitted hours on

Opening hours	New Years Day. Not stated
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4. The Parties

4.1 The Committee heard from the following:

- Yvonne Raine, Senior Licensing Officer
- Steve Mooney, Force Solicitor
- Sergeant Caroline Dickenson, Durham Constabulary, accompanied by DC Dean Haythornthwaite
- Mark Bryden, Immigration officer, accompanied by Mark Thorley, Immigration officer
- Laura Cloney, Licensing Enforcement Team Leader
- Mrs [redacted] objector
- Chris Morrison, legal representative for Lebaneat
- Ahmed Sayed, on behalf of Lebaneat
- Oana Cotoi, on behalf of Lebaneat

4.2 The Sub-Committee also took into account written submissions of all parties, as provided within the hearing bundle and additional evidence.

5. Licensing Act 2003

5.1 The Sub-Committee has taken into account the relevant provisions of the Act.

6. Section 182 Guidance

6.1 The Sub-Committee has considered and taken account of the most recent edition of the Secretary of State Section 182 Guidance issued April 2018.

7. Licensing Policy

7.1 The Sub-Committee has considered and taken account of the Council's licensing policy.

8. Licensing Objectives

8.1 The Sub-Committee has taken account of the statements and written representations and the oral evidence given, with respect to the licensing objective triggered by the objections and review:

- Prevention of Crime & Disorder

9. Evidence

Representations of the Senior Licensing Officer, Yvonne Raine

9.1 Ms Raine presented her reports to the Sub-Committee. Mr Sayed is the business owner for both premises. The current premises licence holder for Lebaneat, North Bailey, is Mr Sayed and the DPS is Oksana Sayed, his wife.

9.2 It was confirmed that Lebaneat Wrap House Limited were now the premises licence holders (subject to this Sub-Committee's determination), for the Wrap House, having requested that the transfer takes place with immediate effect. Mr Al E H was the previous premises licence holder and Ms Raine referred to the statement that had been provided by Mr A E H which stated that he was the premises licence holder for the Wrap House, but she confirmed that this was no longer the case and it was now Lebaneat Wrap House Limited due to the application before the Sub-Committee.

9.3 Ms Raine confirmed that the current DPS for the Wrap House is Mr Sayed, as the DPS variation took place with immediate effect (subject to the Sub-Committee's determination).

9.4 The options available to the Sub-Committee regarding the reviews where:

- to take no action
- to modify the conditions of the licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

9.5 The options available for the applications to transfer the premises licence holder and DPS were to either grant or refuse the applications.

- 9.6 There were no questions of Ms Raine.

Representations of Durham Constabulary

- 9.7 Mr Mooney stated that Mr Sayed is the owner of Lebaneat and the four applications are based on largely the same evidence. He referred to Lebaneat North Bailey as the Restaurant and the other premises as the Wrap House. The police reviews only relate to the crime and disorder licensing objective. Mr Sayed is the sole company director for Lebaneat (Wrap House) Limited. The police will only object to the transfer of a premises licence holder and of a DPS in exceptional circumstances which were the case today.
- 9.8 The main concern of the police is the employment of illegal workers. Visits were carried out on the 2 August 2018. They found a chef in the Restaurant who ran into the toilets and then changed his clothing. He didn't have authorisation to work in the UK. A civil penalty has been imposed for this on Mr Sayed but this may be appealed. Regarding the Wrap House they found a dish washer and person making bread both of who were not authorised to work in the UK.
- 9.9 This is a very serious matter and as the section 182 Guidance points out it should be treated particularly seriously. The business is privileged to hold a licence. The people are being used by the premises and are being paid very little. One of the males has now been granted asylum and has permission now to work in the UK but he didn't have permission at the time of the raids on the 2 August. It is an issue of concern to the police as to how the male came to be working at the premises in the first place. The male was preparing food and tried to hide his chefs clothing because he knew that he was working when he shouldn't have been.
- 9.10 There was ample guidance as to how to check employment documents and to check that they are valid. Mr Sayed has appeared to bypass the rules by saying the male was training. Mr Sayed stopped the male saying if he was paid for his employment when he was being questioned by the immigration officers. Looking at the witness statements that have been provided from the police and immigration officers it would seem that rather than assisting the immigration officers, Mr Sayed seems to have been shouting at his staff to keep quiet. Mr Sayed says staff are employed by an agency, Sayed Trading Ltd and he is nothing to do with this agency but this is not the case. He mentioned this to the immigration officer at the time of the raid. He has lied to the immigration officers and has attempted to deceive them. Mr Sayed has also had a meeting with police officers and has stated that he does not regard the employment of legal workers as a serious issue. The visit on the 2 August may just be the tip of the iceberg.

- 9.11 The Wrap House didn't have a licence for two years to sell alcohol as they had not paid their licensing fee. Mr Sayed has said that they weren't carrying out licensing activities over this time but there is evidence from PCSO Carey which shows otherwise, as detailed in the hearing papers.
- 9.12 Mr Sayed has made numerous licensing applications and has been stretching the provisions of the Licensing Act to avoid a Licensing Hearing. Both applications to transfer the premises licence holder and DPS have immediate effect and then he has withdrawn the applications one day before the Licensing Hearing and then re-submitted them eight days later which has meant that he has avoided the Licensing Hearing for some time. By making the applications as he has done they get interim effect. Despite the Sub-Committees previous rejections of the applications to transfer the premises licence holder and DPS in September 2018 he has gone ahead to submit two further applications.
- 9.13 The police are concerned that he is stretching the Licensing Act and getting interim effect each time he applies to transfer the premises licence holder and designated premises supervisor. There have been multiple applications and he has multiple companies which all lead back to Mr Sayed and this is very concerning. In addition to these aspects, there is also the employment of the illegal workers at the premises.
- 9.14 Mr Mooney asked the Sub-Committee to revoke both premises licences and to refuse the other two applications before them today. There is disregard for the Licensing Act and therefore he would be unlikely to comply with any conditions imposed by the Sub-Committee.
- 9.15 Sgt Dickinson was invited by Mr Mooney to address the Sub-Committee and stated that she had no other comments to make. DC Haythornthwaite was invited to address the Sub-Committee and stated that he had no comments to make.
- 9.16 On questioning by the Sub-Committee, Mr Mooney confirmed that some of the social media comments do refer to Lebaneat restaurant and not the Wrap House but some do refer to the Wrap House selling alcohol in the period when they did not have a valid licence and they would seek to rely on those.
- 9.17 Mr Morrison was then invited to question the police officers. He asked how long Sgt Dickinson had researched the issue of Crime and Disorder for the Wrap House. She stated that she had been in the licensing unit for four years and a serving police officer for thirteen years. She confirmed that there hadn't been any reports of disorder at either premises. She could not say without checking her system if there have been any pubs who have been reported for disorder. Mr Morrison pointed out that a substantial number of premises caused drunk and disorderly behaviour. Sgt Dickinson was asked how many licence holders have lost their licence due to this and she confirmed that a considerable amount have lost their licence. When asked if she had been to the premises after

the 2 August 2018 she confirmed that there had been a visit by the police and also by the Council after this time. She confirmed she had been to the premises on the 16 November 2018 and was there about 25 minutes. She was there with the licensing officers. Mr Morrison pointed out that there was a follow-up check in January 2019 and all the licensing conditions are now being adhered to. Mr Morrison stated that the CCTV was working at the time of the check in November 2018 but it was only kept for 14 days and that the condition of the licence was for 28 days. It was confirmed that there was no illegal workers in November 2018. Mr Morrison stated that there wasn't any criminality or disorders when the premises were checked in January 2019. Mr Morrison drew Sgt Dickinson's attention to a retainer agreement and confirmed that they have got an employment solicitor in place now. He drew her attention to the staff handbook and stated that the company conducts its business now in an honest and ethical manner.

9.18 The Chair of the Sub-Committee stated to Mr Morrison that they were uncertain where this line of questioning was going as he was questioning her on the documents that had been submitted by Lebaneat and not her evidence as contained in her statement. Mr Morrison stated that Sgt Dickinson had had sight of the new material and that procedures had now been put in place. However, Sgt Dickinson confirmed that she had had sight of the material late in the day and could not confirm if the procedures were being adhered to now. Sgt Dickinson confirmed that she had received the business' staff handbook on the 29 November 2018 and this post-dates the immigration officers' visit to the premises. She stated that it would seem that this book has been produced since their visit. Sgt Dickinson was asked by Mr Morrison how many premises she oversees in Durham and she stated that there are hundreds in County Durham and Darlington. She stated that all premises should have these documents in place such as a staff handbook and employment documents and the police would expect these documents for a compliant company. Mr Morrison asked Sgt Dickinson if the system that is now in place confirms that the establishment is now a fit and proper establishment but Sgt Dickinson could not answer this and it was confirmed that it was more appropriate to ask the licensing officer.

9.19 Mr Morrison was going to ask questions of DC Haythornthwaite regarding complaints made by Mr . It was decided by the Sub-Committee that as this issue hadn't arisen yet it would be better for Mr Morrison to deal with it in his representations at that time rather than bring the information up now and therefore Mr Morrison confirmed he would ask the question after he had made his representations. There were no more questions of the police.

Representation of the Immigration officers

9.20 The immigration officers were then invited to address the Sub-Committee. Mark Bryden addressed the Sub-Committee. He stated that there is a prevalence of illegal works in the licensing trade. The government have

now made the immigration office a responsible authority. On the 2 August 2018, immigration officers attended both premises. They found two offenders at Lebaneat restaurant. The offenders ran into the toilets. One male claimed he made bread and one said he helped the chef. Mr Sayed entered the premises and told staff not to speak to the police or immigration. The male then said he didn't understand English even though he had done previously. Both workers were not permitted to work in the UK and Mr Sayed has been given a £10,000 fine. At Lebaneat Wrap House the offender was found hiding in a cupboard in the toilet and another was found making bread. They both said that they were working without pay. Mr Sayed said that Sayed Trading Limited's Head Office was in Beirut.

- 9.21 In April 2016, an Egyptian male was found working at Lebaneat restaurant and arrested. He was illegally present in the UK. On the 3 November 2016 three males ran off from the premises but were apprehended and one of the males was the same male as found previously and he had no permission to work in the UK. He stated that he did not get paid. The other two people who were apprehended had permission to be in the UK.
- 9.22 It was stated that Mr Sayed does not take his responsibility to comply with the licensing objectives seriously. By employing illegal workers it encourages people to take risks by illegally entering the UK and they are subject to exploitation from employers. It also impacts on wages of lawful workers and exploits working conditions. Civil and criminal sanctions can be offered for employing illegal workers and in this case civil sanctions have been imposed. An employer should undertake right to work checks.
- 9.23 On questioning by the Sub-Committee, it was confirmed that Mr Sayed did own Lebaneat restaurant in 2016. He was told of what the relevant checks were to conduct on people being employed at the business. There were no penalties imposed in 2016, as they didn't have enough evidence to issue a penalty at that time. There was a blatant disregard for immigration rules by having the same male there two times in 2016. It was confirmed that a civil penalty has been imposed and this would mean that he actually hasn't gone to court for the matter.
- 9.24 On questioning by Mr Morrison, Mr Bryden confirmed that an employer should carry out checks and ensure that a potential employee has the correct documents to work in the UK. He was asked if a relevant check would be if a person had a national insurance number and Mr Bryden confirmed that this was not proof to work in the UK as some people have national insurance numbers even though they don't have the right to work in the UK. Mr Bryden confirmed that a business with a robust system would have conducted the checks and have copies of the documentation on the premises and have copies of the documents available for inspection when asked. It was confirmed that the checks an employer should do are available online. The employer can also carry out relevant checks with HMRC. There were no further questions of the immigration officers.

Representations of the Licensing Enforcement officer:

- 9.25 Laura Cloney was then invited to address the Sub-Committee and stated that a licensing inspection was carried out in November 2018 at the Wrap House. CCTV wasn't being kept for 28 days. There were no notices on display stating that CCTV was in operation and no-one present to download the CCTV and no refusals register at the premises. On their visit in January 2019, these matters were rectified and the business was then complying with the licensing conditions. Mrs Cloney drew the Sub-Committee's attention to an email from her colleague to Mr Sayed dated the 3rd August 2018 which was provided in the papers of Mr Sayed and this reminded him to familiarise himself with the licensing conditions for the premises.
- 9.26 Mr Morrison then asked Mrs Cloney questions. He stated that there was CCTV in operation but it wasn't complying with the 28 day condition and Mrs Cloney confirmed that it should have been kept for 28 days. She was asked how many notices would a premises need regarding CCTV and Mrs Cloney confirmed that she hadn't been to the premises but there would need to be enough to show members of the public that CCTV was in operation. Mrs Cloney confirmed that the breaches of the licensing conditions by themselves would not have resulted in a review but it does raise concerns about Mr Sayed. Mrs Cloney confirmed that she could not say if the premises were complying with the licensing conditions today, but in their inspection on the 3rd January 2019 they were complying. There were no further questions of Mrs Cloney.

Representations of Mrs I

- 9.27 Mrs [redacted] was then invited to address the Sub-Committee and she stated that she was speaking on behalf of Mr [redacted], her husband. Her business found it difficult [redacted] She feels that Mr Sayed has had chance after chance and thinks that he has had enough time to put everything into place. She doesn't think it will stop and thinks that the Committee should send a message to other businesses. There have been three raids by immigration and thinks the Committee should take severe action against Lebaneat. Her business has been going for 30 years and she doesn't think the behaviour of Lebaneat should go on in Durham. Mrs [redacted] has had no immigration issues at her premises.
- 9.28 Mr Morrison then asked questions of Mrs [redacted]. It was suggested by him that she was not impartial because of complaints that she had made. She stated that this was not relevant and she had witnessed the Home Office turn up at Lebaneat. Mr Morrison stated that Mrs [redacted] family run the business [redacted] and asked her how many false complaints she had made to the Police. Mrs [redacted] did not answer this

question. Mr Morrison was advised by the Sub-Committee Chair that he should raise any issues regarding complaints from Mrs I and Lebaneat in his submissions. Mr Morrison stated that he wanted to paint the full picture of Mrs and again asked her how many complaints she had made to the Police but she would not say. Again, Mr Morrison was advised to bring this up in his representations. Mr Morrison was asked if he had any further relevant questions to ask of Mrs I and he confirmed that he did not and he would bring up the complaints in his representations. There were no further questions of Mrs

Representations of Lebaneat

- 9.29 Mr Morrison was then invited to address the Sub-Committee on behalf of his client. He advised that the test is a fit and proper test. He stated that all checks were in place now. Mr Sayed was then invited to read out his witness statement and Mr Morrison then asked Mr Sayed questions. Mr Sayed confirmed that he had put steps in place to render the business fit and proper. He has a retainer agreement with a legal partnership to get employment assistance. They now have documents in place to comply with their licence. The Sub-Committee's attention was drawn to the guidance provided by the Home Office, in Lebaneat's additional evidence, and it was stated by Mr Sayed that it is now compulsory for someone who works for him to provide these documents. Potential workers have to complete their right to work checklist (at page 142 of the Bundle) even if they are there for a trial. He stated that they have Oana Cotoi as the Operations Manager now and she has put systems in place. Head Office calls the applicant and asks them to bring their documents with them to the office before they start work and if an applicant turns up without the required documents, then they do not take them even for training.
- 9.30 The Sub-Committee's attention was drawn to page 151 of the documents provided by Mr Sayed and this was a staff shift pattern. Mr Sayed confirmed that if someone turns up wanting a job they can't take them unless they have the right documents. He stated that Ms Cotoi checks the documents. She also checks the restaurants twice a day. This has been put in place after the 2nd August raids. Mr Sayed has also taken a personal licence holder course. Mr Sayed stated that the previous trouble with the I was dealt with by his former business partner. Mr Sayed took control of the business in 2016 after the business partner sold his share to him. The business partner left in September 2016. His ex-partner used to deal with the paperwork and Mr Sayed dealt with the food aspects. After his ex-partner left, he struggled.
- 9.31 On questioning by the Sub-Committee, Mr Sayed confirmed that English isn't his first language and that he had had assistance in preparing his Statement from his legal representative and Ms Cotoi. He stated that the Police would not consider the documentation he had brought to the meeting he had had with them on the 29 November 2018 and was asked regarding this. He advised that his adviser at that time, G at

the time had told him to withdraw the licensing application and to speak with the Police regarding what systems were now in place by the business. They hoped that they would be able to negotiate with the Police and reach a solution rather than go to a review. The Police refused to look at the documents and said that it should be dealt with in the review hearing.

- 9.32 Mr Sayed was asked by the Sub-Committee why checks hadn't been put in place when an illegal worker was found there in 2016. He stated that his business partner used to deal with everything and he left in September 2016. At the time the illegal worker was found in November 2016, Mr Sayed was very busy opening a branch of Lebaneat and it was difficult for him at the time. He didn't mean to break the law. It was difficult to find chefs. He needed help and he was trying to search for the right people. He was asked how long a trial period was and he confirmed that he would usually take somebody for a two day trial period. He was asked why he didn't pay them and he stated that he didn't know they needed to get paid at the time but he does now. He was asked whether he did checks on staff in 2018 regarding the people he took on and he stated that he took copies of their passports and the male that was found at the premises on the 2nd August could legally work in the UK from the 16th August. He stated that Mrs G was hired to advise them regarding licensing after the first licensing hearing in September 2018. He confirmed that Lebaneat Restaurant opened in 2014, Lebaneat Express opened in June 2016 and the Wrap House opened in November 2016. On questioning it was confirmed that Ms Cotoi had started working as the Operations Manager for Lebaneat in September 2018.
- 9.33 The Police were then invited to question Mr Sayed. Mr Mooney asked if he had permission to question Ms Cotoi as well and it was confirmed that he could ask both questions. On questioning by Mr Mooney, Ms Cotoi confirmed that there is an employer checklist provided in the papers which a manager has to complete when a new employee is there. Ms Cotoi usually does these checks and checks the documentation that is provided. They send the starter check list to their accountant but they keep the right to work checklist at the restaurant. Ms Cotoi confirmed that she had worked for Lebaneat before September 2018 but she was not in a post as Operations Manager until September 2018. It was confirmed by her that she was the female referred to in the Immigration Officer's Statement. It was put to her that in the statement it states that she told the males that were going to be questioned by the officers to be quiet. She stated that she could not recall this. Mr Sayed stated that everyone was panicking at the time and he told them not to panic. He stated that he told staff to calm down and to let the officers do the checks.
- 9.34 Mr Mooney drew their attention to Mr Bryden's Statement which confirmed that a female, (thought to be Ms Cotoi), had told the male to be quiet. Mr Sayed stated that this male had told the Immigration Officers that he was the manager and he should not have told them this because it was not the case. It was brought to Mr Sayed's attention that Mr Sayed

told the Immigration Officer that Sayed Trading Limited is not his company and he was asked why he had done this. He stated that he didn't really mean to say "no". There were a lot of things going on at the time. It was drawn to his attention that the name registered for Lebaneat Durham Limited is Ahmed Mohamed Hussein Sayed whereas for Lebaneat Wrap House Limited it is only Ahmed Sayed. He stated that he didn't think this was an issue and that there was no reason why he had used a shorter name in one company and a longer name in the other. He confirmed that he had completed the personal licence holder course on 28th September 2018. He confirmed that his view of the purpose of the meeting with the Police in November 2018 was to show the Police and the Licensing Officers what the business had now done and that they have put systems in place. They hired J G , who is a licensing consultant, to assist them. They hoped to receive advice from the Police. He withdrew the licensing applications on the advice of the licensing consultant, J G

- 9.35 Mr Mooney stated that the Police understood the meeting to be to discuss the withdrawal of their licensing application and the breaches of the licensing conditions.
- 9.36 Sgt Dickinson had questions of Ms Cotoi. Ms Cotoi was asked about the personal licence holder course. She confirmed that she had completed the personal licence holder course but did not hold a personal licence. She confirmed that she completed the course on the 31st July 2018 and the course covered aspects of the Licensing Act.
- 9.37 The Immigration Officers had questions for Mr Sayed. It was stated that Mr Sayed had mentioned that a Syrian male found at his business premises who didn't have the right to work in the UK knew that he could stay in the UK on the 16th August. However the Immigration Officers pointed out that at the time of the raid on the 2nd August this male would not have known that he could stay in the UK as he was not notified until the 16th August. Mr Sayed advised that he thought the male would be getting asylum here. When asked what he intended to do with the staff who were being trained, as he could not employ them due to their employment status, Mr Sayed was unable to answer the question and his legal adviser objected on the basis that it was hypothetical.
- 9.38 Ms Cotoi was then invited to answer questions by Mr Morrison. She confirmed she had come to the UK in 2014 and was a graduate of Durham University. She stated that she started working at Lebaneat as a student part-time. The company have had a restructure and she is now the Operations Manager. Half her job involves recruiting staff and the other half is updating and implementing procedures. They are opening two more restaurants shortly. She stated that Sayed Trading Limited was set up to deal with all staff as they sometimes need to move staff around the different premises so they were advised to have a separate company to recruit staff. They have stopped recruiting people who come into the restaurant and everything has to go through their Head Office which is

based at Meadowfield. She confirmed that the business uses Indeed to advertise jobs. She confirmed that they require original photo ID or birth certificate for British Citizens, national insurance number, proof of address and bank details. She confirmed that she does the checks and it's 50% of her job. If there is something that seems wrong, then she will send the person home. A lot of candidates come to the business without documents but they don't let them proceed without the documents. There is a list of acceptable documents from the Home Office list and they have to be properly checked. She confirmed that there is a whistle blowing procedure with the business now so if an employee thinks somebody is working illegally they can report this to Ms Cotoi. She confirmed that she attends the premises twice a day and that she usually goes when trials are taking place and that she trains staff. She confirmed that they have a Challenge 25 policy in place. Regarding the breaches of licensing conditions found in November 2018, she confirmed that they had 7 days to remedy the procedures and they adhered to this. They have done training with staff and they know how to use the refusals register. It was confirmed that J C their consultant, had produced the staff training documents.

- 9.39 It was drawn to her attention by Sgt Dickinson that only 13 people were mentioned on the training record for North Bailey and 3 for the Wrap House and it was confirmed that this was the case as these were the full-time employees. Sgt Dickinson pointed out that the information in the staff training manual for alcohol sales is incorrect as the fine now imposed is £90 and not £80 as stated in the manual and that the Magistrates can impose an unlimited fine now and not up to £5,000.
- 9.40 On questioning, Mr Sayed accepted that alcohol was being served in 2017 at the Wrap House when they had no licence but as soon as it was brought to their attention, they paid the fee. He confirmed that their Head Office is in Meadowfield. There were no further questions of Mr Sayed or Ms Cotoi.
- 9.41 Mr Morrison drew the Sub-Committee's attention to the statement of Mr A : F He did not attend the Sub-Committee but the Sub-Committee confirmed that they had read the Statement.

Summing up:

- 9.42 The parties were then invited to sum up.
- 9.43 Mr Mooney stated as follows:
- The fit and proper test isn't the correct test to be applied in this matter. The correct test is set down in the Licensing Act 2003, s.4 and s.52. We are concerned with the Crime and Disorder objective and it is not necessary to have disorder at the premises.

- The police would ask the Sub-Committee to revoke both premises licences. This is a very serious matter. Mr Sayed has tried to by-pass the rules. He denied ownership of his company during the raid and tried to argue that the individuals concerned were training and not working. He denied selling alcohol at the Wrap House during the two years when the licensing fee wasn't paid. However he now accepts that alcohol was being sold.
- Mr Sayed withdrew his licensing applications one day before the committee hearing and then resubmitted them 8 days later. He therefore put off attending a hearing. He has breached licensing conditions. The documents that Mr Sayed has supplied to the Sub-Committee have been supplied late in the day. They are a lot of employee documents. They do not show that the procedures have been implemented in reality.
- Ms Cotoi has been employed as operations manager but she was an employee at the premises in August 2018 and she was present during the raids and told the workers not to speak. She was there during the business failings.
- Problems with illegal workers were found at the premises in 2016 by immigration officers. Mr Sayed attended a meeting and stated that it wasn't very serious. Mr Mooney stated that this was a serious matter and people can be exploited. There is online guidance for employers when employing workers.

9.44 Mr Morrison stated as follows:

- The current state of the business is relevant. The history of the business can be altered and improved.
- The concerns that have been raised are past concerns and they have been addressed by Mr Sayed.
- Fitness and propriety is part of this and is bound up with the level of trust someone has.
- The company wants to transition into a bigger business. It has recruited a Durham graduate to enforce the company's standards.
- They can't do any more than what has now been put in place.
- Disorder is part of the underlying issue. There is no disorder at the premises.
- The Committee should focus on what has been done to seek to remedy the position. It is all relating to past concerns. The company has a good future and has learnt from previous mistakes.
- There are conditions that can be imposed should the Committee feel it necessary and the business will ensure that they abide by these conditions.
- Mr Morrison confirmed that he did not want to ask any further questions of the police officers.

9.45 No parties had any other representations to make.

10. Decisions

- 10.1 The Sub-Committee refused the applications to transfer the premises licence and the proposed appointment of the designated premises supervisor at Lebaneat Wrap House.
- 10.2 The Sub-Committee determined that the premises licences for Lebaneat, North Bailey and Lebaneat Wrap House be revoked.

11. Reasons

- 11.1 In reaching its decision, the Sub-Committee has considered carefully the Report of the Licensing Officer and the representations made both verbally and in writing.
- 11.2 This Sub-Committee must concern itself with the four licensing objectives as laid down in statute:

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

Only the Crime and Disorder objective was engaged in this matter.

- 11.3 The Sub-Committee must have regard to the Licensing Act 2003, the Section 182 Guidance and the Council's Statement of Licensing Policy. The Section 182 Guidance makes it clear that the licensing authority must look to the police as their main source of advice with regard to the prevention of crime and disorder. Durham Constabulary had objections to the transfer of the premises licence holder and the proposed designated premises supervisor. Durham Constabulary had also instigated the review of both premises.
- 11.4 The Section 182 Guidance suggested that the police should only object to the transfer of a premises licence and DPS in exceptional circumstances. The Sub-Committee had heard the representations of Durham Constabulary and were satisfied that there were exceptional circumstances present in this matter.
- 11.5 The Guidance indicated that the Licensing Authority, at a hearing, must consider what is appropriate to promote the particular licensing objective that has been engaged. In this case, the Sub-Committee had to decide what action was appropriate to promote the crime and disorder objective, in determining the applications to transfer the premises licence holder and DPS, and in determining the reviews. The Guidance makes clear at paragraph 9.40 that an application can be refused on the grounds that this is appropriate for the promotion of the licensing objective. The Sub-

Committee noted Mr Morrison's reference to a 'fit and proper' test but were mindful that this was not the correct test to use for these matters.

- 11.6 In accordance with s.52 of the Licensing Act 2003, when dealing with reviews, the Sub-Committee must take such of the steps as it considers appropriate for the promotion of the licensing objectives. The Guidance at paragraph 11.26 states that 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 license, for the promotion of the crime prevention objective. Paragraph 11.27 goes on to say that the employment of a person who is disqualified from work by reason of their immigration status in the UK should be treated particularly seriously. Paragraph 11.28 confirms that where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crime, it is expected that revocation of the licence- even in the first instance- should be seriously considered.
- 11.7 The Sub-Committee heard evidence that Lebaneat Wrap House had been selling alcohol for a two years period without a valid premises licence. Mr Sayed had originally denied that alcohol was being sold at these premises during this time despite the police evidence to the contrary, namely police officers had witnessed a fully-stocked bar and customers being served with alcohol and there were social media comments about alcohol being sold at this time. Mr Sayed now admits that alcohol was being sold during this period. This breach of the Licensing Law is a serious concern to the Sub-Committee.
- 11.8 The Sub-Committee had serious concerns about Mr Sayed's use of the Licensing Act provisions. He has now submitted three applications for the Wrap House to transfer the premises licence holder to Lebaneat (Wrap House) Limited and to transfer the DPS. The first of which applications was refused by the Sub-Committee in September 2018. He went on to submit a further application in October 2018 and withdrew it one day before the hearing to determine the application. He then resubmitted the same application 8 days later which has meant that he has avoided a committee hearing for several more months while the applications have taken immediate interim effect, in accordance with the Act. As such, the Sub-Committee considered that Mr Sayed has a disregard for the licensing laws.
- 11.9 The Sub-Committee heard evidence that the Wrap House was not complying with some licensing conditions in November 2018. This was after Mr Sayed had been sent an email, in August 2018, from a licensing officer to advise him that he needed to familiarise himself with the conditions on the licence to avoid any breaches. The Sub-Committee considered that Mr Sayed should have been fully compliant with the licensing conditions in November 2018, particularly since he had been before the Sub-Committee in September 2018 as well, and should

therefore have been familiar with his licence. His breaches of the conditions would indicate that he was not promoting the licensing objectives at this time. The Sub-Committee noted that the business was checked in January 2019 and it was found to be compliant with the Licensing conditions at that time.

- 11.10 The Sub-Committee heard from the immigration officer that two illegal workers had been found at Lebaneat, North Bailey and one at the Wrap House, following the raids on 2 August 2018. The business has been given civil penalties regarding this. Prior to 2 August 2018, an illegal worker was found at Lenaneat, North Bailey in April 2016 and then the same one was found again in November 2016.
- 11.11 The business' employment of illegal workers is not a one-off incident and has happened on three occasions. This would support Mr Sayed's comment at the police meeting that he does not regard the employment of illegal workers as a serious matter. The Sub-Committee were very concerned with this history and that the business had undermined the crime and disorder objective on several occasions.
- 11.12 The Sub-Committee considered that Mr Sayed had intentionally tried to deceive officers at the time of the raids as he had denied that Sayed Trading Limited was his company, he had stated that its head office was in Beirut and he had shouted at staff to keep quiet and not to speak to anyone.
- 11.13 The Sub-Committee noted that one of the illegal workers that had been found on 2 August 2018 was granted asylum around 16 August 2018. However at the time of the raid, he was not entitled to legally work in the UK.
- 11.14 The Sub-Committee were mindful of the procedures that the business has now put in place for employing staff at all its premises. They noted that the recruiting of staff is through the company Sayed Trading Limited and that the head office for the business is in Meadowfield. It was also noted that Mr Sayed had completed his personal licence holder course in September 2018. They also were aware that the business now has an operations manager, Oana Cotoi. Despite this, the Sub-Committee has serious concerns. Ms Cotoi is not new to the business as she was working there at the time the illegal workers were found. She had also completed her personal licence holder course in July 2018, just before the illegal workers were found at the premises. Ms Cotoi accepted that she was present with Mr Sayed at the time of the raid and in the immigration officer's statement, she has approached the male being questioned and told him to be quiet. The Sub-Committee therefore considered that she knew about the illegal workers at that time. The Sub-Committee were also aware that Mr Sayed has been owner of both premises throughout the time when illegal workers have been found there. He is also the sole director of Lebaneat (Wrap House) Limited and is wanting to be the DPS for the Wrap House. He therefore has a high

level of involvement both in the management of the business and in dealing with the premises licences. Due to the past history of illegal workers at the premises and Mr Sayed's disregard for the licensing laws, the Sub-Committee has no confidence that the crime and disorder objective will be promoted by the business even with the new documentation they have produced.

- 11.15 The Sub-Committee viewed the employment of illegal workers very seriously and is mindful that the workers found were not receiving any payment. The employment of illegal workers can lead to their exploitation and also has an effect on law abiding businesses.
- 11.16 The Sub-Committee considered all the options available to them in the review proceedings but did not have confidence that any conditions they could impose would be complied with given Mr Sayed's past disregard for the licensing laws. They did not consider that any other option other than revocation of the licences would alleviate their concerns as to the management issues of the business.
- 11.17 Taking all the above matters into consideration the Sub-Committee felt that in order to promote the crime and disorder objective, a refusal of the applications to transfer the premises licence holder and DPS at the Wrap House was a necessary and proportionate response and that revocation of the premises licences at both premises was the only option to promote the crime and disorder objective.

Signed _____ (Chair)

Dated 13 February 2019

PLEASE NOTE:

- An Applicant has a right of appeal against the decision of a Licensing Authority (or a part of it) as does a person who has made relevant representations, where applicable.

- An appeal must be made to the Justices' Chief Executive for the Magistrates Court covering the area in which the premises are situate.
- It is done by Notice given to the Magistrates Court and it must be done, together with the payment of any fee charged for lodging the appeal, within 21 days beginning with the day on which the person appealing was notified by the Licensing Authority in writing of the decision appealed against.
- If you wish to consider making an appeal you are advised to contact the relevant Magistrates Court.
- You may consider it is in your interests to seek legal advice on the matter but if you do it is important to do this quickly in view of the time limit imposed.

PH4

Witness contact details

URN

Name of witness:

Home Address:

Postcode:

E-mail address:

Mobile:

Home Telephone Number:

Work Telephone Number:

Preferred method of contact:

Gender:

Date and place of birth:

Former name:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY: ...**Witness care**

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) Yes No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'

Signature of witness:

PRINT NAME:

Signature of Parent

PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken:

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9**

URN

Statement of Sgt 484 DICKENSON

Age if under 18: (if over 18 insert 'over 18') Occupation: Police SGT 484

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

Date 30th May 2019

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court:

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

I am a Police Sergeant with Durham Constabulary, presently stationed in the Alcohol Harm Reduction Unit. I have responsibility for licenced premises within County Durham and Darlington and I hold a National Certificate for Licensing Practitioners. I am a current member of the National Police Chiefs Council Licensing Sub Group dealing with up to date licensing issues.

On Monday 25th February 2019 I received an email from Immigration Officer 8949 ASHLEY advising me of intelligence ref no [REDACTED] which related to an incident involving a vehicle registered and insured Lebaneat and the owner Ahmed SAYED. I can exhibit this report as CD/1. The incident related to the driver of a vehicle VRM [REDACTED] running over a dog killing it then driving into another two cars before making off from the scene.

Attached to the intelligence report is body worn video footage obtained by the attending officers ref no BWV00139076. The footage strongly suggests he is still employing Illegal workers. SAYED confirms on the footage he is the owner of the vehicle. SAYED had been asked by the attending officers who the driver of the vehicle was and he has provided incorrect details. The footage shows the attending officers changellanging SAYED around who the driver is and why he has provided incorrect details. M says he isn't working but helping out with deliveries. SAYED denies he is working although he is driving a car owned and insured to LEBANEAT. Another male who is with SAYED is seen to remove from the vehicle items which resemble fast food delivery bags. I can exhibit this footage as CD/2.

Also attached to the intelligence report are two incident records DHM-23022019-0258 and DHM-23022019-0265. Incident report DHM-23022019-0265 documents a check carried out at 14:22hrs on 23/02/2019 on vehicle registration mark [REDACTED] which shows the registered keeper since 21/11/2017 as LEBANEAT DURHAM LIMITED, 47 NORTH BAILEY. The insurance policy which is vaild from 19/02/2019-07/07/2019 shows the policy holder as LEBANEAT (DURHAM) Ltd and Mr Ahmed SAED, 47 NORTH BAILEY, DURHAM, DH1 3ET. The insurance policy permits any driver over the age of 21 to drive the vehicle. I can exhibit the incident logs as CD/3.

M was intially arrested for a number of offences and although there has been no further action for the dangerous driving offence he has been reported for the offences of no insurance and driving other than accordance with a licence (DOTAL).

I have carried out checks with immigration and M entered the asylum screening unit in Croydon on 14.05.2018. He claimed at that point to have last entered the UK on 12.01.2016, his visa expired on 03.06.2016 making him an overstayer in the UK. M can only drive on an international driving licence for 12 months from the point of entry into

the uk which he stated was 12/02/2016 so has has no driving licence.

In relation to the offences M was arrested for and the subsequent ongoing investigation, it was established a delivery had been made in the same street where the incident occurred from LEABEANET WRAP HOUSE. Police officers wanted to speak to the person who received the delivery to see if he could identify M as the driver so SAYED was requested to provide delivery records to the police for LEABEANET WRAP HOUSE. SAYED refused to provide these details. SAYED was also requested to provide a statement for the damage to his vehicle VRM [REDACTED] as SAYED was an injured party. SAYED also refused to do this and was described as not forthcoming by the reporting officer. I can exhibit the comments on the crime investigation if required as CD/4.

On the 5th February 2019 I was present at a hearing under the Licensing Act 2003 whereby the subcommittee made the decision to revoke the premises licence for Lebeanet, 47 North Bailey, Durham and to also revoke and the premises licence for Lebeanet Wrap House, First Floor, 69 Claypath, Durham. Illegal workers had been found at the premises in 2016 and also in August 2018.

At the licensing hearing SAYED stated it was now compulsory for any potential employees to complete their right to work checklist even if they are going for a trial and he went on to explain at length the processes which need to be adhered to ensure illegal workers aren't employed by the businesses. He stated if an applicant turns up without the required documents then they do not even take them on for training.

However on 23rd February only 18 days after the licensing hearing a vehicle owned and insured by LEBEANET has been involved in an incident which was driven by a male M who didn't hold a valid driving licence. At the time of the incident M was the only person in the vehicle. A witness has confirmed he was the driver of the vehicle.

The same vehicle had only moments before the incident had been in the same street where the incident took place and someone had received a delivery from LEABEANET WRAP HOUSE, however this person could not be traced as SAYED refused to provide the delivery records. The evidence points to M as the person making this delivery.

When SAYED has been asked for the details of the driver of the vehicle he has given false details to the attending officers which again would lead me to suspect this was an attempt to protect the identity of M and mislead officers as SAYED was fully aware he didn't have any right to work in the UK, hadn't carried out any of the checks he stated he did at the licensing committee on 5th February and again is showing a complete disregard for the law by employing illegal workers. Although SAYED stated on the body worn footage M wasn't working. M is heard to say he was helping out.

It is my opinion SAYED is still very much involved in the employment of illegal workers and the details of the incident on 23rd February 2019 and evidence obtained by the investigating and attending officers support this.

Signature:

Signature witnessed by:

THE COUNTY COUNCIL OF DURHAM

Licensing Act 2003 (the Act) Committee

NOTICE OF DETERMINATION

Date of Hearing : 5 July 2019
Date of Determination : 5 July 2019
Committee Members : 1. Councillor J Blakey (Chair)
2. Councillor D Brown
3. Councillor D Bell

1. Type of application or hearing

1.1 Application for a premises licence for Lebaneat, 47 North Bailey, Durham, DH1 3ET

2. Applicant

2.1 Mr Pierre Chidiac

3. The Application

3.1 The application was received on 16 May 2019. The premises currently has a premises licence to permit the sale of alcohol and late night refreshment held by Mr Ahmed Sayed but this was revoked on 5 February 2019 following a premises licence review. Mr Sayed has appealed this decision and the appeal hearing is due to take place on 10 July 2019.

3.4 The activities requested are as follows:

Licensable Activity	Timings
Supply of Alcohol (for consumption on and off the premises)	Monday to Sunday: 12.00 until 23:00 hrs Christmas Day: 12.00 until 23:30hrs Good Friday: 12.00 to 23.30hrs From end of permitted hours on New Years Eve until the start of permitted

Recorded Music (Indoors)	<p>hours on New Years Day.</p> <p>Monday to Sunday: 12.00 until 23:00 hrs Christmas Day: 12.00 until 23:30hrs Good Friday: 12.00 to 23.30hrs From end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>
Proposed opening times	<p>Monday to Sunday: 12.00 until 23:00 hrs Christmas Day: 12.00 until 23:30hrs Good Friday: 12.00 to 23.30hrs From end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>

4. The Parties

4.1 The Committee heard from the following:

- Yvonne Raine, Senior Licensing Officer;
- Steve Mooney, Force Solicitor;
- Sgt Dean Haythornthwaite, Durham Constabulary;
- Mr Pierre Chidiac, Applicant;
- Mr Piotr Jan Maryanski, proposed DPS at the premises.

5. Licensing Act 2003

5.1 The Sub-Committee has taken into account the relevant provisions of the Act.

6. Section 182 Guidance

6.1 The Sub-Committee has considered and taken account of the most recent edition of the Secretary of State Section 182 Guidance issued April 2018.

7. Licensing Policy

- 7.1 The Sub-Committee has considered and taken account of the Council's licensing policy.

8. Licensing Objectives

- 8.1 The Sub-Committee has taken account of the written representations and the oral evidence given, with respect to the licensing objective triggered by the objections:

- Prevention of Crime & Disorder

9. Evidence

Representations of the Senior Licensing Officer, Yvonne Raine

- 9.1 Ms Raine presented her report to the Sub-Committee as contained in the papers. She advised that the Applicant had provided Companies House information today to show he was a director and majority shareholder of Lebaneat (Durham)Limited and copies were provided to the Sub-Committee.

- 9.2 The options available to the Sub-Committee regarding the application where:

- To grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- Grant the licence subject to modified conditions to that of the operating schedule where appropriate for the promotion of the licensing objectives;
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To refuse to specify a person on the licence as the Designated Premises Supervisor;
- To reject the application.

- 9.3 There were no questions of Ms Raine.

Representations of Durham Constabulary

- 9.4 Mr Mooney was invited to address the Sub-Committee. He stated that Durham Constabulary are objecting to the application and ask for the application to be rejected to promote the crime and disorder objective. The premises has a history of employing illegal workers. The Police

sought revocation of the past licence due to this. They also sought revocation of the licence for one of Mr Sayed's other establishments. Mr Maryanski and Mr Chidiac were not in management of the business at the time of the previous revocation. It seems to be the case that Mr Sayed puts forward people but then manages the business in the background. The Police believe that Mr Sayed will still be running the business in the background with regards to this application. Mr Chidiac resides in Middlesex and intends to be running the business two or three days a week as he already has a wholesale business. Mr Chidiac has provided proof that he now owns 51% of the business Lebaneat (Durham) Limited. Mr Sayed still owns the remaining 49%. The Police have not seen any partnership documents to see what the arrangements for managing the premises and running the premises will be.

- 9.5 The Police have a number of questions arising from this, including will the business be run by Lebaneat's Head Office and how will staff get recruited. Mr Sayed will still have substantial control over the business. The premises need a clean break from Mr Sayed. At the last hearing the Committee had serious concerns regarding Mr Sayed as seen in the Notice of Determination provided in the Committee papers. Mr Sayed had undermined the licensing objectives on several occasions and the Sub-Committee had serious concerns.
- 9.6 A further incident occurred on the 23rd February after the last Sub-Committee hearing. Lebaneat were seen to be using a delivery driver who was an illegal worker. There is an ongoing appeal concerning the revocation of the premises licence which will be heard at the Magistrates Court next week.
- 9.7 It is proposed that Mr Maryanski will run the premises as the designated premises supervisor. Mr Maryanski hasn't got any experience in the licensing trade. The Police submit that a strong DPS is needed in order to work with Mr Sayed. Mr Maryanski was at the premises during the raid in August 2018 when illegal workers were found.
- 9.8 Sgt Haythornthwaite was then asked to address the Sub-Committee concerning the incident on the 23rd February 2019. He stated that at the hearing on the 5th February 2019 Mr Sayed made promises as to his business and how staff were now employed but just a few weeks later a delivery driver for Lebaneat Express was found not to have permission to work in the UK. Mr Sayed provided the wrong details of this driver to the Police. The driver said he was just helping out and wasn't working for Mr Sayed. The Police have ongoing concerns with Mr Sayed and he has a 49% share of the business.
- 9.9 Questions were invited and Mr Chidiac stated that they have tried to sort out everything now. The concerns with Mr Sayed are in the past. Mr Sayed will be supplying the food to the business but the business will not be using his companies. Mr Chidiac feels he has been penalised for Mr Sayed's faults. There were no further questions of the Police.

Representations of the Applicant

- 9.10 Mr Chidiac was then invited to address the Sub-Committee. He stated that he had been speaking to Mr Sayed about working together for the past 2 years. About 8 months ago Mr Sayed asked Mr Chidiac to assist him and that Mr Chidiac would have 51% of the business. Mr Chidiac wasn't aware of the past matters until he was told by the Police but he was aware there were some immigration issues. Mr Sayed will be present at the premises about once a week.
- 9.11 On questioning by the Sub-Committee, it was confirmed that Mr Maryanski will be responsible for hiring staff. He was asked if he had any knowledge of the illegal workers and he confirmed that he wasn't aware at the time. He also confirmed that he did not know about the new incident in February 2019.
- 9.12 On questioning by Steve Mooney to Mr Chidiac, he was asked regarding the 51% transaction and he confirmed that it was an investment. He confirmed that he will run the business. He was asked if there were future plans to buy the rest of the business to which he replied that there were not but they were talking about this. Mr Chidiac confirmed that there were no documents regarding the purchase of the business. He confirmed that the business will still be called Lebaneat but that he intends to be a separate company from the other Lebaneat premises. He stated that food will be purchased from Lebaneat as they have no other option at present. He was asked if they had any dealings with Miss Cotoi and he confirmed that they would not. He confirmed that they will not be using Mr Sayed's agency for recruitment.
- 9.13 Mr Maryanski addressed the Sub-Committee and stated for the past few months they have been hiring people through Indeed. He was asked about what arrangements are in place to ensure they aren't employing illegal workers. Mr Chidiac advised that he will check each applicant and will ask them for their passport and national insurance number.
- 9.14 On questioning by Sgt Haythornthwaite to Mr Maryanski, he was asked who he reported to and Mr Maryanski advised that at the time he was spoken to by Sgt Haythornthwaite, he reported to Miss Cotoi but for the last few weeks he has reported to Mr Chidiac. He was asked if he was aware of the area manager, Stephen Milburn, but he advised that he had never heard of him. Mr Chidiac was asked if Lebaneat (Durham) would be connected to any other Lebaneat companies and it was confirmed that they will not be connected. Mr Chidiac confirmed that Lebaneat (Durham) Limited will only operate the Lebaneat North Bailey premises.
- 9.15 Mr Mooney asked Mr Chidiac about his previous history and Mr Chidiac advised that he had been a manager in a restaurant a while ago. He currently has a wholesale business but he does not need to be there all

the time. He plans to be at Lebaneat two days a week and he has to be in London three days a week. He confirmed that he has known Mr Sayed for six years. He stated that Mr Sayed will have no involvement with the business but this is not recorded anywhere.

- 9.16 Mr Mooney had questions for Mr Maryanski. Mr Maryanski stated that he had worked for the business since July 2018 as a chef then as a head chef. He started training as a manager in December 2018. He stated that he did consider buying the restaurant but he didn't have the funds and Mr Chidiac bought the premises instead. He confirmed he was present when the raids by the police and immigration officers took place in August 2018. He was asked what his experience was in the licensing trade and he confirmed he didn't have any experience. He confirmed that he met Mr Sayed and Miss Cotoi when he started working for the business.
- 9.17 Sgt Haythornthwaite asked Mr Chidiac how many restaurants he supplied to and he confirmed that he supplied to 127 restaurants. He advised that he had not invested in any of his other customers businesses other than a lease he took out for a 5 year period a while ago. Mr Chidiac confirmed that in the past Mr Sayed had asked for too much money for the business so that is why he hadn't bought a share sooner.

Summing up:

- 9.18 The parties were then invited to sum up.
- 9.19 The Applicant did not have any further representations to make.
- 9.20 Mr Mooney stated that the Police still believe that Mr Sayed still has control in the restaurant. The employment of illegal workers is a serious issue and there has been a lot of concerns about the business in the last 5 months. The business will still be called Lebaneat and will be purchasing supplies from Lebaneat. There is no formal arrangements as to how the business will be set up. He therefore asked the Committee to reject the application.
- 9.21 No parties had any other representations to make.

10. Decisions

- 10.1 The Sub-Committee rejected the application.

11. Reasons

- 11.1 In reaching its decision, the Sub-Committee has considered carefully the Report of the Licensing Officer and the representations made both verbally and in writing.

- 11.2 This Sub-Committee must concern itself with the four licensing objectives as laid down in statute:

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

Only the Crime and Disorder objective was engaged in this matter.

- 11.3 The Sub-Committee must have regard to the Licensing Act 2003, the Section 182 Guidance and the Council's Statement of Licensing Policy. The Section 182 Guidance makes it clear that the licensing authority must look to the police as their main source of advice with regard to the prevention of crime and disorder.

- 11.4 The Guidance indicates that the Licensing Authority, at a hearing, must consider what is appropriate to promote the particular licensing objective that has been engaged. In this case, the Sub-Committee had to decide what action to take in order to promote the crime and disorder objective. The Guidance makes clear at paragraph 9.40 that an application can be refused on the grounds that this is appropriate for the promotion of the licensing objective.

- 11.5 The Sub-Committee had read the previous decision notice, from the hearing on 5 February 2019, and noted that the previous Sub-Committee had serious concerns with Mr Sayed managing the business due to his disregard for the licensing laws and his employment of illegal workers at the business. Mr Sayed and the operations manager, Ms Cotoi, had been obstructive during the raid of the premises, in August 2018, and had not assisted the officers at that time.

- 11.6 The Sub-Committee noted that the premises has a history of employing illegal workers. As detailed in the past decision notice, an illegal worker had been found at Lebaneat in April 2016 and the same one found again in November 2016. Following this, further illegal workers were found at Lebaneat, North Bailey and Lebaneat Wrap House during the raid on 2 August 2018. Mr Sayed was the owner of the premises throughout the period when illegal workers have been found. The last Sub-Committee considered that the crime and disorder objective had not been promoted by the business in the past. They considered that revocation of the licence was the only option to alleviate their concerns as to the management issues of the business.

- 11.7 With regard to the present hearing, a serious concern to the Sub-Committee was the new incident, three weeks after the hearing on 5 February 2019, when another person who was not entitled to work in the UK had been found as a delivery driver and Mr Sayed had provided incorrect driver details to the police. This was after the hearing when Mr Sayed had assured the last Sub-Committee that the procedures had

changed so that they would ensure only those legally entitled to work in the UK were employed.

- 11.8 The Sub-Committee were mindful that the proposed DPS at the premises is Mr Maryanski and were aware that he had no previous licencing experience. They were also mindful that Mr Chidiac would only be at the premises two days each week.
- 11.9 Mr Chidiac had provided Companies House information which confirmed that he now holds a majority shareholding of the company, Lebeat (Durham) Limited. Mr Ahmed Sayed is the other director, holding under 50% of the shares. This arrangement has only recently taken place, as of 26 June 2019. The Sub-Committee were advised that Mr Chidiac held a 51% share of the company. The Sub-Committee noted that there was no other paperwork provided regarding the sale of the business or documentation regarding how the business was now to be run. The Sub-Committee were concerned that Mr Sayed still held a 49% share in the company and therefore still had significant control.
- 11.10 The Sub-Committee had no confidence that Mr Sayed would not be involved in this business. In addition to the above, the business was still to be supplied by Mr Sayed and it will still be using the name Lebeat. The evidence before the Sub-Committee suggested that it was not an entirely separate business and still had links to Mr Sayed and the other Lebeat premises and therefore there were serious concerns that the crime and disorder objective would be undermined.
- 11.11 In order to promote the crime and disorder objective, the Sub-Committee were rejecting the application.

Signed



(Chair)

Dated

15 July 2019

PLEASE NOTE:

- An Applicant has a right of appeal against the decision of a Licensing Authority (or a part of it) as does a person who has made relevant representations, where applicable.
- An appeal must be made to the Justices' Chief Executive for the Magistrates Court covering the area in which the premises are situate.
- It is done by Notice given to the Magistrates Court and it must be done, together with the payment of any fee charged for lodging the appeal, within 21 days beginning with the day on which the person appealing was notified by the Licensing Authority in writing of the decision appealed against.
- If you wish to consider making an appeal you are advised to contact the relevant Magistrates Court.
- You may consider it is in your interests to seek legal advice on the matter but if you do it is important to do this quickly in view of the time limit imposed.

Precis of CCTV footage from Lebaneat (Yarm)**2nd September 2019****Camera 3**

- 16:05 – Male 1 takes plate to a customers table
- 16:06 – Male 1 takes 2nd Plate to customers table
- 16:09 – Male 1 helps seat customers at table
- 16:22 – Male 1 takes plates to customers table
- 16:27 – Male 1 takes jug and glasses to customers table
- 16:40 – Male 1 hands takeaway food to customer
- 16:43 – Male 1 takes payment from customer
- 16:46 – Male 1 tidies table
- 16:52 – Male 1 finishes setting table
- 16:55 – Male 1 Answers phone
- 17:07 – Male 1 takes drinks to customers table
- 17:23 – Male 1 Takes food to customers table
- 17:27 – Male 1 passes Takeaway food to a customer

Camera 7

- 16:09 – Male 1 seats customers
- 16:22 – Male 1 takes plates to customers
- 16:26 – Male 1 takes napkin to customers
- 16:27 – Male 1 takes jug and glasses to customers
- 16:45 – Male 1 holds door for customer
- 16:46 – Male 1 clears and cleans table
- 16:50 – Male 1 re-sets table
- 16:53 – Male 1 cleans door glass
- 16:59 – Male 1 greets customers at the door
- 17:02 – Male 1 greets more customers at the door and shows to table
- 17:04 – Male 1 takes order from customers
- 17:07 – Male 1 takes jug and glasses to table
- 17:08 – Male 1 takes jug and glasses to another table

3rd September 2019**Camera 3**

- 16:09 – Male 1 vacuuming floor
- 16:35 – Male 1 using PDA
- 16:53 – Male 1 sorting through paperwork
- 17:17 – Male 1 hands takeaway food to customer

Camera 4

- 16:22 – Male 1 mopping floor
- 17:29 – Male 1 puts two plates of food on an empty table

Camera 7

- 16:05 – Male 1 vacuuming floor
- 16:28 – Male 1 taking order from seated customers
- 17:10 – Male 1 greets customers at door and shows them to a table
- 17:10:30 – Male 1 Brings plates of food to another table of customers

Precis of CCTV footage from Lebaneat (Yarm)

17:11 – Male 1 brings another plate of food to the table

4th September 2019

Camera 3

16:33 – Male 1 Cuts kebab meat off rotisserie in Kitchen

16:39 – Male 1 Collects two plates of food from the counter and takes to customers at a table

16:43 – Male 1 Takes cutlery and napkins to customers off camera

16:46 - Male 1 answers the phone

17:15 – Male 1 Takes plates of food from counter

17:16 – Male 1 takes more plates of food from counter

17:17 – Male 1 takes plates to the kitchen

17:18 – Joint responsible authorities enter the premises under warrant

Camera 7

16:28 – Male 1 Serves drinks, glasses and jug to customers at a table

16:39 – Male 1 serves plates of food to customers seated at table

16:43 – Male 1 Serves drinks to couple seated at a table

16:55 – Male 1 can be seen behind the bar area, drying glasses

17:15 – Male 1 serves plated food to couple seated at a table

17:16 – Male 1 serves more plates of food to couple seated at a table

17:17 – Male 1 collects plates from table in bottom corner

17:18 - Joint responsible authorities enter the premises under warrant

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

Statement of Joanne WALLER
URN:

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

This statement (consisting of: 3(Three) 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: X  Date: 15th October 2019Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named, currently employed as an Immigration Officer (IO) by Immigration Enforcement, within the Home Office and I am attached to the North East & Cumbria Immigration Compliance and Enforcement Team. I am based at Middlehaven Police Station under the banner Operation Nexus.

On 04/09/19, I attended Lebaneat, 48 High Street, Yarm, Cleveland, as part of a planned multi agency Police led visit. My role was to identify any immigration offenders and illegal working taking place on the premises. I gained entry into premises by informed consent at 17:25hrs, from a male who identified himself as the manager. The appropriate Notice to Occupier was explained in English and served in line with guidance. An electronic signature was obtained.

A male, identified as male 1, was brought to my attention by Stockton Council Licensing Officer. Male 1 had asked "Hello, how many people for your table" when the Licensing Officer entered the premises.

At 18:08, I spoke to male 1 and asked the following in English:

Q1 – How long have you been working here

A1 – I'm not working

Q2 – What is your job role/what are your duties

A2 – I have problems in Egypt. Ahmed is from my country and he helps me. Just helps me with appointments etc. Not with money or food

Q3 – What days/hours do you work each week

A3 – No, never work

Q4 - Do you get paid for being here

A4 – No

Q5 – What are you doing here

A5 – I came with the boss and he left me here

Q6 – Who tells you what tasks/duties to do each day

A6 – I can't do anything

Q7 – What are you doing here

A7 – The boss has brought me and I wait for him

Q8 – if I view the CCTV, will I see you working

A8 – No I can't do anything

Q9 – Have you been told to do anything whilst here

A9 – No I can't do anything

Signature:

X 

Signature witnessed by:

Continuation of Statement of Joanne WALLER

Q10 – Have you been here before today

A10 – Yes I just sit.

Q11 – Who else works here

A11 – I don't know anyone who works here

Interview concluded at 18:19hrs. An electronic signature was obtained

Checks conducted with Home Office systems revealed that Male 1 did not have permission to take employment in the United Kingdom having entered illegally some time ago.

Prior to this interview, at 17:59 I spoke in English with a British male who stated he had been the previous manager.

Q1 - What is your position here

A1 – Previous manager and now working in the kitchen

Q2 – How long have you been working here

A2 – In this branch since 17 June 2019 but with the company since June 2018

Q3 – What are the companies house and VAT numbers for the business

A3 – Can get it for you

Q4 – Who employed the Egyptian male (identified as male 1)

A4 – Probably the owner Ahmed SAYED. He's been here a few days

Q5 – What is his job

A5 – Just helping out front of house

Q6 – Is he getting paid

A6 – I don't know

Q7 – Is he allowed to take food from the kitchen

A7 – Yes

Q8 – Has he shown any ID or docs to say he can work

A8 – No I was just told he was coming for a few days

Q9 – How does he get here

A9 – I don't know

Q10 – Do you know his immigration status

A10 – No

Q11 – Did he offer any docs to show he can work

A11 – No he didn't offer any

Interview concluded at 18:06hrs. An electronic signature was obtained

An illegal working civil penalty referral notice was served on the company with male 1 named, meaning a potential fine for the business of up to £20,000.

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 licence holder is not robust and does not take the responsibilities towards the licensing objectives seriously.

Tackling illegal working

Signature:



Signature witnessed by:

Continuation of Statement of Joanne WALLER

The ability to work illegally is a key driver of illegal migration; it encourages people to break the UK's immigration laws and provides the practical means for migrants to remain unlawfully in the UK.

It encourages people to take risks in trying to enter the UK illegally by putting their lives in the hands of people smugglers and leaves them vulnerable to exploitative employers.

We 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.

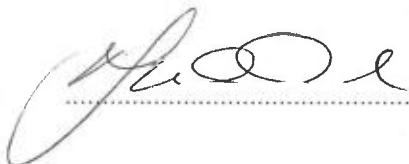
Employers' responsibilities

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.

Employers may prevent a liability for a civil penalty by undertaking simple right to work checks on all those they intend to employ and repeating the checks if the employee has time-limited permission to live and work in the UK.



Signature:



Signature witnessed by:

.....

STOCKTON-ON-TEES BOROUGH COUNCIL STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF: John Harley WYNN

AGE (If over 18 enter "over 18" "Over 18"

OCCUPATION: Licensing Officer

ADDRESS: N/a

This statement (consisting of 2 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 in it anything which I know to be false or do not believe to be true.

Dated the 17th day of September 2019 Signed *J.H. Wynn*

_____ being unable to read the above statement, I

_____ of _____

read it to him before he signed it.

Dated the ___ day of _____ 20 ___ Signed _____

I am a Licensing Officer employed by Stockton-On-Tees Borough Council in the Licensing Section. I am based at Municipal Buildings, Church Road, Stockton-On-Tees. I am an authorised officer for the purposes of the Licensing Act 2003. I have been in this post for 13 months having previously worked in Trading Standards for 36 years.

At 17 20 on 4th September 2019, I went to Lebaneat restaurant, 48 High Street, Yarm Stockton-on-Tees. I was accompanied by officers from Cleveland Police, Home Office Immigration, HMRC, DWP and officers from the Gang Masters and Labour Abuse Authority.

As I entered the premise a male who was stood at the front of the restaurant who I now know to be [REDACTED] approached me and said "Hello, how many people for your table". I introduced myself as a Licensing officer from Stockton Council and asked to speak to the Manager. The male pointed over towards the corner to another male and I walked over to him accompanied by Sergeant Paul HIGGINS from Cleveland Police Licensing section and we introduced ourselves. Another male soon stepped forward and said that his name was [REDACTED] and that he would assist in anything we wanted. Sergeant HIGGINS explained to [REDACTED] the reason for the visit and that officers from the various agencies would wish to speak to the staff employed in the restaurant.

J.H. Wynn

Signed

**STOCKTON-ON-TEES BOROUGH COUNCIL
STATEMENT OF WITNESS**

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

Continuation of Statement of: JOHN HARLEY WYNN

We then went through a number of the licensing conditions detailed in a copy of the premise licence and we checked the staff training records. A number of minor breaches were highlighted to [REDACTED] and on request he was able to show us the incident book and refusals register. While I was examining the incident book [REDACTED] confirmed to me that [REDACTED] [REDACTED] had been working at the premise that day. I reported the comments to Jo Waller from Home Office Immigration and I was present when she questioned him with regards to his personal details and immigration status. The CCTV hard drive was seized by Sgt HIGGINS as Mr HINDMARSH was unable to provide the correct password to access the footage.

J. H. Wynn

Signed

LICENSING ACT 2003

PREMISES LICENCE SUMMARY (PART B)

PREMISES LICENCE NUMBER: 146366

PREMISES DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

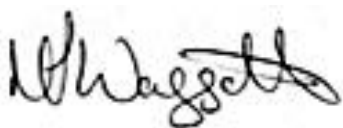
Lebaneat
48 High Street, Yarm, TS15 9AH

WHERE THE LICENCE IS TIME LIMITED THE DATES

N/A

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

SUPPLY OF ALCOHOL



.....
Margaret Waggott
Assistant Director
(Administration, Democratic & Electoral Services)

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES

MONDAY: 12.00 until 23.00
TUESDAY: 12.00 until 23.00
WEDNESDAY: 12.00 until 23.00
THURSDAY: 12.00 until 23.00
FRIDAY: 12.00 until 23.00
SATURDAY: 12.00 until 23.00
SUNDAY: 12.00 until 23.00

SUPPLY OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES

MONDAY: 12.00 until 23.00
TUESDAY: 12.00 until 23.00
WEDNESDAY: 12.00 until 23.00
THURSDAY: 12.00 until 23.00
FRIDAY: 12.00 until 23.00
SATURDAY: 12.00 until 23.00
SUNDAY: 12.00 until 23.00

THE OPENING HOURS OF THE PREMISES

MONDAY: 12.00 until 23.30
TUESDAY: 12.00 until 23.30
WEDNESDAY: 12.00 until 23.30
THURSDAY: 12.00 until 23.30
FRIDAY: 12.00 until 23.30
SATURDAY: 12.00 until 23.30
SUNDAY: 12.00 until 23.30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

Supply Of Alcohol ON The Premises
Supply Of Alcohol OFF The Premises

PART 2

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Lebaneat (Yarm) Limited
47 North Bailey, Durham, DH1 3ET

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

11252182

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Ms Oksana Sayed

STATE WHETHER ACCESS TO PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

ANNEX 1

MANDATORY CONDITIONS

MANDATORY CONDITIONS

- **No supply of alcohol may be made under the premises licence:**
 - (a) at any time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at any time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- **Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
- **This Licence/Club Registration Certificate is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:-**

The Children and Young Person Act 1933
The Cinematograph (Safety) Regulations 1955
The Sporting Events (Control of Alcohol etc) Act 1985

- **Any alcohol supplied for consumption off the premises must be in a sealed container.**
- **(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

- **The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.**

- **(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**

(2) The designated premise supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

- **The responsible person must ensure that -**

(a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25ml or 35ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

- A. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price
- B. For the purposes of the condition set out in paragraph A -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P=D+(D \times V)$$
 Where-
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premise supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994
- C. Where the permitted price given by Paragraph (b) of paragraph B would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny
- D. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph B on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

PREVENTION OF CRIME & DISORDER

- **A zero tolerance policy towards drugs shall operate at all times.**
- **Any person appearing to be drunk shall not be served.**
- **The sale and supply of alcohol for consumption outside the restaurant, in the front seating area, shown on the licence plan. Shall be by waiter or waitress service, served only to a person seated taking a substantial table meal in this area.**
- **A Challenge 25 policy will be implemented and all staff must insist on proof of age from any person appearing to be under 25 years of age and who is attempting to purchase alcohol. The only acceptable proof of age will be a valid photo identification confirming the purchaser's age, namely a passport, photo driving licence or PASS approved proof of age card.**
- **All staff will be fully trained in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales) persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 25" policy. Staff will receive refresher training at least every 6 months.**
- **The business will maintain a refusals book to record all instances where the sale of age restricted products have been refused. This shall include the date and time of the attempted sale. The Designated Premises Supervisor/Store Manager/Business Owner will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.**
- **A digital Closed Circuit Television system (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with data protection legislation.
CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
There will be a minimum of 31 days recording.
The system will record for 24 hours a day.
The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
The digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.
There will be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or less if urgently required for investigation of serious crime.**

- **The business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, aggressive or have committed criminal acts or have had to call Police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the Police were called/attended. The Designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and the incident book will be made available to the Licensing Authority and/or Responsible Authorities upon request.**
- **The premises shall only operate as a restaurant;**
 - (i) In which customers are shown to their table**
 - (ii) Where the supply of alcohol is predominantly by waiter or waitress service only**
 - (iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery**
 - (iv) Which do not provide any takeaway service of food or drink for immediate consumption**
 - (v) Which do not provide any takeaway service of food and drink after 23.00 hours**

Notwithstanding the above, alcohol may be supplied and consumed in the bar area (designated on the plan) by up to a maximum at any one time, of 10 persons without a table meal

- **Children under the age of 18 years shall be accompanied by a responsible parent/guardian. Children will not be allowed at the bar or to remain in the premises beyond 21:00 hours.**
- **The licence holder shall display prominent signage confirming the company's Challenge 25 policy.**

PUBLIC SAFETY

- **The interior of the premises and all fittings and apparatus therein will be maintained in good order and in a safe condition.**

PREVENTION OF PUBLIC NUISANCE

- **Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises. This should include placing at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles)**
- **Any odours created from cooking on the premises shall be adequately vented and/or provided with odour control so that they do not cause a nuisance to nearby premises.**
- **There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.**

- **Have appropriate systems in place to control pest infestations, such as a pest control contract.**
- **No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.**
- **No deliveries shall be taken at or dispatched from the site outside the hours of 07.00 and 19.00.**
- **The movement of bins and rubbish outside the premises will be kept to a minimum after 23.00. This will help to reduce the levels of noise produced by the premises.**

