

Date: Wednesday 21 August 2024 at 1.30 pm

Venue: Jim Cooke Conference Suite, Stockton Central Library, Municipal Buildings,
Church Road, Stockton on Tees, TS18 1TU

Cllr Eileen Johnson (Chair)

Cllr Mrs Ann McCoy

Cllr Mick Moore

AGENDA

- 1 Evacuation Procedure** (Pages 7 - 8)
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 APPLICATION FOR REVIEW OF A PREMISES LICENCE LEBANEAT, 48 HIGH STREET, YARM, STOCKTON-ON-TEES, TS15 9AH** (Pages 9 - 154)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: , Democratic Services Officer John Devine via Email: john.devine@stockton.gov.uk on email sarah.whaley@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance



Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Jim Cooke Conference Suite, Stockton Central Library **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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DELEGATED

AGENDA NO.

REPORT TO THE
STATUTORY LICENSING
COMMITTEE

21 August 2024

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
LEBANEAT, 48 HIGH STREET, YARM, STOCKTON-ON-TEES, TS15 9AH
PREMISE LICENCE NUMBER: 146366**

SUMMARY

The purpose of this report is for Members to consider an application for a review of a premises licence from Home Office Immigration Enforcement on the grounds of the prevention of crime and disorder due to illegal workers working at the premises.

RECOMMENDATION

That Members determine the application.

THE APPLICATION

1. An application for a review of premises licence in respect of above the premises has been received from Home Office Immigration Enforcement under section 51 of the Licensing Act 2003. A copy of the application is attached at Appendix 1.
2. The application relates to the undermining of the licensing objectives of:
 - The Prevention of Crime and Disorder
3. On 26 March 2024, the North East Immigration Compliance and Enforcement (ICE) Team visited Lebaneat, at the above address, after intelligence was received the premises is employing illegal workers.
4. Entry to the premises was gained at approximately 20:58hrs under Section 179 of the Licensing Act 2003. The officers encountered 5 persons working at the premises of which 3 were identified as working in breach of their immigration bail conditions.
5. A referral has been made to the Civil Penalty Compliance Team in relation to the illegal working, the outcome is still outstanding. A full report supplied by the Home Office is attached as Appendix 2.
6. A copy of the current premises licence showing licensable activities and licensable hours is attached at Appendix 3.
7. A map showing the location of the premises is attached at Appendix 4.

RESPONSIBLE AUTHORITIES

8. A representation in support of the review on the grounds of the Crime and Disorder objective has been received from the Licensing Service and is attached at Appendix 5. Evidence in support of the representation is attached as Appendix 6 and an additional statement is attached as Appendix 7.
9. A representation in support of the review on the grounds of the Crime and Disorder objective has been received from Cleveland Police and is attached at Appendix 8.

ADDITIONAL INFORMATION

PREMISE LICENCE HOLDER (PLH)	LEBANEAT YARM LTD	12/12/18 - Present
DESIGNATED PREMISES SUPERVISOR (DPS)	OKSANA SAYED	12/12/18 - Present

10. Cleveland Police have applied to review the premises licence and the Statutory Sub Committee revoked the premises licence on 5 November 2019. The minutes of the meeting, full report and appendices can be found online at: <https://moderngov.stockton.gov.uk/CeListDocuments.aspx?Committeeld=1252&MeetingId=4032&DF=05%2f11%2f2019&Ver=2>
11. A copy of the Statutory Sub Committee meeting minute is attached at Appendix 9.
12. Lebaneat (Yarm) Ltd (sole director Ahmed Sayed) appealed this decision to the Magistrates Court, and as such the premises were able to continue to trade until the appeal was heard.
13. An appeal date had been set but the Covid pandemic in March 2020 meant that no cases were being heard in the courts. Due to the ongoing situation on 5 January 2021, it was agreed between legal parties, Police and the chair of the licensing committee:
 - The appeal would be withdrawn
 - The licence would be reinstated with additional conditions on right to work checks for employees
 - Court costs incurred by the local authority to date would be paid

POLICY CONSIDERATION

14. 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
15. 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 December 2022 under the Licensing Act 2003 when considering this application for review. Details regarding the full range of powers available to members can be found at section 11 of the Guidance.
16. Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.
17. Copies of these documents can be found at:
www.stockton.gov.uk/article/1672/Welcome-to-Stockton-on-Tees-Borough-Council-s-Statement-of-Licensing-Policy
www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

MEMBERS OPTIONS

18. 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: -
 - that the ground is not relevant to one or more of the licensing objectives, or

- in the case of an application made by a person other than a responsible authority, that-
 - the ground is frivolous or vexatious, or
 - the ground is a repetition.
19. If Members are not minded to reject this 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
 - f) 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.

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

ASSOCIATED PAPERS

The following appendices are attached for information:

- Appendix 1 - Application for review
- Appendix 2 - Supporting documents
- Appendix 3 - Copy of the existing licence
- Appendix 4 - Location Map
- Appendix 5 - Representation from Licensing Service
- Appendix 6 - Representation from Licensing Service Additional Evidence
- Appendix 7 - Statement E Beevers
- Appendix 8 - Representation from Cleveland Police
- Appendix 9 - Review meeting minutes - 2019

Assistant Director – Regulated Services and Transformation - Adults, Health and Wellbeing:

Contact Officer:

Telephone No.

Email Address :

Financial Implications :

Community Safety Implications:

Marc Stephenson

Polly Edwards

07584 342513

polly.edwards@stockton.gov.uk

None

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:

Appendices

Yarm Ward:

Councillor John Coulson

Councillor Dan Fagan

Councillor Andrew Sherris

Licensing Authority: Stockton-on-Tees Borough Council
By email: licensing.administration@stockton.gov.uk

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 Home Office Immigration Enforcement

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Lebaneat 48, High Street Yarm	
Post town Stockton-on-Tees	Post code (if known) TS15 9AH

Name of premises licence holder or club holding club premises certificate (if known) Oksana Sayed

Number of premises licence or club premises certificate (if known) 146366

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

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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

Grounds for review:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

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

Please refer to accompanied review pack for detailed information.

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

yes

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
- 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 K Sooriyaarachchi
.....

Date 08 July 2024
.....

Capacity Responsible Authority
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Alcohol Licensing Team
Lunar House
40 Wellesley Road

Post town

Croydon

Post Code

CR9 2BY

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

Notes for Guidance

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

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Home Office

Premises Licence Review

Lebaneat
48, High Street
Yarm
Stockton-on-Tees
TS15 9AH

Contents

Case Summary	3
Licensed Premises History	4
Enforcement Visit: 26 March 2024	5
Reasons for Review	8
Outcome Sought	9
Appendix A – Supporting Evidence	10

Case Summary

On 26 March 2024, the North East Immigration Compliance and Enforcement (ICE) team visited Lebaneat, 48, High Street, Yarm, Stockton-on-Tees, TS15 9AH, after intelligence was received the premises is employing illegal workers. Entry to the premises was gained at approximately 20:58hrs under section 179 of the Licensing Act 2003.

The officers encountered 5 persons working at the premises of which 3 were identified as working in breach of their immigration bail conditions.

A referral has been made to the Civil Penalty Compliance Team in relation to the illegal working. The civil penalty's outcome is still outstanding.

Licensed Premises History

The premises licence number is 146366 and the company registration number for Lebaneat is 11252182, it is under the name of Lebaneat (Yarm) Limited. The licence was issued by Stockton-on-Tees Borough Council and is held by Lebaneat (Yarm) Limited. Companies House shows that it was incorporated on 13 March 2018, it is currently active, and Oksana Sayed was appointed director on 01 November 2021. The Designated Premises Supervisor (DPS) is detailed as Ms Oksana Sayed.

The premises is licenced for the sale of alcohol for consumption on and off the premises. Details as follow:

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

Enforcement Visit: 26 March 2024

Entry to the premises was gained at approximately 20:57hrs by obtaining fully informed consent. Upon entering, immigration officers encountered a total of five persons working within the premises of which three were suspected to be immigration offenders:

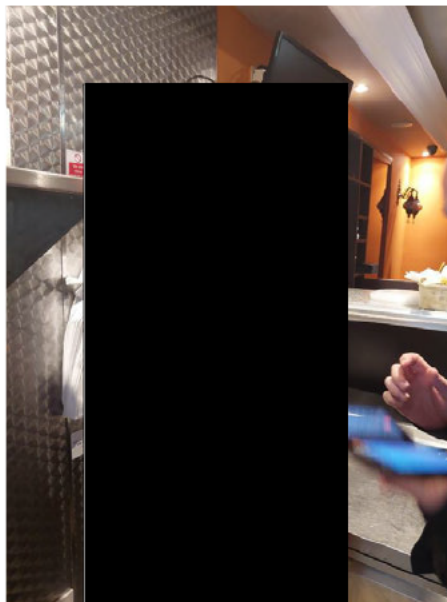
██

██████████ was encountered in the kitchen wearing a Lebaneat apron (image below). Upon seeing immigration officers, he attempted to walk away taking his apron off. An illegal working interview was conducted with ██████████. He stated that he had worked at the business for one month, he worked 3 days a week, from 5pm to 10pm, and his job was to wash dishes.

He initially stated to have approached the premises looking for a job and was offered a job by the manager (██████████). He also stated that he is expecting to get paid at the end of the month.

When the officer questioned ██████████ if he provided any identification documents to obtain employment, he contradicted his initial admission by now claiming that he approached the premises for food and offered to work as he did not have money to pay for his food. ██████████ then stated that he was working at the premises in return for food and he was unsure about being paid at the end of the month.

Home Office checks showed ██████████ entered the UK in April 2023 by small boat, he holds no valid leave. ██████████ has an outstanding claim which is still under consideration. ██████████ bail conditions do not permit him the right to work in the UK.



Photograph of ██████████ wearing a Lebaneat apron when encountered in the kitchen.

██████████

██████████ was encountered in the kitchen wearing black trousers, black top, and an orange Lebaneat apron. Immigration officers noticed that ██████████ quickly moved out of sight and attempted to hide from officers whilst taking his apron off. ██████████ also attempted to leave via the rear of the restaurant when officers arrived.

██████████ initially provided false identity details to mislead officers and stated he did not have any ID with him. When immigration officers retrieved his record on Home Office systems, he denied it was him, but later provided officer his Application Registration Card (ARC) which clearly showed he was not permitted to work.

During the illegal working interview, ██████████ initially claimed he was in the restaurant kitchen to break his fast, that he was wearing a Lebaneat apron to wash his dishes and that he had food stains on his shoes and trousers because he was wearing them when he was eating. He also stated that his coat was in the staff room because he didn't want his coat to get dirty in the kitchen.

Upon further questioning by immigration officers, ██████████ admitted he had been working at Lebaneat for 10 days, his role was assisting with food, he did not work every day. When questioned about employment, ██████████ stated that no one introduced him to the job, and no one told him what to do. He stated that he was helping out and did not receive any money in return for his work. ██████████ acknowledged he did not hold the right to work and confirmed the employer was aware of this. ██████████ stated he did not pay for his meals at the restaurant as his relatives were running the business and they always share a meal.

Home Office checks confirmed that ██████████ entered the UK illegally by small boat. ██████████ has an outstanding claim which is still under consideration. ██████████ bail conditions do not permit him the right to work in the UK. This is also reflected in the ARC card presented to immigration officers at the visit.



██████████ ARC card presented to immigration officers. It clearly states "No work".

████████████████████

██████████ was encountered in the main restaurant area. Upon the arrival of officers ██████████ pretended to be a customer by sitting at one of the tables intended for the guests.

██████████ maintained he did not work at the premises and that he was there to see his friend. ██████████ then claimed that his friend went to see some other friends and left ██████████ in charge of the premises for a few hours until he was back. The licensing officer confirmed that during a previous visit ██████████ was identified as the manager. This was further corroborated one member of staff requesting immigration officers to speak to the manager ██████████ for instructions on how to operate the tills. Immigration officers also spoke to a delivery driver who was waiting to get his wages by the manager ██████████.

██████████ used the justification when questioned about why the delivery driver and the waitress, both working at the restaurant, were referring to him as the manager. He reiterated that he was there in charge of the place for only a couple of hours. When questioned about the licensing officer seeing him in the premises in 3 previous occasions, ██████████ stated that he used to be at the restaurant when he did not have something to do and to meet his friends during Ramadan.

Home Office checks confirmed that ██████████ entered the UK illegally in January 2014 (clandestine entry), he made one claim to stay in the UK which was refused in March 2014. He has since never attempted to regularise his stay and therefore has no right to live or work in the UK.

Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

Three illegal workers were encountered at Lebaneat, out of a total of five staff members present. One of the illegal workers, ██████████, was also seen at the premises on previous occasions by the licensing officer, and according to two employees, he had a managerial position. It is considered that ██████████ worked at the Lebaneat for a considerable amount of time. It is concerning that an illegal worker was put in a managerial position. Compounding this is the passage of time, the license holder could have conducted a basic right to work check which would confirm ██████████ has no right to work.

The remaining two illegal workers both have outstanding claims, both would have been issued Application Registration Cards (ARC). ██████████ had his ARC card with him at the restaurant, proving the employer would have had easy access to the card and confirm ██████████ right to work. ██████████ also admitted the employer was aware that he had no right to work.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ illegal workers where there is reason to believe this is the case.

Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. All employers are dutybound by law to conduct these checks, and guidance can be found on the GOV.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers. A warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded to a review.

Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

Lebaneat under the control of Oksana Sayed has been found employing illegal workers. This business has clearly failed to meet the prevention of crime and disorder objective. The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

It should also be noted that the DPS was not present, and ██████ claimed he was temporarily left in charge of the restaurant. It is extremely concerning that an illegal worker was left in charge of the restaurant and in turn the supply of alcohol. Annex 2 conditions on the license state:

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.

There are serious questions on whether the illegal workers had received training in accordance with the above mandatory condition. If they have received training, it would confirm their employment beyond any reasonable doubt. This is a clear failure of the license holder/DPS to uphold the licensing objectives.

Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in the employment of illegal workers. Immigration Enforcement asks that the premises licence is revoked.

Appendix A – Supporting Evidence

Illegal Working-Employee [REDACTED]

Encounter [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working-Employee [REDACTED]

Freetext Observations [REDACTED]

Freetext Observations 2 [REDACTED]

Freetext Delivery driver [REDACTED]

Freetext Query from person in resteraunt to [REDACTED]

Illegal Working - Employee

Details

Type of work	Visit	
Visit reference	[REDACTED]	
Created by	[REDACTED]	
ProntoID	[REDACTED] - Egypt	
Subject CIDPID/CEPR	[REDACTED]	
Subject name	[REDACTED]	
Subject DOB	[REDACTED]	
Subject nationality	Egypt	
Subject gender	Male	
Time	21:14	
Created at geolocation	Easting	441938
	Northing	512834
Creation date	26-03-2024 21:14:56	

Language of Interview

What language is the interview carried out in?	Arabic
Interpreter used?	Yes
Details of interpreter	[REDACTED]
Does the individual understand the interpreter?	Yes

Obligation

How long have you been working at this business?	1 month
What is your job role/ what are your duties?	Washes dishes
What days/ hours do you work each week?	3 days per week from 5pm till 10.00
how much do you get paid?	I get paid at end of month .I have not been paid yet.
who is the manager ?	[REDACTED]
is she here today ?	No.i don't know her too well.
how did you get the job?	After being taken from the boat. I was assessed as being an adult. I came here and asked for work.
who gave you the job	[REDACTED]

dis you show her any id?	No I didn't ask for a job. I asked her for a piece of pizza to eat.
so how did he end up working here?	I asked her for pizza to eat, but didn't have any money so I offered to to work.
so when you offered [REDACTED] your employment did she give you a job.	No I work here to get pizza.
who gives you the pizza?	The staff here.
who is the owner of this business?	I don't know. I just know [REDACTED].
where is [REDACTED] now?	I don't know.
so you get pizza here, you work to pay for the pizza, and you are also expecting to get paid at the end of the month?	I am working to get the pizza. I do not know of they are going to pay me at the end of the month.
you told me earlier that you are expecting to be getting paid at the end of the month?	I don't know if they are going to pay me or not. I don't speak English so I don't know much.
what language does [REDACTED] speak?	English.
Control	
No details provided.	
Remuneration	
No details provided.	
Pre-employment Checks	
No details provided.	
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Subject has refused to provide a signature.	
Employee read the contents of the interview themselves	Yes
Contents read back to the employee in the language used during the interview	Yes
Observations	
Observations	Dressed in lebenete apron.

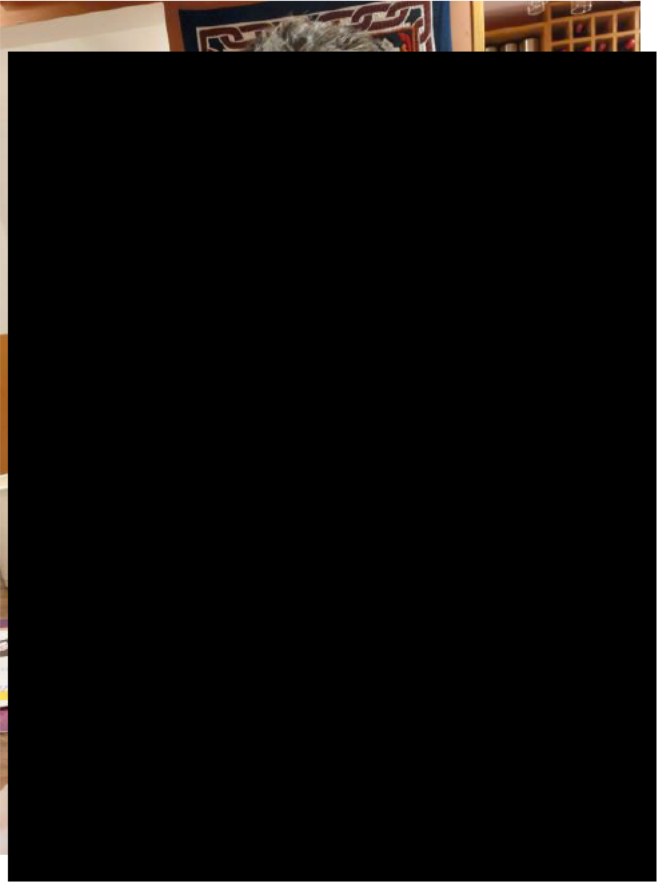
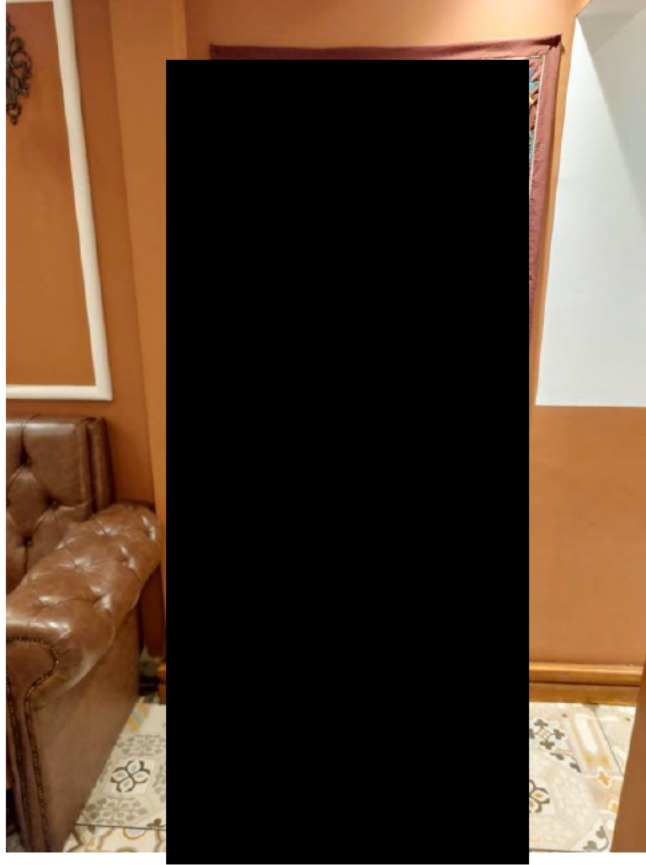
<p>Do you suspect this person of illegal working?</p>	<p>Yes</p>
<p>Photo 1</p>	 <p>Caption 1</p>

Photo 2



Caption 2

Management Checks Complete

Date management checks complete 22-04-2024 18:15:29

Reviewer(s) [Redacted]

Encounter	
------------------	--

Details	
----------------	--

Type of work	Visit
Visit reference	██████████
Created by	██████████
ProntID	██████████ - Egypt
Time	21:12
Created at geolocation	Easting 441936
	Northing 512836
Creation date	26-03-2024 21:12:44

Chosen Identity	
------------------------	--

Identity source/type	Declared
Name	██████████
DOB	██████████
Gender	Male
Nationality	Egypt

Languages	
------------------	--

Languages spoken	Arabic, Arabic
Interpreter used?	Yes
Interpreter details	██████████
Does the individual understand the interpreter?	Yes

Encounter	
------------------	--

Encountering officer	██████████
Is this encounter related to a Small Boats event?	No
Is this person the subject of the visit?	No
Do you suspect an immigration offence?	Yes
Why do you suspect the person of an immigration offence?	illegal working
Declared immigration status	██████████
How and when did the subject last enter the UK?	1 year by boat from france

Are there any vulnerabilities/trafficking/safeguarding issues?	No
Where in the premises was the subject located?	In kitchen wearing apron
Are you taking enforcement action?	No
References (Person ID, HO Ref, Port Ref, BRP)	██████████
Biographic search results	Systems checked Atlas Result of checks Outstanding ██████████ claim Does the person have an open absconder status on Atlas Person Alerts? No Status returned by system checks
Photo of Subject	
Do you want to take a photograph of the subject?	No
Identity Documentation	
Document 1	Document type BRP Name in document (if different from above) ██████████ Document reference ██████████ Document expiry date 06-10-2023 Country of issue (if different from nationality above) United Kingdom Suspected fraudulent No Notes

Photos



arc card

Notes

[Redacted]

Illegal Working - Employee

Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Prontold	[REDACTED] - Egypt				
Subject CIDPID/CEPR	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Egypt				
Subject gender	Male				
Time	21:19				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>441939</td> </tr> <tr> <td>Northing</td> <td>512836</td> </tr> </table>	Easting	441939	Northing	512836
Easting	441939				
Northing	512836				
Creation date	26-03-2024 21:19:27				

Language of Interview

What language is the interview carried out in?	Arabic
Interpreter used?	Yes
Details of interpreter	[REDACTED]
Does the individual understand the interpreter?	Yes

Obligation

what are you doing in the kitchen area of this restaurant	I've just come from syockto break my fast
why were you wearing a lebenat apron when we came in and why did you take it off when we entered	I was wearing an apron to wash my dishes
why were u wearing an apron to wash dishes	I just came here to break my fast
why do you also have food stains on your shoes and trousers	Just because I was eating with them
why was you coat in the staff room	Because the kitchen area you can get oil stains
I dont believe you I think you are working here and we are now	That's fine

checking yhe cctv to see what you are doing in this restaurant	
How long have you been working at this business?	10 days
What is your job role/ what are your duties?	Well I work as an assistant I'm just assisting with food
What days/ hours do you work each week?	I'm been with them since the start of ramadan I dont come every day some times at 5 sometimes at 11
What days/ hours do you work each week?	
Control	
Who gave you this job (name and role in business)?	No one introduced me to the job they are my aquantance from Egypt we come together to feast on the holy month of Ramadan
Who tells you what tasks/ duties to do each day?	No one says any tasks
Someone must allow you to be at the business and tell you what to do who is that	It's a Egyptian restaurant no one tell me what to do I'm just assisting them
Remuneration	
How are you paid (money, accommodation, food)?	I swear to god j haven't taken a penny I oobserve Ramadan.
do you get any food for helping out	I am not working with them I get no money from them
so you turn up at the restaurant for the last 10 days put on an apron and help out in the kitchen for nothing	Well I just help out I'm not working here
Pre-employment Checks	
What name does the employer know you as?	The manager does not know me
someone can't come in off the street put on an apron and start working in the restaurant without someone saying who are you what are you doing here	I know them from Egypt I know ahmed hamid, ahmad hussein, ziad, quassim, mohammad jaber.
Did the employer check your right to work or immigration status before they offered you the job?	I dont have any work permit I just come here to help out. I wouldn't be wearing the same clothes to go out if I was working
you are wearing black shoes black top black pants and an orange apron just like every other person is wearing working in the kutchen	These are my clothes

Does your employer know you're not allowed to work in the UK?	They know but I'm not working they know since I arrived I don't have any work permit
how much did you pay for your meal you said you came here to have	Well they are relatives they don't take money from me
so you received a free meal for being here	Well I always share a meal with them

Additional Questions

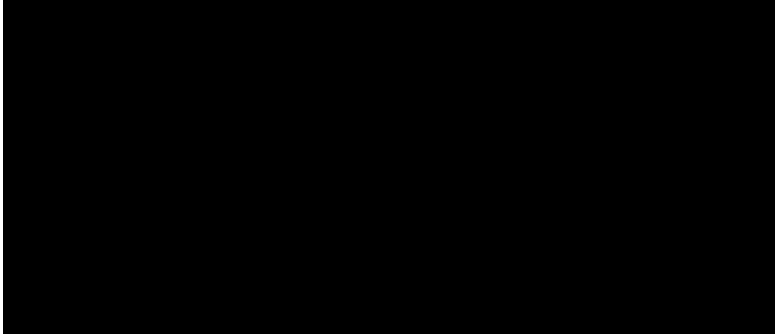
No details provided.

Photographs

No photographs.

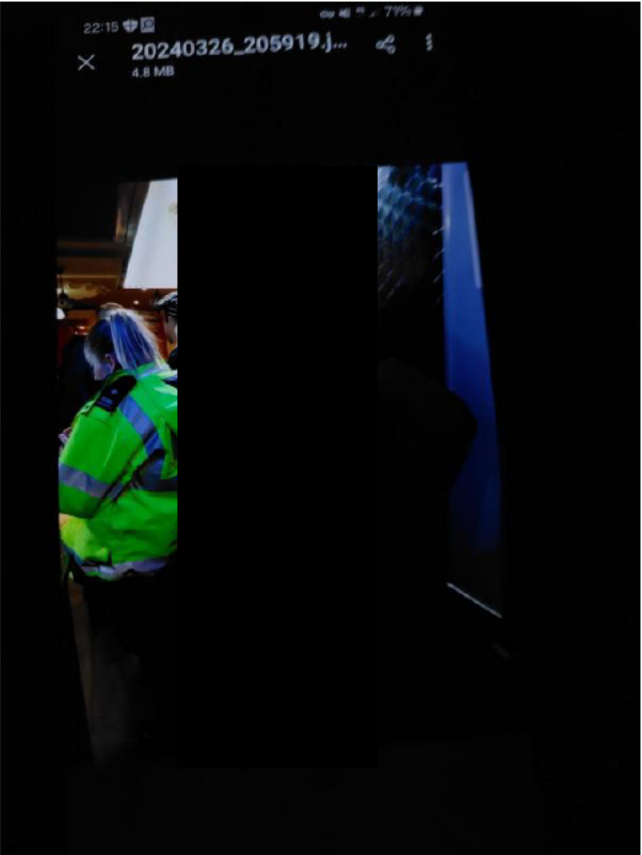
Declaration

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature ([REDACTED])	 26-03-2024 21:50:24
--------------------------------------	--

Observations

Observations	<p>On arrival [REDACTED] said was seen in the kitchen area he was wearing black pants black top and an orange Lebeneat apron. On seeing officers said and another male in the same uniform quickly moved out of sight and attempted to hide. They were both apprehended [REDACTED] quickly took off his apron and put it to one side [REDACTED] managed to take a photo of [REDACTED] before he took off his apron. [REDACTED] was asked for his id he said he has no id he is then asked for his details he deliberately gave a different spelling of his name as [REDACTED] he initially gave his dob as [REDACTED] then took [REDACTED] phone and changed his dob to [REDACTED]. There was no trace with these details so [REDACTED] took out the surname and changed the dob to [REDACTED] which returned a result for [REDACTED] [REDACTED] showed [REDACTED] the picture for [REDACTED] and he denied it was him. [REDACTED] then said he has id in his jacket [REDACTED] then goes to the staff cupboard and retrieves his jacket and produced his arc card showing no work. It was noted the person on the arc card was the same male [REDACTED] had said was not him. [REDACTED] was questioned about his employment as</p>
--------------	--

	above. [REDACTED] told [REDACTED] at the end of the interview you know you have no permission to work and you are working here [REDACTED] just laughed.
Do you suspect this person of illegal working?	Yes
Photo 1	 <p>Caption [REDACTED] in lebeneat uniform.</p> <p>Exhibit Ref Mb01</p>

Illegal Working - Employee

Details

Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	Other				
Subject CIDPID/CEPR	Unknown				
Subject name	██████████				
Time	21:18				
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Easting	441933				
Northing	512835				
Creation date	26-03-2024 21:18:30				

Language of Interview

What language is the interview carried out in?	English
Interpreter used?	No

Obligation

How long have you been working at Lebaneat?	Not working here
what are you doing here?	Because I have nothing to do I just come and see my friend
who is your friend?	He's not my friend he is called ██████████. Hes in Durham
what time did you get here?	2 hours ago
Has ██████████ been in the last 2 hours?	Yes and he said he would come back in a few hours
why did you stay here?	He went to meet some friends
why didn't you go with him?	Because he was going to meet some friends
what have you been doing here while he has been away?	Just watching people, I haven't eaten anything. I was showing people to tables but it was only while your friend was here
What is your job role/ what are your duties?	I'm not working here
why did that waitress ask you if she should let the customers go?	Because my friend left me in charge for 2 hours
why did she also say you knew how to work the tills?	It doesn't mean I'm working here
a man asked you to pay him, he is a delivery driver?	He is a driver, he thought I am the manager but I am only here for 2 hours

the Licensing Officer has seen you 3 times in here working	I am not working but when I have nothing to do I come here
if you live in Glasgow why are you here?	Because it is Ramadan I came to see my friend
Control	
No details provided.	
Remuneration	
how much do you get paid?	No just free food
is that for helping out here?	No, I eat what the customers leave. I have no money
how did you get here from Glasgow then?	Some people help me and give me money
Pre-employment Checks	
does your friend know you are not allowed to work?	He doesn't know I can't work
Additional Questions	
I believe you are working. you've been seen working here on at least 3 previous occasions, when we came in you went to sit down as if you were a customer, you are the only person at the front. I do not find it credible you only come here because you are bored. do you have anything to say to that?	I have asthma, I wish I could work

Photographs

1

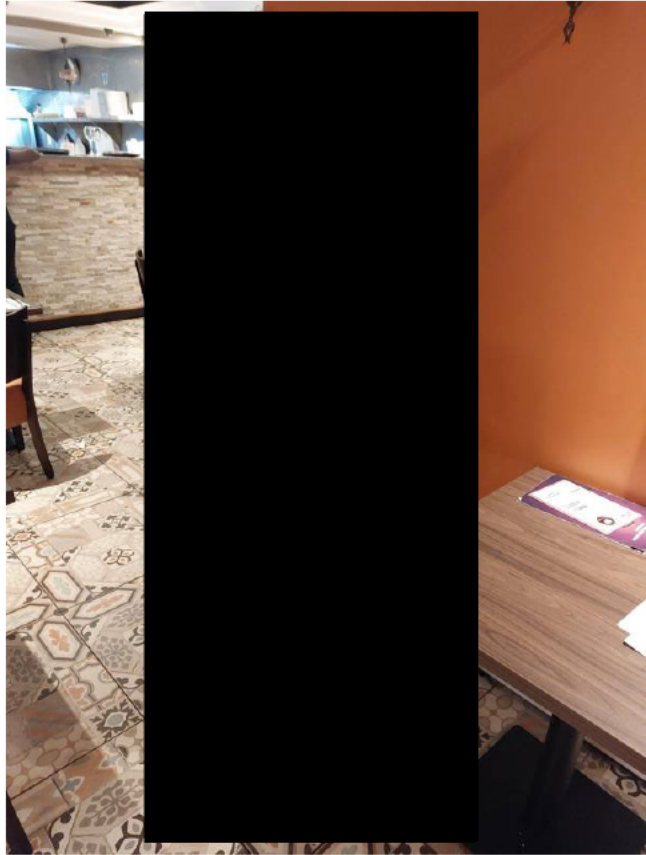


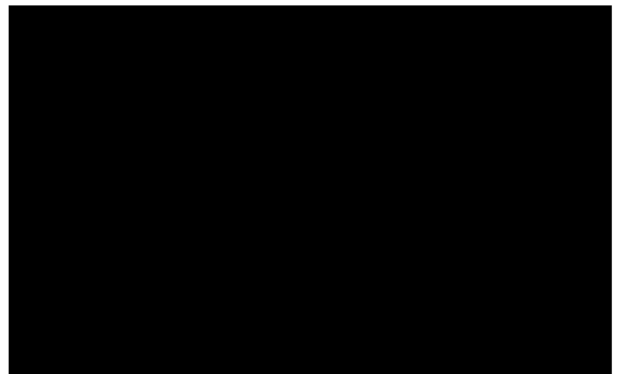
Exhibit Ref

PL1

Declaration

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature ([REDACTED])



26-03-2024 21:36:42

Observations

Observations

While interviewing a female waitress approached and asked to speak to [REDACTED], she said he knew how to work the tills. She than asked him if he should send the customers away, he replied

Do you suspect this person of illegal working?
--

Yes

Freetext	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	LEBANEAT, 48 High Street, Yarm, North Yorkshire, TS15 9AH (Visit Address)
Subject CIDPID/CEPR	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	Syria Arab Republic
Subject gender	Male
Time	22:39
Created at geolocation	Easting 440656 Northing 547215
Creation date	26-03-2024 22:39:21
Is this entry related to a Critical Incident?	No
Entry	
Title	Observations
Text	[REDACTED] from Licensing advised that during previous visits to the address he dealt with [REDACTED] as the manager
Photographs	
No photographs.	

Freetext					
Details					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
Address	LEBANEAT, 48 High Street, Yarm, North Yorkshire, TS15 9AH (Visit Address)				
Subject CIDPID/CEPR	██████████				
Subject name	██████████				
Subject DOB	██████████				
Subject nationality	Syria Arab Republic				
Subject gender	Male				
Time	22:36				
Created at geolocation	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Easting</td> <td style="text-align: right;">441391</td> </tr> <tr> <td>Northing</td> <td style="text-align: right;">542193</td> </tr> </table>	Easting	441391	Northing	542193
Easting	441391				
Northing	542193				
Creation date	26-03-2024 22:36:29				
Is this entry related to a Critical Incident?	No				
Entry					
Title	Observations				
Text	██████████ (front of house staff) came up and asked if she could speak to her manager as he knows how to use the tills. I asked who was the manager was and she pointed to ██████████. I said she was welcome to speak to him and she walked over				
Photographs					
No photographs.					

Freetext					
Details					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
Address	LEBANEAT, 48 High Street, Yarm, North Yorkshire, TS15 9AH (Visit Address)				
Subject CIDPID/CEPR	██████████				
Subject name	██████████				
Subject DOB	██████████				
Subject nationality	Syria Arab Republic				
Subject gender	Male				
Time	22:29				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>445240</td> </tr> <tr> <td>Northing</td> <td>530612</td> </tr> </table>	Easting	445240	Northing	530612
Easting	445240				
Northing	530612				
Creation date	26-03-2024 22:29:13				
Is this entry related to a Critical Incident?	No				
Entry					
Title	Delivery driver				
Text	I spoke with the delivery driver on 3 occasions as he was trying to get his wages from the manager. He became increasingly annoyed that was unable to get his wages from the manager. I asked who the manager was and he pointed to ██████████. I advised that ██████████ was denying bring employed there, and he said he is the manager				
Photographs					
No photographs.					

Freetext	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	LEBANEAT, 48 High Street, Yarm, North Yorkshire, TS15 9AH (Visit Address)
Subject CIDPID/CEPR	Unknown
Subject name	[REDACTED]
Time	21:04
Created at geolocation	Easting 441935 Northing 512836
Creation date	26-03-2024 21:03:18
Is this entry related to a Critical Incident?	No
Entry	
Title	Query from person in resteraunt to ahmed
Text	<p>While [REDACTED] was questioning [REDACTED], a person approached and stated that he needed paying out. Query seemed to be directed at [REDACTED]. [REDACTED] asked the person if he was paid by [REDACTED]. Person indicated he was the manager.</p> <p>[REDACTED] asked [REDACTED] if he usually paid the person. [REDACTED] said no, that the person wouldnt know him.</p> <p>I asked [REDACTED] who the person was. [REDACTED] stated he thought the person was a delivery driver.</p> <p>Licensing Officer [REDACTED] states he has seen [REDACTED] on at least 3 occasions and on those occasions [REDACTED] appeared to be working.</p>
Photographs	
No photographs.	

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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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**
- **(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 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.**

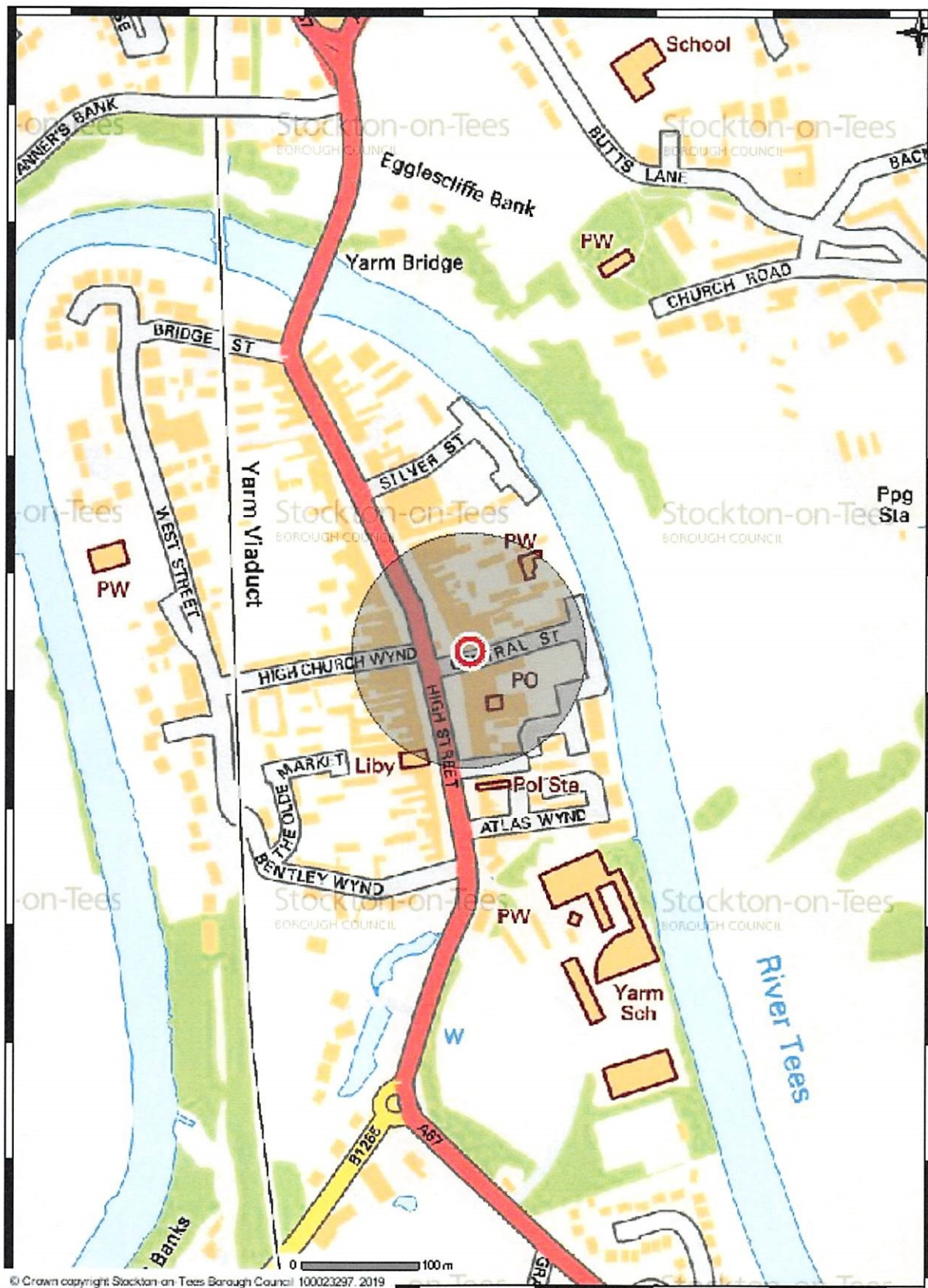
- **No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.**
- **No deliveries shall be taken at or dispatched from the site outside the hours of 07.00 and 19.00.**
- **The movement of bins and 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.**

ANNEX 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

PREVENTION OF CRIME & DISORDER

- **An incident book will be kept on the premises at all times. The book will detail in brief, incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters will be timed, dated and signed by the author and produced to Police and other Responsible Authorities immediately upon request.**
- **Training records signed by both the staff member and the Designated Premise Supervisor/Manager/Business Owner will be retained for future reference and shall be updated at least every 3 months. All staff training records will be made available to Enforcement Agencies and/or Responsible Authorities upon request.**
- **Right to work checks shall be conducted on all potential employees prior to their employment in any capacity at the business. Checks shall be in accordance with the Home Office Code of Practice for employers as current at that time.**
- **The premises licence holder will operate a full digital HR management system where all relevant documents are stored for each individual member of staff. All relevant documents for members of staff will be retained for a period of 12 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.**



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**Representations On A Current Application For Review Of A Premises Licence Or Club
Premises Certificate Under The Licensing Act 2003**

Appendix 5

Section 1 – Licence Details

Applicant Name (If Known)	Home Office Immigration Enforcement Applicant for Review
Premises Name and Address	Lebaneat, 48 High Street, Yarm, Stockton-on-Tees, TS15 0AH

Section 2 - Responsible Authority

X Licensing Authority

Section 3 – Representation Grounds

<p>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	<p>X Prevention of Crime and Disorder</p>
---	---

The grounds of the representation is based on the following:

The Licensing Authority as a Responsible Authority would like to support Home office Immigration enforcement in their application to review a premises licence at Lebaneat, 48 High Street, Yarm, TS15 9AH, and support the Home Office recommendation made to committee to revoke the premises licence.

Illegal working undermines the licensing objective of crime and disorder, as the ability to work illegally is a driver of illegal migration. It leaves people vulnerable to exploitation and results in unscrupulous employers undercutting compliant businesses.

It can also negatively impact on the wages of lawful workers and is linked to other labour market abuse such as tax evasion, breach of the national minimum wage and exploitative working conditions, including modern slavery.

Additional information will be provided to support this representation.

Signed: L Maloney-Kelly	Position: Licensing Team Leader	Dated:30/07/24
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When complete this form should be returned to the address above or e-mailed to licensing.administration@stockton.gov.uk

For Office Use Only

Date Received		Checked By	
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**Representations On A Current Application For Review Of A Premises Licence Or Club
Premises Certificate Under The Licensing Act 2003**

Section 1 – Licence Details

Applicant Name (If Known)	Home Office Immigration Enforcement Applicant for Review
Premises Name and Address	Lebaneat, 48 High Street, Yarm, Stockton-on-Tees, TS15 0AH

Section 2 - Responsible Authority

X Licensing Authority

Section 3 – Representation Grounds

<p>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	X Prevention of Crime and Disorder
---	------------------------------------

The grounds of the representation is based on the following:

1. The Licensing Authority as a Responsible Authority would like to support Home Office Immigration in their application to review a premises licence at Lebaneat, 48 High Street, Yarm, TS15 9AH. The current Designated Premises Supervisor (DPS) is Oksana Sayed.
2. The premises licence holder is Lebaneat (Yarm) Limited. Companies House shows that it was incorporated on 13 March 2018, it is currently active, and Oksana Sayed was appointed director on 01 November 2021. A copy of Companies House search is exhibited as evidence as LMK1.
3. Following a previous revocation the premises licence was reinstated in January 2021, annex 3 contains conditions attached to the premises licence following a review hearing in 2019. The Licence conditions state:
 - Training records signed by both the staff member and the Designated Premise Supervisor/Manager/Business Owner will be retained for future reference and shall be updated at least every 3 months. All staff training records will be made available to Enforcement Agencies and/or Responsible Authorities upon request.
 - Right to work checks shall be conducted on all potential employees prior to their employment in any capacity at the business. Checks shall be in accordance with the Home Office Code of Practice for employers as current at that time.
 - The premises licence holder will operate a full digital HR management system where all relevant documents are stored for each individual member of staff. All relevant documents for members of staff will be retained for a period of 12 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.
4. The Licensing Authority have no confidence right to work checks have been carried out following Home Office Codes of Practice which can be found at:

www.gov.uk/government/publications/right-to-work-checks-employers-guide.

5. This guidance explains what employers must do to prevent illegal working in the UK by carrying out right to work checks on people before employing them to make sure they are allowed to work, and includes an online checking system at www.gov.uk/legal-right-work-uk
6. The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Oksana Sayed cannot demonstrate she can meet her commitments, there are no additional conditions that can help to promote the licensing objectives and ensure the premises are well run.
7. 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.
8. As such the licensing service support the Home Office recommendation made to committee to revoke the licence as:
 - This is the second times extensive illegal working has been found at the premises
 - The premises licence holder has been Lebaneat Yarm Ltd on both occasions
 - The DPS has been Oksana Sayed on both occasions
 - A male identified as working illegally has been the “manager” and left in a position of responsibility at the licensed premises on both occasions
 - Conditions targeted on preventing crime and disorder including the prevention of illegal working in licensed premises added to the licence in 2021 have not worked
9. The ability to work illegally is a driver of illegal migration. It leaves people vulnerable to exploitation and results in unscrupulous employers undercutting compliant businesses. It can also negatively impact on the wages of lawful workers and is linked to other labour market abuse such as tax evasion, breach of the national minimum wage and exploitative working conditions, including modern slavery in the most serious cases.
10. Additional information to support this representation is provided in the attached statement provided by Licensing Officer Elliott Beevers.

Signed: L Maloney-Kelly	Position: Licensing Team Leader	Dated:08/08/24
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Companies House Information

Search for a company or officer



[Advanced company search](#)

LEBANEAT (YARM) LIMITED

Company number **11252182**

Follow this company

File for this company

Overview

Filing history

People

More

Registered office address

**Unit 4 St. Johns Road, Meadowfield Industrial Estate, Durham,
England, DH7 8TZ**

Company status

Active

Company type

Private limited Company

Incorporated on

13 March 2018

Accounts

Next accounts made up to **31 March 2024**
due by **31 December 2024**

Last accounts made up to **31 March 2023**

Confirmation statement

Next statement date **9 July 2025**
due by **23 July 2025**

Last statement dated **9 July 2024**

Nature of business (SIC)

56101 - Licensed restaurants
56102 - Unlicensed restaurants and cafes
56103 - Take-away food shops and mobile food stands
56290 - Other food services

[LEBANEAT \(YARM\) LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](https://www.gov.uk/company-information.service.gov.uk/LEBANEAT-(YARM)-LIMITED)

Search for a company or officer

[Advanced company search](#)

LEBANEAT (YARM) LIMITED

Company number **11252182**

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[Officers](#) [Persons with significant control](#)

Filter officers

Current officers

6 officers / 5 resignations

[SAYED, Oksana](#)

Correspondence address

Unit 4, St. Johns Road, Meadowfield Industrial Estate, Durham, England, DH7 8TZ

Role	ACTIVE	Date of birth	Appointed on
Director		May 1989	1 November 2021

Nationality	Country of residence	Occupation
British	England	Company Director

[Advanced company search](#)

LEBANEAT (YARM) LIMITED

Company number **11252182**

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[Overview](#) [Filing history](#) [People](#) [More](#)

[Officers](#) [Persons with significant control](#)

1 active person with significant control / 0 active statements

[Mrs Oksana Sayed](#) **ACTIVE**

Correspondence address

Unit 4, St. Johns Road, Meadowfield Industrial Estate, Durham, England, DH7 8TZ

Notified on	Date of birth	Nationality
1 November 2021	May 1989	British

Country of residence
England

Nature of control
Ownership of shares – 75% or more

STOCKTON-ON-TEES BOROUGH COUNCIL STATEMENT OF WITNESS

(Criminal Procedure Rules 2020, r. 16.2;
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF: Elliott Beavers

AGE: Over 18

OCCUPATION: Licensing Officer

ADDRESS: 16 Church Road, Stockton-on-Tees, TS18 1TX

This statement (consisting of 5 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 2 day of August 2024 Signed *E.F. Beavers*

1. I, Elliott BEEVERS am a Licensing Officer employed and authorised by Stockton Borough Council. I have been employed in the Licensing Team since September 2021 and part of my duties is to investigate possible offences and conduct compliance checks in relation to the Licensing Act 2003.
2. I make this statement using notes from the Councils recording system in relation to my work with Lebaneat located at 48 High Street, Yarm, TS15 9AH.
3. On 19th October 2023 while working on another event in Yarm I visited Lebaneat alongside my colleague Polly EDWARDS to conduct a proactive check on conditions of the Premises Licence at the premises.
4. When we entered the premises, I spoke with the manager who I now know to be [REDACTED]
5. [REDACTED] could not operate the CCTV system and ended up ringing a number of people including the Head Office in Durham and the Designated Premises Supervisor (DPS) Ms Oksana Sayed.
6. After these calls [REDACTED] finally managed to access the system however the CCTV was only recording for 24 days rather than the required 31 days which was a breach of the following licence condition - *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*

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

**(Criminal Procedure Rules 2020, r. 16.2;
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)**

Continuation of Statement of: Elliott Beavers

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.

7. Also, [REDACTED] very much struggled to use and access this system, so I did not believe there was, at all times a staff member on duty who was trained in the use of the equipment as worded in the above condition.
8. Following this visit I had some email correspondence with the Head Office where I was advised on 14th November 2023 that the CCTV was now compliant with the condition.
9. On 22nd November 2023 I conducted my revisit to Lebaneat to check compliance with the CCTV condition. Again, I asked for the manager and was greeted with the male who I now know to be [REDACTED]
10. Again, he could not use the CCTV system to a good standard. He managed to access the options but struggled to get further.
11. [REDACTED] was told the password again from someone on the phone, which was a Z shape, but he could not manage to put this in. He seemed to be unsure what a Z was and was attempting to use the right side of the mouse instead of the left to click then trying both sides at the same time. It seemed he could not use a computer and therefore could not use the system.
12. After being on the premises for around 20 minutes I decided I had been there long enough and decided to access the CCTV myself. I noted the storage of the CCTV was now compliant going back to 18th October 2023, storing for 35 days.
13. I advised [REDACTED] that this is still a breach of condition as no one on the site was trained in the use of the system. He asked me if I can show one of his staff how to use it which I declined as I advised this is not my responsibly to do so. I advised him I will be following up in a letter and revisiting again to ensure compliance with the CCTV condition.
14. On 22nd December 2023 I again revisited the premises where I spoke with [REDACTED] in his position as manger. Another staff member joined us this time who I would describe as a female 18-20 years old.

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

**(Criminal Procedure Rules 2020, r. 16.2;
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)**

Continuation of Statement of: Elliott Beavers

15. Together they did manage to use the system without my assistance. I was satisfied on this occasion that someone was on site who was trained in the use of the CCTV equipment.
16. On 26th March 2024 at approximately 21:00 I entered Lebaneat alongside my colleagues from Home Office Immigration Enforcement.
17. The manager, [REDACTED] attempted to sit down acting as a customer however the officers from Immigration prevented him from doing so and advised they suspected him of working. I advised the officers from Immigration that I have dealt with this male on a number of occasions and know him to be the manager of the restruant.
18. Also, the staff were referring to [REDACTED] as the manager and asking him questions.
19. During this visit another 2 males who I now know to be [REDACTED] and [REDACTED] were also suspected to be working illegally.
20. Overall, 3 out of 6 workers in the premises were suspected not to have permission to work.
21. On 2nd April 2024 I visited Lebaneat in Yarm and spoke with the partner of the DPS who provided me with his name as [REDACTED].
22. During this visit I undertook a full inspection of the premises licence. Advice was given to [REDACTED] that the premises needed to get an incident book to comply with the following condition - *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.*
23. During this visit I also asked to check the HR System. I asked to see the previous managers employee profile, which was [REDACTED] one of the males suspected to be working illegally.
24. [REDACTED] profile was under the name of [REDACTED]. [REDACTED] instantly managed to match the name I had given him to the name ([REDACTED] [REDACTED]) to the name on their system ([REDACTED]).

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

**(Criminal Procedure Rules 2020, r. 16.2;
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)**

Continuation of Statement of: Elliott Beavers

25. I checked the photo ID recorded on the system, the ID looked to me to be someone else's ID with a photo of [REDACTED] photoshopped on top. I informed [REDACTED] about this he said something along the lines of they are always trying new things and it's hard for us to spot it. From this I assumed he meant people try new ways to get employed without right to work.
26. I advised him it wasn't hard for me to spot, and the ID looked fake. I asked who checks documents and [REDACTED] said the HR team.
27. I requested CCTV from 22nd March 2024 to 26th March 2024 which would show the three males working.
28. On 5th April 2024 I revisited the premises and collected this footage.
29. On 25th April 2024 my colleague Polly EDWARDS and I travelled to the Lebaneat Head Office, which is located at Unit 4 St. Johns Road, Meadowfield Industrial Estate, Durham, England, DH7 8TZ. The purpose of this visit was to interview Ms Oksana Sayed as the DPS and sole director of Lebaneat (Yarm Ltd) the company which holds the premises licence. I exhibit as evidence a transcript of interview as EB1.
30. During this interview [REDACTED] informed me about a HR team which they have had since March 2023 and are based in Dubai. I was advised that [REDACTED] or another manager would check that the photo on the ID is the same person that is in front of them, then complete the new employee checklist which is sent to Dubai to the HR team.
31. When asked in relation to the length of employment of the illegal workers [REDACTED] advised 'It's about one month and a half. One month. Some of them one month, some of them one month and a half.' He then went onto check paperwork for [REDACTED] (known to them as [REDACTED]) which showed his date of employment was 29th September 2023.
32. [REDACTED] went on to say 'This is the date he applied for employment, but he worked in the, I think, end of February.' I advised I had spoken to [REDACTED] in October so he can't of not started till February.
33. [REDACTED] said 'Yeah, yeah. He made, I think, a few shifts in September and October. End of September and October, and it depends if they are on the rota. Sometimes we quiet week, we don't have, like, enough business. So, they haven't been work full time, but we hired him in September.'

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

**(Criminal Procedure Rules 2020, r. 16.2;
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)**

Continuation of Statement of: Elliott Beavers

34. During the interview I was shown a number of documents by [REDACTED] relating to employment checks, including new employee checklist for all three of the males arrested by the Home Office. He allowed me to take these away for further review.

35. I exhibit the paperwork given for [REDACTED] (allegedly known to Lebaneat as [REDACTED]) as EB2

36. I exhibit the paperwork given for [REDACTED] (allegedly known to Lebaneat as [REDACTED]) as EB3.

37. I exhibit the paperwork given for [REDACTED] (allegedly known to Lebaneat as [REDACTED]) as EB4.

38. I am not an expert on inspecting documentation, but all three of the IDs provided look like the pictures the employees have provided to complete the new employee checklist which then looks as though these have been edited onto the someone's ID, creating a counterfeit right to work document.

39. I visited Lebaneat again on 2nd August 2024 and I spoke with the new manager, [REDACTED]. I showed him the photo that Lebaneat had provided to me of [REDACTED] (EB4) and asked if he knew where the photograph was taken as I believed it to be inside the restaurant. He said it looks like the toilets and when I entered the toilets, I do believe that is where the photo was taken. I produce photos I took of this area as EB5.

40. This contradicts what [REDACTED] claimed when he stated that people are always trying new ways to get employment when they do not have right to work as the photo on the 'fake ID' was taken at Lebaneat.

STOCKTON-ON-TEES BOROUGH COUNCIL

TRANSCRIPT OF RECORDED INTERVIEW

Persons Interviewed: Oksana SAYED and Ahmed Mohammed HUSSAIN Time Commenced: 15.08 hrs
 Place of Interview: [REDACTED] Master CD Number(s):
 Date of Interview: 25 April 2024
 CD Reference Nos: ESD/1765
 Interviewing Officers: Elliott BEEVERS and Polly EDWARDS

Signature of Officer Preparing Record

Exhibit Number.....

Identifying Mark

This record consists of 20 pages is the exhibit referred to in the statement made and signed by me.

Signature

Times	Initials	
	EB	This interview is being audio recorded. This interview is not under caution. This interview is to assess the premises licence at Yarm and ask you some questions about that. Please be aware, we may share anything said in this interview with third parties, where appropriate. This interview is taking place in the Meeting Room at [REDACTED], which is the head office of Lebaneat. The date is 25 th April 2024 and the time is 15.08 in the afternoon. I am Elliott Beevers and I am a Licensing Officer employed by Stockton-on-Tees Borough Council in the Licensing Service. I'm based at 16 Church Road, Stockton-on-Tees. The following officer present is ...
	PE	Polly Edwards, also a Licensing Officer, based at the same address.
	EB	For the record, can you identify yourself stating your full name, please?
	OS	My name is Oksana Sayed.
	EB	Your home address?
	OS	[REDACTED].
	EB	And your date of birth?
	OS	[REDACTED]
	EB	And your position in the company, please?
	OS	Director.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	EB	Yeah, and please can you identify yourself as well, please, stating your full name?
	AMH	Yeah, my name is [REDACTED].
	EB	Yeah, and your home address?
	AMH	[REDACTED].
	EB	And your date of birth, please?
	AMH	[REDACTED].
	EB	Yeah, and your position in the company?
	AMH	Manager. Operations Manager.
	EB	Yeah. Just for the benefit of the tape as well, Oksana's colleague has mentioned that Oksana was actually away between the dates of approximately October 2023 and March 2024, so he might be better placed to answer any questions. Any question will be directed towards Oksana, but she has been informed if she is not too sure, she'll let us know and we can possibly redirect that question. At the end of the interview, I'll give you a notice explaining what will happen to the CDs and how you can obtain a copy, if needed. Do you agree there is no one else present in the room, apart from everyone who's identified themselves?
02:01	OS	No.
	EB	Yeah. And can you confirm the CDs being used in this interview were new and unsealed in your presence?
	OS	Yes.
	EB	Yeah. So, prior to the recording machine being switched on, I explained to you the reason for the interview is in relation to a joint visit between Licensing and our colleagues in Immigration from the Home Office, whereby three males were found to be working in the Lebaneat branch at Yarm, with no right to work. The interview is not under caution, but I should let you know, you're free to leave at any time, you may ask for a break at any time, and you may ask to consult with a solicitor at any time. Do you wish to seek legal advice?
	AMH	No.
	OS	No.
	EB	No. And is there a reason why you don't want to?
	AMH	Nothing to say.
	OS	No reason yet.
	EB	No reason yet.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	OS	Yeah.
	EB	That's absolutely fine. This interview is being conducted in accordance with the Codes of Practice of the Police and Criminal Evidence Act 1994. A copy of these Codes of Practice can be available for you to consult on at any time. So, a joint visit with Immigration Officers was carried out on 26 th March 2024. During the visit, this located three people working illegally in the Yarm branch of Lebaneat, which was an intelligence-led operation. The people found to be working illegally was [REDACTED], who was the manager, [REDACTED], who was kitchen staff, and [REDACTED], kitchen staff with no permission to work. Can you confirm these people were employed by Lebaneat to work in the Yarm branch?
	OS	[Inaudible]
	EB	I'm going to direct the question to Oksana. If you're not too sure, Oksana, could you let us know and obviously we can ...
	OS	Yeah, I'm not too sure.
	AMH	Okay, the name you provide me now, okay, this is ... I don't know these names. The names which was working with us, the one I provide to the Immigration which the name, the ...
04:09	OS	Yeah.
	AMH	I've no idea.
	EB	Okay. So, are you indicating they've obviously give you false names. Is that right?
	AMH	Sorry?
	EB	So, are you indicating that they've given you false names when they've come to work with?
	AMH	Yeah, they ... yes, yes, they provide me with different ID, different, sorry, different name.
	EB	Yeah.
	AMH	And the ID. If the name what you say now and during the Immigration visit, when they checked them, they found they have different name.
	EB	Yeah.
	AMH	And I informed, I think the application to the Immigration, okay? And I provide the Immigration all the documents. The starter checklist and everything we supposed to do when we hire new staff.
	EB	Was that after they were found to be working illegally, or was that at the time of employment, did you send that to Immigration?
	AMH	No. I think this one was recently after.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	EB	Yeah, so after they were found to be working illegally to say who they were, is that right?
	AMH	Yes.
	EB	Yeah. Okay. Okay, so were these people employed while Oksana was away? Is that correct?
	AMH	Yes.
	EB	Okay. So, how long were they working at the company for?
	AMH	It's about one month and a half. One month. Some of them one month, some of them one month and a half. Have you got the date there? You've got the dates bit, yeah?
	OS	No. Is this it? One second.
05:57	AMH	Yeah. Okay. [Pause] The second one.
	OS	And where is that?
	AMH	There we go.
	EB	Thank you. Okay. Have you got any documentation that shows when these people started work for you?
	AMH	Yes, the digital one I showed you.
	EB	Yeah. Have you got that available today?
	AMH	Yes.
	EB	Yeah. Would you be able to show me?
	AMH	Yeah.
	EB	So, for example, shall we have a look at the digital one for [REDACTED]. I appreciate that's not the name you've got on the system.
	AMH	Yeah.
	EB	But, as far as I'm aware, he's the manager, or he was the manager of the Yarm branch at that time.
	AMH	And the name?
	OS	This one says different [inaudible]. [Pause] You need it to be printed?
08:17	EB	No, no. If we can see it on the online one, that's fine. I'm just curious of the start date of them males, that's all. 'Cause obviously, if they were employed while you were away, it probably is more appropriate to ask your partner these questions.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	AMH	Right. Okay. [REDACTED]
	EB	Yeah, so that's the male I know to be the manager, so the name he's give you is, is his first name the second one?
	AMH	[REDACTED].
	EB	[REDACTED]. Okay, so, the false name he's provided you with is [REDACTED]. So, is that the date of his employment there, 29 th September 2023? Is that correct?
	AMH	29 th September 2023.
	EB	Yeah.
	AMH	Yeah.
	EB	Would that be the date of his employment? Is that right?
	AMH	This is the date he applied for employment, but he worked in the, I think, end of February.
	EB	Okay.
	AMH	And this one. 'Cause we were quiet, we didn't.
	EB	Okay, because, as far as I'm aware, that male's been there at least since October, 'cause I made a visit in October and I've spoken to him.
10:01	AMH	Yeah.
	EB	Yeah.
	AMH	Yeah, yeah. He made, I think, a few shifts in September and October. End of September and October, and it depends if they are on the rota. Sometimes we quiet week, we don't have, like, enough business. So, they haven't been work full time, but we hired him in September.
	EB	Okay. And so, did he work in a different branch when he wasn't working at the Yarm branch?
	AMH	No.
	EB	No. He just was out of work.
	AMH	Yeah, yeah.
	EB	Okay. So, you might be able to answer this question for us, Oksana. Regarding your right to work checks, so when you're looking to employ somebody, and obviously you might have a different process, but you know a standard process for getting a job is probably you advertise a job, so it might be, for example, you know, kitchen staff at your Yarm branch. You probably put that out there somewhere. You get a number of applicants. You probably conduct interviews.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

		From there, when you are looking to employ somebody, if you think they're the right person, how would you go about carrying out them right to work checks?
	OS	We have [inaudible] forms. We have [inaudible] forms and then they have to ...
	AMH	Fill the start out.
	OS	... fill the starter, I mean not the start ...
	AMH	Checklist.
	OS	... the new employee checklist, okay? And then this goes to the ...
	AMH	The file.
	OS	This goes to the file and then this person who is responsible to check the staff after check it, if everything's been okay.
	EB	So, who's the person responsible to check?
	OS	[REDACTED]
	AMH	Yeah, it's now, before we used to do ourself.
	OS	Yeah.
	AMH	Now we have HR and head office in Dubai.
	OS	Yes.
	EB	Right.
	AMH	Okay? So, if we want to hire someone, okay, we ask them for their ID and postcode and National Insurance number.
12:09	OS	Yeah, so they ...
	AMH	And we fill starter checklist for him. We check the picture that's in the ID. The same picture is the person who is in front of us, then we keep everything in file. That's the one I showed you the other day when you came in, the police is there.
	OS	This one.
	EB	Okay. So, were you mentioning there, that responsible person is possibly over in Dubai in your HR Team, is that correct?
	OS	Uh-hmm.
	EB	Okay. So, you check the picture, make sure it's the same person.
	OS	Yes.
	EB	And then this is sent to Dubai for the ... so, what do they do? They do Home Office checks?

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	OS	They send ...
	AMH	What do you do Home Office check? How do you do a Home Office check?
	EB	So, I believe there's like a check code you can get which then you go on the Home Office website.
	AMH	In the starter checklist, from our side, we need to check the person in physical, the ID, the National Insurance number, it's the same picture from there. We just send the information to the head office in Dubai, okay, and they keep the record in file which is the digital one that I showed you now.
	EB	Okay. How long has your head office been in Dubai for? Or your HR Team.
	AMH	March last year?
	OS	March last year, yes.
	EB	March 2023.
	AMH	Yeah.
	EB	Okay. Mr [REDACTED], this might be a question for yourself. Obviously, when I attended the Yarm branch and met with you for the inspection, which obviously we've touched on previously, when I put them names to you, you were able to locate them people from their fake names. How were you able to do that?
14:09	AMH	Say again.
	EB	So, when I've give you them names that I give you before, do you know the fake names that you're saying they give. So like, for example, [REDACTED] who was the manager.
	AMH	Yeah.
	EB	Yeah. How come, when I give you them names when I was in the store, how were you able to match them to their real name?
	AMH	No, I only know this is a fake name after the Immigration check.
	EB	Okay.
	AMH	I didn't know that. If I know this is fake name before the Immigration check, I wouldn't hire him in the first place.
	EB	Okay. So, you only knew that was a fake name because you knew that person was working illegally, so you matched them through that.
	AMH	Yeah, because Immigration inform us that these people have not the right to work and they sent us a form to fill all the information they provide us and copy of the ID and passport and National Insurance number.
	PE	Immigration sent you that.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	AMH	Yes.
	EB	Okay.
	AMH	And we send them there. We sent in WhatsApp. She sent in the WhatsApp?
	OS	No, this one?
	AMH	This one, the WhatsApp? Okay, do we want this one?
	OS	Same thing.
	AMH	Yes. They sent us this form. Okay?
	EB	Oh, right. So, Immigration sent you a form to fill out. Okay.
	AMH	Yes. Yeah.
	EB	That's fine. Okay.
	PE	Is that one form per employee or does it cover them all?
	AMH	No, it was ...
16:00	EB	It covers them all.
	PE	Does it? Yeah.
	AMH	It covered them all three.
	EB	Yeah. Okay.
	PE	So, you've completed that and sent that back to Immigration.
	AMH	Yes.
	PE	And did you send ...
	AMH	We sent ...
	PE	Sorry.
	AMH	We sent them copy of the ID, we sent them the National Insurance number, we sent them the payroll summary that has been working and registered with us. We sent them the payslips. We sent them, like, everything relevant.
	PE	Everything.
	EB	Okay. So, Oksana, I think you can obviously answer this question as well. We are aware, obviously, there has been problems in the Yarm branch in our local authority area with Immigration issues as well as the Durham branch and where there's also been issues there. So, what have you done since them issues to sort of rectify any problems in your chain of checking right to works? Has there

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

		been any amendment made to that?
	AMH	Yes.
	OS	There was amendments made. We ...
	AMH	All the starters checklist.
	OS	Yeah, we have a starter checklist and then we send it to the office to doublecheck them and then that's it.
	AMH	No, he mean ... I know what he mean. You mean like, okay, if we add any more checks after their previous visit in 2020?
	EB	Yes. So, I mean before, obviously there was problems. Something wasn't working. What I'm asking is, what has been put in since ...
	AMH	Yes.
	EB	So, for example, has that HR system in Dubai been implemented since? Was that supposed to make it better?
17:36	AMH	Yes. We have, before 2020, we're having to carry the right check as the Home Office wanted, okay, because we haven't been aware. Then when that happened in 2019 or '20, they told us about how to check them properly and they told us about a starter checklist and the ID and they told us, okay, to make sure check the picture is same picture of the person in front of you and the National Insurance number and we put them in the payroll straightaway and we check them with our legal accountant with like the payslips and stuff like that.
	EB	So, obviously, I appreciate you've put in measures since your previous issues. Obviously, something still isn't working because there has been, you know, as I said, it was only last month, you know, there's been more issues found. Could you manage to put a finger on how that's happened, or is it just through the fake names? Obviously, I know you mentioned before during our visit, but have you identified anywhere along that line where it could've gone wrong again?
	AMH	Right. It's not possible for us to know if the person is have, if he's the name he provided for us, if this is the right name or not because we need it from you or from ... that's why we ask the Immigration. We need the system so we can send you the ID with the name and with the picture, you know what I mean? So, because you the only one who can tell the Immigration, the only one who can tell if this name, this person. But if you came to me now and you gave me your ID and your ID has got your picture and it's got your name next to it or any name, I can't tell if this is your name, or not your name, and sometimes embarrassing to ask the person, this is your name?
20:17	PE	If they're giving you National Insurance and ID, do you check that those all match?
	AMH	Yes. The National Insurance and the names all was matching. All was matching.
	PE	So, they had a ...

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	AMH	The name in the ID and National Insurance number, this was matching, but the one after the visit, obviously, was they said, okay, they have no right to work. The Immigration provide us with a different name for this three person who was working. Then we, I don't know what I should do, like, with this one, unless you give me any sort of system, so anyone we employ new, we can send you all the ID, full ID with the picture and with the name.
	EB	Yeah. So, obviously, for us, it would be down to the business, and again, it's not for us to enforce the Immigration laws. Obviously, we're here in relation to the premises licence, but in relation to that, obviously, it would be for the business to make sure that people have right of work. We also deal with other parts of licensing, such as taxi drivers, who are required to have a right to work, so we check that. I've seen a right to work check where someone's ... you know the check code I was referring to before? So, that gets sent off. A picture comes back of the person and it says what type of right to work they have, you know. If they're a student, if they can work full time, something like that, so what I can't quite understand is if you've carried out that check and you look and you think, you know, even if they give you a fake name and the fake name has a right to work and you look at that photo, that person in front of you is not gonna be the same person.
22:06	AMH	How do you do this?
	EB	So, as I've explained to you before, so if you go on the Home Office website, you can get like a check code. So, this person gets a code. You basically send it off to the Home Office, they do a check to see if that person's got a right to work, and then you get something back that says ... it's a couple of boxes, it's got a photo of them and their name and it says, you know, if this person's got a right to work or not. I couldn't show you one, 'cause obviously, it would have somebody else's information on.
	OS	Yeah.
	EB	But I can tell you what information that holds, if you just give me two seconds and I'll find out for you.
	AMH	So, you mean when someone is coming new to, okay, you put the name in this website, then the name is come back to you with the picture?
	EB	I think, as far as I'm aware, I think that person who you're employing has to like generate their own code, 'cause obviously it's their information you'd be accessing, but obviously, if they don't provide it to you, then you don't employ them. So, they get you like a code, I think, which you put onto a website, which will then generate their information from the Home Office's data and it will bring up a picture of them. I'm just trying to find you one now. Again, I won't be able to show you, but I can tell you what information that would hold.
	OS	And how they generate the code? Does it explain?
	EB	So, it's just online.
	OS	Ah, [inaudible].
	EB	Yeah, so, it's just online on the Home Office website. Let me just find this one.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	AMH	So, every person has a code?
	EB	Yes. So, I think you have to generate a code. So, they generate their own one and say, I'm looking to be employed. My employer requires me to carry out a right to work check, and then they will get their own code which they will give to you and you can put it into this portal, or this website, which will then generate this right to work check.
	OS	Okay.
	AMH	Okay. And this right to work to check is gonna generate you the name and the picture, yeah?
	EB	Yeah, that's right. So, I've got one here. Again, I couldn't tell you the details of it, 'cause obviously it's somebody else's.
	AMH	I wouldn't know, eh.
	EB	Yeah, and so it says "Our Response", so it's an Employee Checking Service, ECS, and then they send it back and it's UK Visas and Immigration. So, the first thing is, who have we checked and what type of work. So, it'll give you their name, their date of birth and their nationality. Then it'll say, "The outcome of our check", so for example if they have no right to work, it'll say "This person does not have right to work in the UK". Then it'll say, "Reason for that", you know, whatever reason they cannot work, what this means, ensure compliance and if you need further information then obviously you can check that to whatever, you know, that person in front of you.
24:33	AMH	Yeah, but I mean, the answer from the Home Office is gonna be with the picture. So, you can compare the picture and the name together.
	EB	Yes. As far as I'm aware it was. That one I pulled up there wasn't, but from what I've been told, as far as I'm aware, you do get a photo with that as well.
	AMH	Okay.
	EB	Yeah, but we just need to make sure things are matching up, but obviously if you guys aren't doing that and it's been done in Dubai, maybe something needs to be thought about, you know, is that not the right way to go about it. Again, as I told you before, I'm not here to tell you how to run your business. I'm here, essentially, for this premises licence.
	AMH	Alright.
	EB	But, you know, it's a bit of advice. Obviously, something's not working.
	AMH	Yes.
	EB	You know, there's been three people found to be working illegally. It's not the first time it's happened, so I think you do need to look at, sort of, you know, where it's going wrong, basically. So, you're saying to us the checks are being carried out. You do your checklist, take ID, National Insurance number, etc, then send that information off to your responsible person to do them checks in Dubai in your HR. Is that correct?

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	OS	Yes.
	AMH	Yeah.
	EB	Yeah. Thank you.
25:32	AMH	Okay. I have a question as well, because, okay, when we hire these people, okay, they have National Insurance number, okay? Then we send the National Insurance number to our legal accountant, okay? But the legal accountant, okay, usually, and this has happened with us before, sometime they say okay, there is error with the National Insurance number. There's something wrong. Okay, they don't tell us, okay, exactly what's wrong, then we don't take them for work, okay? And the one we send, okay, it's some of them is because we have all the people. Everyone come and ask for work and sometime, you know, people coming through the door with the CVs and stuff like that. Okay? So, usually the accountant, our legal accountant, he say if there's anything wrong with his employment, National Insurance number or anything. But, for this one, okay, this was everything okay and they generate all the payslips for them. Okay? And the tax code and everything, da-de-da. Okay? I really, it's ... sorry, the payslips here as well. Okay? And this is the other one and another one in there. So, we send it, like, actually everywhere there.
	EB	Right. Yeah. Okay. Thank you.
	AMH	You can keep some if you want.
	EB	Do you want to keep them?
	PE	Yeah, I was gonna say, I'm keeping a pile here, so I've got ...
	EB	Yeah. Is it okay if we take these?
	AMH	Yes, yes, completely.
	EB	Yeah? Thank you.
	PE	Oh, thank you.
	EB	Thank you. Do you want to make sure they're in the names, 'cause there's different people there?
	PE	Yeah.
	EB	Right. Yes, if you have got any evidence for us to take away, you know, that might be useful for us. So, if you guys have got copies of these things, we would be more than happy to take these away that we could possibly use. Would you be happy for us to take them as well?
28:08	AMH	Yes.
	EB	Them photos?
	AMH	Yes. No problem.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	OS	Yeah.
	AMH	And we take picture, yes.
	PE	Thank you. Are these pictures you've taken or the ones they have provided?
	AMH	No, this one we took.
	PE	You took them.
	AMH	[Inaudible]
	PE	Right.
	AMH	This one they provided, this one.
	PE	They provided these.
	AMH	Yeah.
	PE	Thank you.
	EB	Okay. So, since this finding on 26 th March, have you made any amendments or have you as a business decided this is because you were given fake names. So, my question probably is, if you were given fake names in the future, what's gonna happen, basically?
	AMH	We waiting for the response from the Home Office regarding this. Okay? And obviously you, if you want to for any more, if you want us to put any more checks in place, no problem. End of the day, we don't want this to happen. We have more than a hundred member of staff across the business.
	PE	Do you still have, is it two premises, or have you got more now?
	AMH	I got four.
	PE	Four?
	AMH	Four premises.
	EB	Okay.
	AMH	Yeah.
	EB	Right.
	PE	Where are the other? You've got Durham and Yarm.
	AMH	I got Durham and I got Yarm and I got Sunderland.
	PE	Yeah.
	AMH	Two in Durham.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	PE	Two in Durham.
	AMH	Yeah.
	EB	Two in Durham.
	OS	So, what is, you know, the picture generation? So, is anyone, like, anyone who wants to work anywhere, you have to now generate pictures?
30:06	EB	So, we do that in the sense of us as a Licensing Authority for our taxi drivers, cause it's our responsibility to check that.
	OS	Yeah. Okay.
	EB	To obviously make sure we, everyone who's gonna be a driver is gonna have the right to work. If you guys, obviously, I believe is my understanding as the business owner, you just need to make sure that person's got a right to work.
	OS	Okay.
	EB	So, for example, if they've got a British passport, I'm pretty sure that means that they have got a right to work, but obviously, if it's another nationality, you might need to go down that route.
	OS	Okay.
	EB	Again, I can't confirm everything I've said about that check code is correct 'cause, you know, I don't complete them. I'm just going off what I've seen. It might be worth, just a bit of advice, to look further into them going forward so you can carry them out.
	OS	Okay.
	EB	Yeah.
	PE	They can give you like a share code that you can check online information on there. So, you just look. If you just goggle "check someone's right to work", it brings up the government sites and there's links on there of what to follow. So, you can find it on there how you can do those checks.
	EB	Yeah. Okay.
	AMH	Do you have this link?
	EB	I believe if you just go onto the Home Office website, you know, if you search online "Home Office Right to Work check code". I'll have a look now for you. It'll probably come up.
	AMH	Okay.
	PE	So, you can get this. So, you can do "check an applicant's right to work", so then they can share codes with you and check original documents.
	AMH	Okay. So, just, where is the ID? Okay. If you don't mind, can you check one of

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

		these one and we try like, for example?
	PE	I think they have to give you a share code, don't they?
	EB	Yeah.
	PE	Yeah.
	EB	So, I think what has to happen, that person generates a code, then they give that to you which you put into the system.
	OS	So, they have to do themselves, like application form.
	PE	Yeah.
	EB	Yeah. So, they generate the code, but they don't put it in to the system.
32:03	OS	Okay.
	EB	They then give that to you, which you check in the system.
	AMH	Right. So, that's mean anyone who's gonna come and apply for a job now, we ask him to provide us a code first.
	EB	I can't make you do that. I would recommend you do as many checks as you can to ensure everybody who you are employing has a right to work.
	OS	Okay.
	PE	So, there's a link there, "Prove your right to work to an employer", and it gives all the details. That's what your potential employee should be going through this process. They then give you the information which you can then follow up.
	AMH	Okay. So, basically, when someone is coming ask for work, we tell them okay, we need this code.
	PE	Well, that's one way of checking the right to work. You've got to make sure they have right to work and that onus and responsibility is on you as an employer.
	AMH	Yes.
	PE	So, that is one of the ways that you can check someone's right to work, so if they're not a British Citizen, 'cause if they're a British Citizen they've got a British passport. Provided that's legit, then you can do the checks through this system. There's various systems to do, but the best thing to do is do ... I mean, speak to your HR as well, 'cause they should be the ones giving you the appropriate advice for recruitment to make sure that you're following all the rules and regs.
	AMH	Okay.
	PE	But you can, yeah, you can search online and as long as you're getting a government website that's giving you the appropriate advice of how you check, but that person who's applying has to provide you with that information upfront.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	OS	Okay.
	EB	Okay. Can you just confirm, Oksana, is your personal licence you hold, is that with Durham?
	OS	Yes.
	EB	Yes. Okay, that's fine. So, obviously, that personal licence allows you to authorise other people to sell alcohol. It allows you to be the designated premises supervisor of a premises. Obviously, your personal licence isn't with Stockton, it's with Durham. Obviously, we pass the information on to them, just obviously in relation to that. Just to let you know, 'cause obviously, if there has been offences committed and you're responsible for alcohol sales or providing them right to works, obviously, we have to pass that information on. So, just, obviously, let you know about that. So, following this, what's most likely gonna happen, it was in the press last week, I believe. I'm not sure if you've seen it or not. Immigration have indicated to ourselves that they will be applying for a review of your premises licence in Yarm, similar to what happened in 2020 when that went to a hearing, so that looks like it's probably going to happen again.
34:24	AMH	But what happened in 2020, Oksana wasn't the director in that time.
	EB	Yeah. So, she was still the DPS. So, she was a Designated Premises Supervisor. So, she was sort of in charge of the alcohol sales, as far as I'm aware.
	AMH	In 2020 I was in charge.
	EB	So, have you got a personal licence?
	AMH	Yes, I have.
	EB	Okay. I mean, I can't check our system at the minute.
	PE	I'll see if I can.
	EB	Yeah, but as far as I was aware, it was Oksana. But, at the minute, that's not too relevant anyway, because obviously her personal licence isn't with ourselves.
	AMH	Yeah. What I mean, okay, you come and Oksana now. Okay, you say this is the second time. This is the first time for her. This is the second time, 2020, it was two different directors completely altogether, if you checking Companies House ...
	PE	Companies House.
	AMH	... you're gonna see that. 2020, '21 and she's became director, I think, in '21, July '21.
	OS	Yeah.
	EB	Okay. That's fine. I'm just giving you the information I've been passed on to. Based on how it works, as a Licensing Authority, we facilitate the review. We can apply for review as an authority, but one of our responsible authorities,

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

		which is the Immigration Service, or the Home Office, they have indicated to us that they'll be applying for that. So, obviously, that'll be a huge take-up with them, because they're gonna make that application, as far as I'm aware. That's what they've indicated for ourselves. So, it wouldn't be us carrying that out. We'll be facilitating it, but they'd be putting that application in for that review.
	AMH	Okay. That's fine, but this is not coming after the answer that lie from the Home Office, because we send them now all the information and they should, okay, reply to us and say if we've done the right things or not.
36:12	EB	Yeah. So, obviously, again, as far as I'm aware, we don't deal with the Immigration offences. Immigration offences are listed under the Licensing Act and, obviously, if any are committed on licensed premises, that normally does prompt a review anyway. So, basically, all I'm informing you is that it's likely there is gonna be review of your premises licence. Again, if you have any issues with that, you can obviously explain that at the hearing. You will be given the papers that will be provided at the hearing and, obviously, if there's anything further, obviously, you can contact the Immigration service. I can tell you the application hasn't been made yet, for that review, but the indication that we've got from the Immigration service and from what we've seen in the press, that will be coming in to us shortly, I assume. Okay, so just to make aware, that'll be coming in. So, obviously, following that ...
	AMH	I thought, when you check, you make all the check with us and you see, okay, all the checks we done, because I don't think we like ... I think we've done all the relevant check we've been told by the council and Immigration for.
	EB	Yeah. So, when I came before, obviously, I checked your premises licence. I checked the conditions on there. Everything was compliant apart from the incident book. Obviously, you've since rectified that and showed me your incident book, that's fine. Obviously, at the minute, we're speaking about these Immigration offences. Obviously, as far as I'm aware, there has been Immigration offences committed. Three people have been found on the premises without a right to work which, obviously, again, as far as I'm aware, we don't deal with the Immigration offences, but it's up to you guys, as an employer, to make sure them people have got that right to work. Again, all I'm telling you is Immigration have indicated to ourselves that they'll be applying for review of your premises licence. So, again, you'll have the time to speak. You can obviously say, you know, if Oksana wasn't the DPS, wasn't the director at the time, you can obviously put that forward and, obviously, give your legal advice. Does that make sense?
38:05	AMH	What do you mean, Oksana wasn't director at the time? Oksana was director during this last visit.
	EB	Yes. No, so, I mean the previous time. So, obviously, I appreciate Oksana was director this time, but I think you just indicated there, Oksana wasn't the director before.
	AMH	Ah, you mean ... okay.
	EB	So, you're saying it's her first time.
	AMH	Yeah, yeah.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

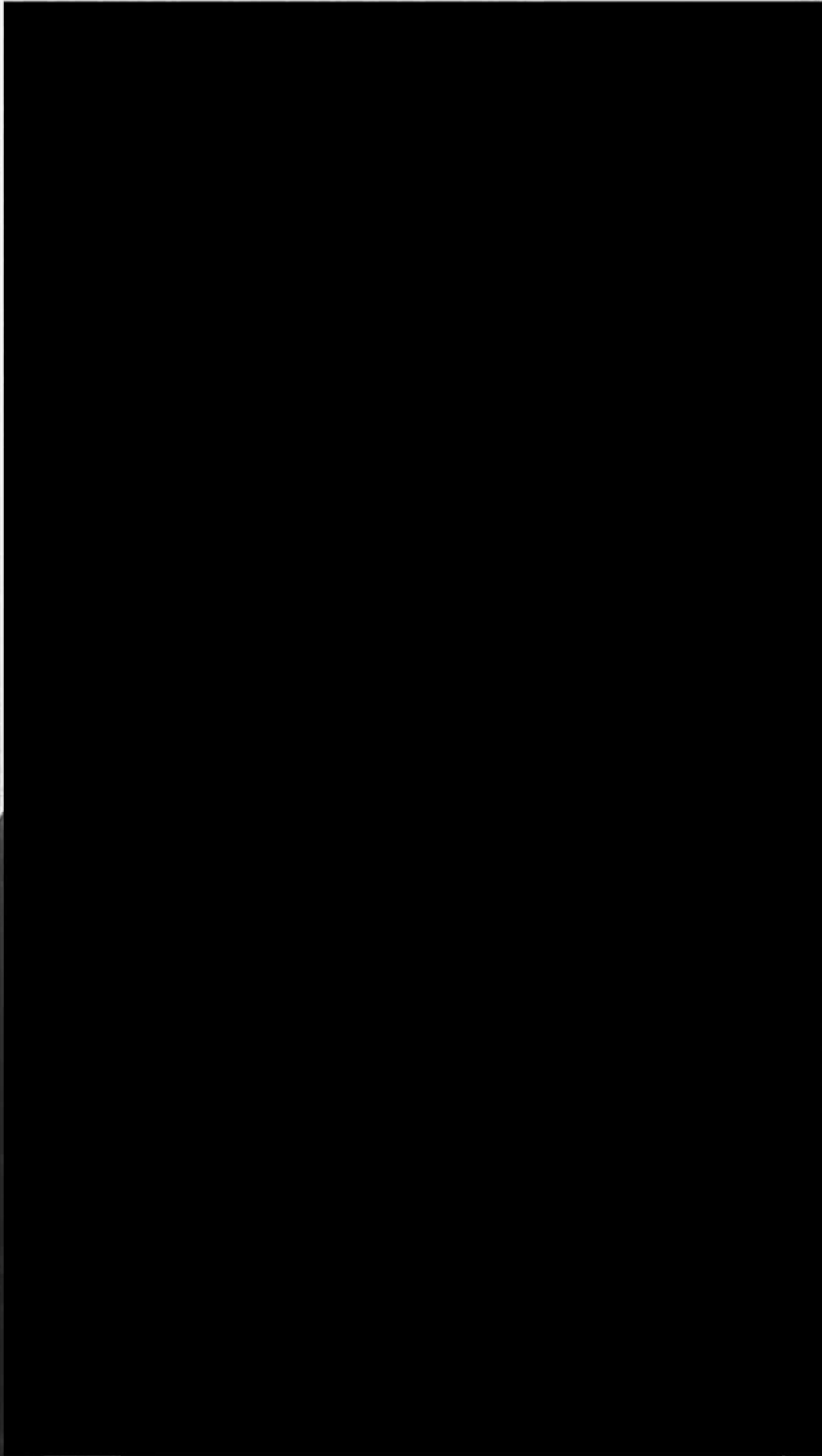
EB	And you feel like that might be a mitigating factor, obviously, you can put that forward and tell the Committee. Obviously, ultimately, it's probably gonna end up at review and the Committee are gonna make their decision. Obviously, I can't tell you what that's gonna be. That's why we have the Committee there so they make the ultimate decision. Obviously, if there is anything you aren't happy about for that, you can, obviously, put that right of appeal in, which I think last time there was an appeal received. So, just to let you know, obviously, just to be open and honest, that's probably the route it's gonna go down. Does that make sense?
AMH	Yeah. It's okay.
EB	Yeah. Okay? Have you got any further questions before we conclude the interview, Polly?
PE	No, not on this.
EB	Right. Okay. So, right.
PE	Can I just clarify your address, please, Oksana?
OS	My home address?
PE	Yes.
OS	Yes. It's [REDACTED]
PE	How are you spelling that? [REDACTED]
OS	It's [REDACTED]
PE	Yeah.
OS	[REDACTED]
PE	Is that it? Yeah.
EB	Yeah.
OS	One second.
PE	Yeah.
OS	Just one second. You confuse me.
PE	[REDACTED]
AMH	It's [REDACTED] yeah.
PE	[REDACTED]
OS	Just two second. Yeah, you can take this one.
PE	Thank you.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

	EB	There's an [REDACTED].
	PE	There's an [REDACTED] on the end.
	EB	Yeah.
	PE	Got it.
	OS	Yeah?
	PE	I'll give you that. And then, what's the postcode again, sorry?
	OS	[REDACTED]
	PE	Yeah?
	OS	[REDACTED].
40:03	PE	Lovely. Thank you.
	EB	Great. So, have you got anything to clarify, Oksana, before we end the tape?
	OS	Do not have anything to clarify.
	AMH	We just, okay, from the point I want you to confirm with me that's okay if we, with the licence condition, if we make the licence condition with all our check or not?
	EB	So, as far as what I've seen, from enforcing the conditions, you have a HR system in place. I haven't got the conditions in front of me. It was something about having your HR system in place. You obviously have the app in place where you have your check codes and you do your checks. The other condition was in relation to ... I can't remember what the other one was. Are you having a look now? Yeah. It's just the two at the end after the hearing about the HR system. Right at the end.
	PE	So, "Right to work check should be conducted on all potential employees prior to their employment in any capacity at the business. Checks shall be in accordance with the Home Office Code of Practice for employers at the current time and the premises licence holder will operate a full digital HR management system where all relevant documents are stored for each individual member of staff. All relevant documents and members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, Immigration or licensing officers on request".
	EB	Yeah. So, obviously, when I carried out the inspection, I've seen the documents and, from what I can see, that's okay. Again, I'm not an expert in carrying out right to work checks. Obviously, again, people have been found on the premises that have not got a right to work. That's for Immigration to enforce. Obviously, I'm asking you these questions in relation to your premises licence. So, yes, as far as the licence conditions, from what I can see checking them, that looks fine. But obviously, something hasn't gone right with these three people, and obviously, that's why we're here essentially. Okay. Have you got anything else to clarify before we end the tape?

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF OKSANA SAYED AND AHMED MOHAMMED HUSSAIN

42:05	AMH	No, thank you.
	OS	No, thank you.
	EB	No. Okay. Thank you. So, I'm now handing you the Notice to Persons Being Interviewed. So, this tells you how you can get a copy of one of the discs, if you'd like one. So, could you just read out the handwritten bit on the top there, just to confirm receipt of that document, please?
	OS	Is that "T"?
	EB	Yeah, just that bit. It's an "E".
	OS	E?
	EB	Yeah.
	OS	Okay, so do I have to write CD reference now?
	EB	If you can just read out the handwritten bit for us. Just that bit there.
	OS	Okay. This notice.
	EB	No, just this bit here.
	OS	Okay.
	EB	Just that bit.
	OS	So, that ESD 1765.
	EB	Yeah. Thank you. Okay, so the time is now 15.50 and the interview is concluded.



RESIDENCE PERMIT

NAME

[REDACTED]

VALID UNTIL

[REDACTED]

PLACE AND DATE OF ISSUE

UK 11-05-2018

TYPE OF PERMIT

REFUGEE

LEAVE TO REMAIN

REMARKS

WORK PERMITTED



[Signature]

Month Ending 31 Mar 2024

Lebaneat (Yarm) Limited

Employee Details

Department
Tax code
National Insurance number
National Insurance table

Lebaneat
1257L
A

Payments

120 hours @ £10.42 £1,250.40

Total **£1,250.40**

Deductions

Tax £0.00
National Insurance £20.24

Total **£20.24**

This Month

Taxable gross pay £1,250.40
Employer National Insurance £67.95
Net pay **£1,230.16**

Year to Date

Taxable gross pay £1,250.40
Tax £0.00
Employee National Insurance £20.24
Employer National Insurance **£67.95**

Payment

£1,230.16
Paid 31/03/2024

Employer PAYE Reference: [REDACTED]

Created with  BrightPay

Month Ending 31 Mar 2024

Lebaneat (Yarm) Limited

Employee Details

Department
Tax code
National Insurance number
National Insurance table

Lebaneat
1257L
A

Payments

120 hours @ £10.42

£1,250.40

Deductions

Tax
National Insurance

£0.00
£20.24

Total

£1,250.40

£20.24

This Month

Taxable gross pay
Employer National Insurance
Net pay

£1,250.40
£67.95
£1,230.16

Year to Date

Taxable gross pay
Tax
Employee National Insurance
Employer National Insurance

£1,250.40
£0.00
£20.24
£67.95

Payment

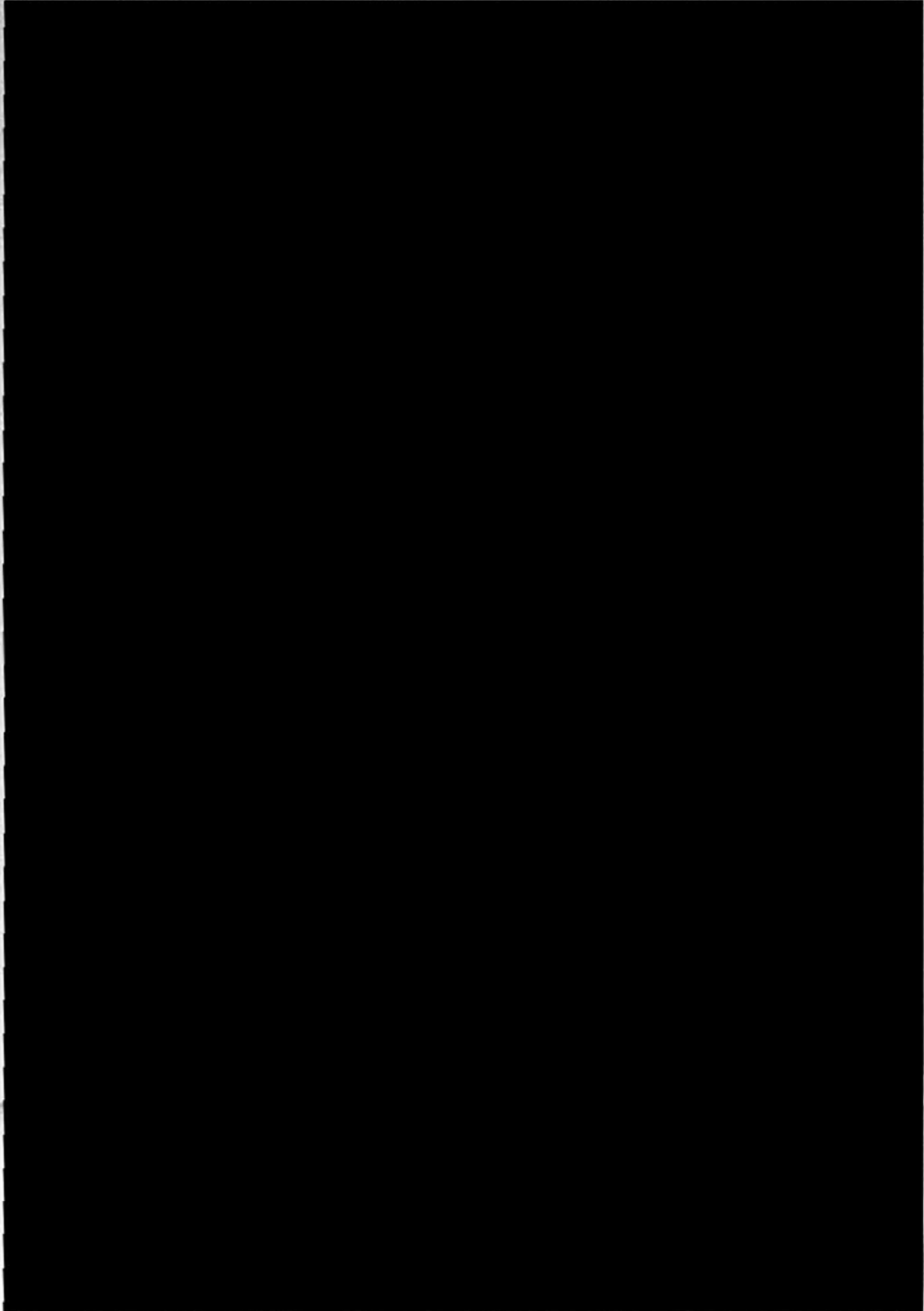
£1,230.16
Paid 31/03/2024

Employer PAYE Reference: [REDACTED]

New Employee Checklist Yarm Report

Form: New Employee Checklist Yarm

Name	
Date of Birth	
Gender	
Contact mobile number	
Email	
Address	
Do you have permission to work in the UK?	
National Insurance Number	
Passport Issue Country	
Upload Picture of UK Passport or Birth Certificate	
EU or EEA Passport	
Share Code	0
International Passport	
BRP Front	
BRP Back	
Expiry Date BRP	09-May-2025





RESIDENCE PERMIT



NAME



VALID UNTIL

31-12-2024

PLACE AND DATE OF ISSUE

UK 12-06-2020

TYPE OF PERMIT

REFUGEE

SETTLEMENT

TERMS

INDEFINITE

LEAVE TO REMAIN

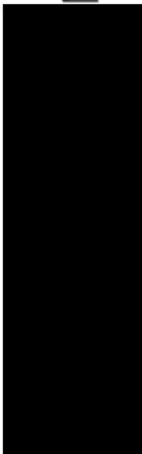


HOLDER'S SIGNATURE



Month Ending 31 Mar 2024

Lebanest (Farm) Limited



Employee Details

Department
 Tax code
 National Insurance number
 National Insurance table

Lebanest
1257L
SS 46 42 00 A
A

Payments

120 hours @ £10.42

£1,250.40

Deductions

Tax
 National Insurance

£0.00
£20.24

Total

£1,250.40

£20.24

This Month

Taxable gross pay
 Employer National Insurance
 Net pay

£1,250.40
£67.95
£1,230.16

Year to Date

Taxable gross pay
 Tax
 Employee National Insurance
 Employer National Insurance

£1,250.40
£0.00
£20.24
£67.95

Payment

£1,230.16
 Paid 31/03/2024

Employer PAYE Reference:



Month Ending 31 Mar 2024

Lebaneat (Yarm) Limited

Employee Details

Department Lebaneat
Tax code 1257L
National Insurance number SS 46 42 00 A
National Insurance table A

Payments

120 hours @ £10.42 £1,250.40

Total £1,250.40

Deductions

Tax £0.00
National Insurance £20.24

Total £20.24

This Month

Taxable gross pay £1,250.40
Employer National Insurance £67.95
Net pay £1,230.16

Year to Date

Taxable gross pay £1,250.40
Tax £0.00
Employee National Insurance £20.24
Employer National Insurance £67.95

Payment

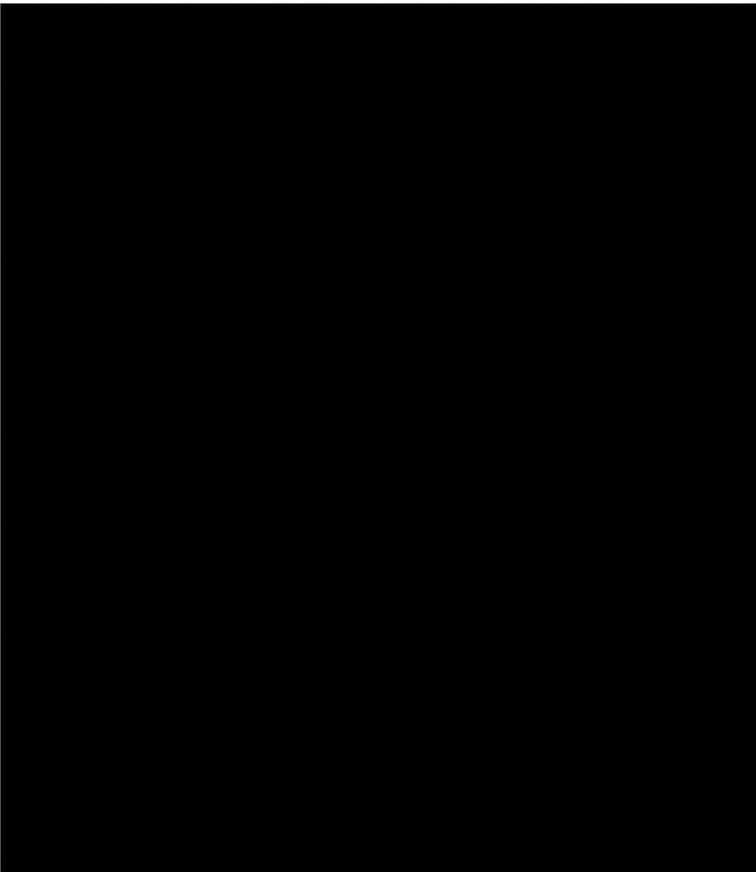
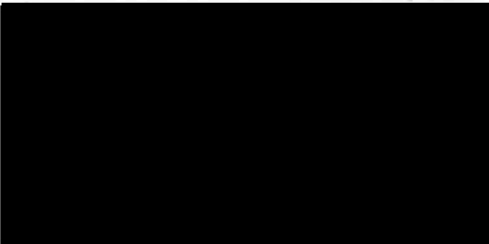
£1,230.16
Paid 31/03/2024

Employer PAYE Reference: [Redacted]

Created with  BrightPay

New Employee Checklist Yarm Report

Form: New Employee Checklist Yarm

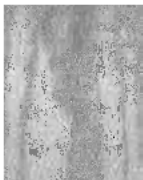
Name	
Date of Birth	
Gender	
Contact mobile number	
Email	
Address	
Do you have permission to work in the UK?	
National Insurance Number	
Passport Issue Country	
Upload Picture of UK Passport or Birth Certificate	
EU or EEA Passport	
Share Code	
International Passport	
BRP Front	
BRP Back	
Expiry Date BRP	31-Dec-2024

Selfie	
Do the pictures match across the documents?	true
Do the date of births match across documents?	true
Have you check the original documents?	true
Type of employment	Part-time
How many hours a week are you interested in working?	20
POS Terms and Conditions	Agreed
Select a minimum of 4 digit password that will give you access to the POS till system	
Name of your bank	
Name on the account	
Sort code	
Account number	
Deductions from wages clause	Agreed
Signature	
Added Time	29-Sep-2023 15:38:08
Referrer Name	
Task Owner	dubai@lebaneat.co.uk

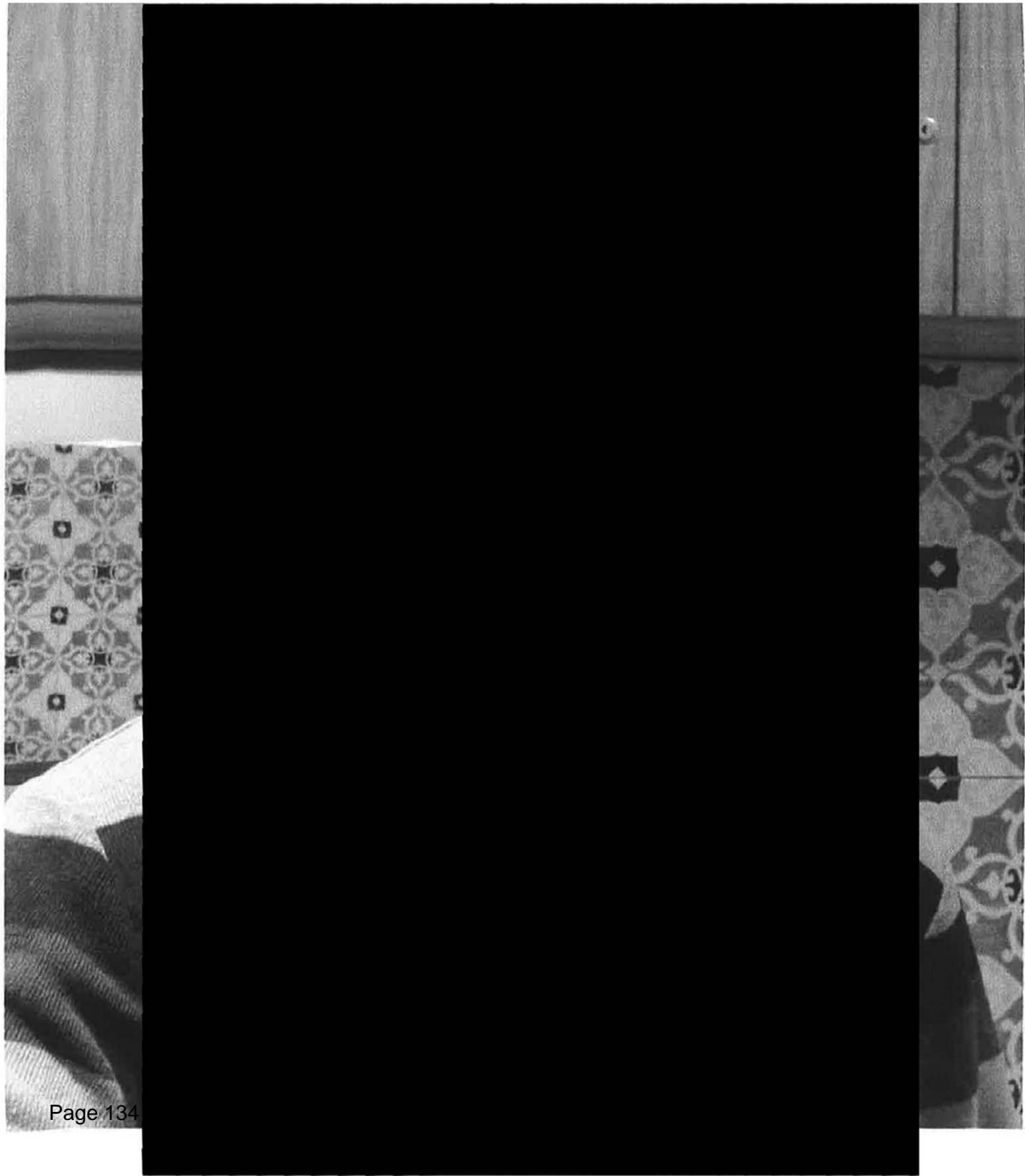
Comments

No Comments

7



8



RESIDENCE PERMIT

ISSUE

ISSUE DATE

12-11-2025

EXPIRES

12-11-2026

STATUS

STUDENT
LEAVE TO ENTER

REMARKS

WORK 20 HRS MAX
IN TERM TIME
UPL/3HAYCD



Month Ending 31 Mar 2024

Lebaneat (Yarm) Limited

Employee Details

Department **Lebaneat**
Tax code **1257L**
National Insurance number **SR 38 77 54 B**
National Insurance table **M**

Payments

120 hours @ £7.49 **£898.80**

Total **£898.80**

Deductions

Tax **£0.00**
National Insurance **£0.00**

Total **£0.00**

This Month

Taxable gross pay **£898.80**
Net pay **£898.80**

Year to Date

Taxable gross pay **£898.80**
Tax **£0.00**
Employee National Insurance **£0.00**
Employer National Insurance **£0.00**

Payment

£898.80
Paid 31/03/2024

Employer PAYE Reference: [Redacted]

Created with  BrightPay

Month Ending 31 Mar 2024

Lebaneat (Farm) Limited



Employee Details

Department
Tax code
National Insurance number
National Insurance table

Lebaneat
1257L
SR 38 77 54 B
M

Payments

120 hours @ £7.49

£898.80

Deductions

Tax
National Insurance

£0.00
£0.00

Total

£898.80

£0.00

This Month

Taxable gross pay
Net pay

£898.80
£898.80

Year to Date

Taxable gross pay
Tax
Employee National Insurance
Employer National Insurance

£898.80
£0.00
£0.00
£0.00

Payment

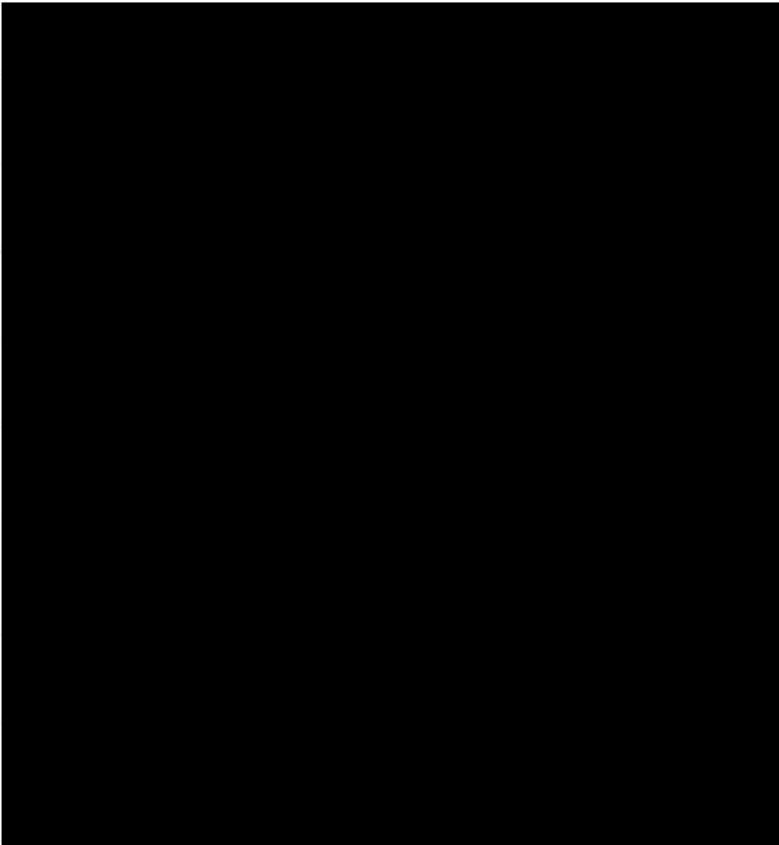
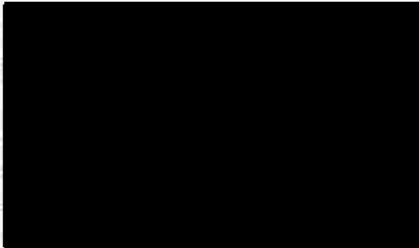
£898.80
Paid 31/03/2024

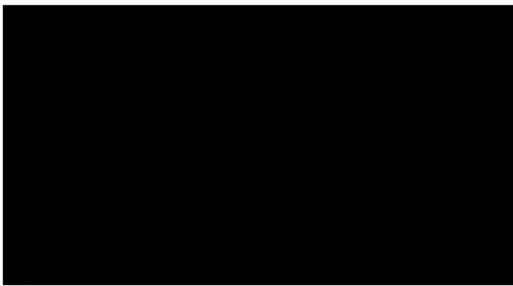
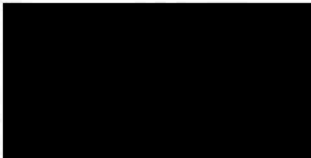
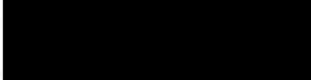
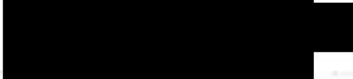
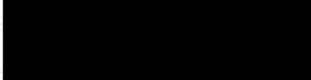

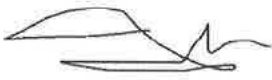

Employer PAYE Reference:



New Employee Checklist Yarm Report

Form: New Employee Checklist Yarm

Name	
Date of Birth	
Gender	
Contact mobile number	
Email	
Address	
Do you have permission to work in the UK?	
National Insurance Number	
Passport Issue Country	
Upload Picture of UK Passport or Birth Certificate	
EU or EEA Passport	
Share Code	
International Passport	
BRP Front	
BRP Back	
Expiry Date BRP	15-Nov-2025

Selfie	
Do the pictures match across the documents?	true
Do the date of births match across documents?	true
Have you check the original documents?	true
Type of employment	Part-time
How many hours a week are you interested in working?	16
POS Terms and Conditions	Agreed
Select a minimum of 4 digit password that will give you access to the POS till system	
Name of your bank	
Name on the account	
Sort code	
Account number	
Deductions from wages clause	Agreed
Signature	
Added Time	04-Nov-2023 16:08:50
Referrer Name	
Task Owner	

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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**Representations On A Current Application For Review Of A Premises Licence Or Club
Premises Certificate Under The Licensing Act 2003**

Section 1 – Licence Details

Applicant Name (If Known)	Home Office Immigration Enforcement Applicant for Review
Premises Name and Address	Lebaneat, 48 High Street, Yarm, Stockton-on-Tees, TS15 0AH

Section 2 - Responsible Authority

X Cleveland Police

Section 3 – Representation Grounds

<p>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	<p>X Prevention of Crime and Disorder</p>
---	---

The grounds of the representation is based on the following: :

Cleveland Police as a responsible authority are in support of the Home Office Immigration Enforcement in their review of the premise licence of Lebaneat (Yarm), 48 High Street, Yarm and support their recommendation to revoke the premise licence.

On 26 March 2024 a visit was carried out where it was found that 3 workers were working in breach of their immigration bail conditions. This is the second time that Lebaneat (Yarm) have been found to employ persons on their premise who are not eligible to work in the UK.

It is also deeply concerning that one of the employees not allowed to work in the UK was left in charge and was to all intents authorising the supply of alcohol on that night. This is inappropriate and is clearly breaching the licensing objective “Prevention of Crime and Disorder”

I was part of a previous operation in 2019 where they were found to employing a male not allowed to work in the UK, a premise in the Durham authority area had its licence revoked for a similar incident earlier that year. Representations were made in response to a joint operation with Immigration and HO Gangmasters regarding persons working illegally in the premises (1 male found working contrary to their employment status) in the premise in 2019, and breaches of their licensing conditions around training, noise notices and CCTV compliance.

The employment of persons not legally allowed to work in the UK is in clear breach of the principal licensing objective of Prevention of Crime and Disorder. Actions such as this drives the trade on illegal immigration leading to exploitation of the already vulnerable people concerned and is linked to modern day slavery.

Signed: Andrew Thorpe	Position: Police Alcohol Licensing Officer	Dated:06/08/24
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When complete this form should be returned to the address above or e-mailed to licensing.administration@stockton.gov.uk

For Office Use Only

Date Received		Checked By	
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Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 5th November, 2019.

Present: Cllr Paul Kirton (Chairman), Cllr Chris Clough, Cllr Bill Woodhead MBE

Officers: Jonathan Nertney(HR,L&C), Nigel Hart, Leanne Maloney-Kelly (MD)

Also in attendance: Lebaneat Yarm represented by Lukasz Szulczynski, Area Manager for Sayed Trading Limited, Cleveland Police (represented by Ms Joan Smith, Barrister), Sergeant Higgins & PC Thorpe (Cleveland Police)

Joanne Waller (Home Office), Sergeant Dickenson & Sergeant Haythornthwaite (Durham Police)

Apologies: None

SLS 9/19 Evacuation Procedure

The Evacuation Procedure was noted.

SLS 10/19 Declarations of Interest

There were no declarations of interest.

**SLS 11/19 LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISE LICENCE
LEBANEAT
48 HIGH STREET, YARM TS15 9AH**

Members were asked to consider an application for a review of a premise licence from Cleveland Police for Lebaneat, 48 High Street, Yarm, Stockton on Tees, TS15 9AH on the grounds of the prevention of crime and disorder.

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

It was noted that the Premises Licence Holder was a limited company, namely Lebaneat (Yarm) Limited. The company had one director, Mr Ahmed Sayed. Mr Sayed was not in attendance at the meeting but had submitted a witness statement dated 01 November 2019. Mr Sayed's wife Oksana Sayed was the Designated Premises Supervisor and she also was not in attendance. No witness statement had been submitted by Oksana Sayed. Mr Lukasz Szulczynski, Area Manager for Sayed Trading Limited was in attendance at the meeting and informed the Committee that he was attending on behalf of Mr Sayed and Lebaneat (Yarm) Limited. Miss Smith on behalf of Cleveland Police informed the Committee that she had a number of matters which she wished to cross examine Mr Sayed on but that it was a matter for the Committee whether they were minded to proceed in the absence of Mr Sayed.

The Committee expressed their concern that Mr Sayed had chosen not to attend the hearing but decided that they would proceed with the review hearing given there were a number of witnesses in attendance and Mr Szulczynski, had confirmed he was in a position to explain Mr Sayed's response to the review.

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered the application, full details of which appeared before the Members in their agenda and background papers.

Members noted that the review of the premises licence was made at the request of Cleveland Police. Representations had not been received from any of the other responsible authorities.

A copy of the report and supporting documents and statements had been provided to all persons present and to members of the Committee. Mr Szulczynski had also submitted a bundle of documents in response to the Committee report and evidence which had been served on him by Cleveland Police.

Ms Smith made submissions on behalf of Cleveland Police and also called evidence from Sergeant Higgins, Sergeant Dickenson, Sergeant Haythornthwaite and Mrs Waller.

The Polices evidence consisted of:

- Statement of Sergeant Higgins dated 23rd October 2019 plus exhibits PH/1 – PH/8;

The exhibits included the history of Mr Sayed's premises in Durham which had also been found to be employing illegal workers and which Durham Police had sought a review of the premises licences. The Durham Premises had Mr Ahmed Sayed as Premise Licence Holder and his wife Mrs Oksana Sayed as Designated Premises Supervisor. The evidence which had been considered by the Statutory Licensing Sub Committee of Durham County Council was appended to Sergeant Higgins witness statement.

After a hearing the Statutory Licensing Sub Committee of Durham County Council had revoked the premises licences. Mr Sayed had appealed against that decision to the Magistrates Court and his appeal had been dismissed.

Live evidence was given to the Committee by Sergeant Higgins, Sergeant Dickenson, Sergeant Haythornthwaite and Mrs Waller.

Ms Smith invited the Committee to consider the previous history of Mr Sayed's premises in Durham. Ms Smith argued that this was clearly relevant to the situation found in the Yarm premise on 4th September 2019 when an Egyptian national was found to be working illegally in the restaurant. Ms Smith invited the Committee to note the evidence of Mrs Waller who recorded the conversation which took place with the male in the Yarm restaurant. She confirmed that the boss (Mr Sayed) had brought him to the restaurant. The Police were of the opinion that Ms Sayed was the person responsible for the employment of the illegal worker and it was clear that they knew each other given that Mr Sayed had brought him to the restaurant. Mrs Waller stated that in her opinion Mr Sayed had a complete disregard for the law and the employment of illegal workers. At no point had the Egyptian national given the name Mr MA. If the man was Mr MA and held a legitimate Italian passport with a right to work as an EU citizen then surely he would have informed Mrs Waller of that.

Mr Szulczynski was given the opportunity to ask questions of the witnesses.

Premise Licence Holders Submission

Lebanat (Yarm) Limited was the Premise Licence Holder and Oksana Sayed was the Designated Premises Supervisor.

Mr Szulczynski explained that he was employed by Sayed Training Limited and that he joined the company on 27 June 2019. He was mindful of the past issues but his role was to ensure that he made improvements at the company and that systems were introduced which would ensure similar issues would not arise in the future.

Mr Szulczynski introduced his colleague Karen Gray who was also employed by Sayed Training Limited and she dealt with all the administration at the head office.

Mr Szulczynski stated that he believed the person working at the Yarm restaurant was called Mr MA, and the checks they had carried out showed that he held an Italian passport and had also been issued with a National Insurance number. The pre-employment checks had been carried out by Oana Cotoi and she had completed the electronic checklist and uploaded copies of the documents including the passport. Mr MA commenced his employment on 04 August 2019 until he was suspended following the visit at the Yarm premise on 04 September 2019.

Following the suspension of Mr MA a disciplinary investigation was commenced by Mr Szulczynski and copies of the paperwork had been provided to the Committee. The paperwork included copies of the suspension letter, notes of the disciplinary meeting and the letter of dismissal. Mr MA was dismissed after he failed to provide further copies of documents requested by Mr Szulczynski. Mr MA had informed Mr Szulczynski that he would need to obtain the requested documentation from his previous address in London. Mr Szulczynski set a time limit for the provision of this documentation but he had had no further contact with Mr MA.

Mr Szulczynski stated that in his view further enquiries should be made to ascertain the correct identity of the member of staff who they believed was Mr MA.

Members of the Committee asked a number of questions of Mr Szulczynski.

Ms Smith asked a number of questions of Mr Szulczynski.

All parties present were given an opportunity to sum up their case with Mr Szulczynski having the final submission.

The Committee had regard to the extensive bundle of written evidence, which had been circulated prior to the hearing and presented to them, in addition to the oral evidence given on behalf of the Police and by Mr Szulczynski.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance Issued under Section 182 of the Licensing Act 2003 (as amended)

and the Council's Licensing Policy.

The Committee agreed that it was clearly relevant to consider the previous history of Mr Sayed at his Durham premises where he had employed a number of illegal workers.

The Committee did not accept the suggestion made by Mr Szulczynski that the problems were historic and that he had ensured that systems and practices were in place to stop the employment of illegal workers in Mr Sayed's businesses.

The Committee were extremely concerned that Mr Sayed as sole Director of Lebaneat (Yarm) Limited was not in attendance at the review hearing. Oksana Sayed, the Designated Premises Supervisor and Ms Oana Cotoi the employee who had allegedly undertaken the pre-employment checks were also not in attendance. These were all of the key individuals who could answer questions in relation to the employment of the illegal worker. It was Ms Cotoi who would be asked to explain the numerous discrepancies in the documentation allegedly completed by her. The concerns over the photocopy of the Italian passport allegedly provided by Mr MA. The pre-employment check form relating to Mr MA did not include his bank account details whereas the other examples produced by Mr Szulczynski for other employees of the company did have the bank account details. The pre-employment check form was also not signed whereas the examples provided by other employees were signed. The decision not to attend the review hearing rested solely on Mr Sayed. In the opinion of the Committee it was not acceptable for him to seek to send Mr Szulczynski on his behalf. Mr Szulczynski could not answer any of the key questions concerning the employment of Mr MA other than to say he believed that the company had done the necessary checks and that the male was an Italian who held an Italian passport.

The Committee considered all of the evidence and were satisfied that the illegal worker was an Egyptian national and was not Mr MA. The Committee were extremely concerned that the documentation allegedly taken from the Egyptian male was possibly a counterfeit passport or more likely had been falsified on behalf of Mr Sayed. The Committee were satisfied that Mr Sayed knew full well that the individual was an Egyptian national and had no right to work in the UK.

The Committee considered what action to take given their findings. The Committee were mindful that the statutory guidance identified the employment of illegal workers as criminal activity that may lead to the revocation of a premises licence even in the first instance.

The Committee were mindful that Mr Sayed's companies had a history of employing illegal workers. The Committee were satisfied that Mr Sayed appeared to have a complete disregard for his legal responsibilities. The Committee were not persuaded by the assurance given to them by Mr Szulczynski. In any event the employment of the illegal worker at the Yarm restaurant had occurred at a time when Mr Szulczynski was employed by Sayed Trading Limited with the intention of ensuring issues such as this did not arise. In any event Mr Sayed and Mr Szulczynski had not prevented illegal workers from being employed at Lebaneat (Yarm) Limited.

The Committee found this to be an extremely serious matter aggravated by the previous history of Mr Sayed and felt that it was both reasonable and necessary for the premises licence to be revoked.

RESOLVED that the premise licence for Lebaneat. 48 High Street Yarm, Stockton on Tees, TS15 9AH be revoked for the reasons as detailed above.

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