

Premises Licence Review

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

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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

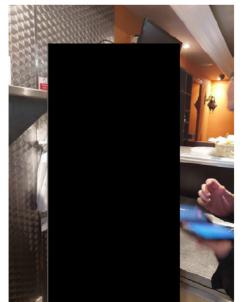
SATURDAY: 12.00 until 23.00 SUNDAY: 12.00 until 23.00

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 then stated that he was working at the premises in return pay for his food. 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 has an outstanding claim which is still under holds no valid leave.

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 for instructions on how to operate the tills.
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.

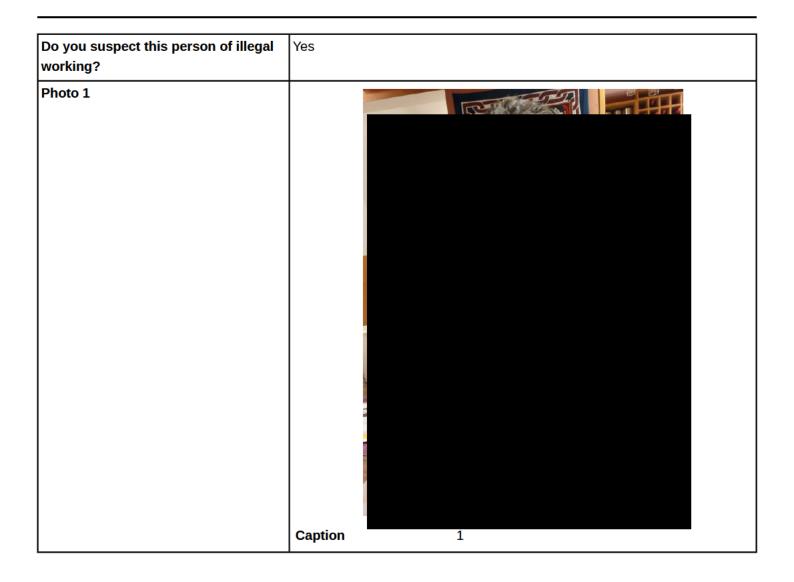
Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in the employment of illegal workers. Immigration Enforcement asks that the premises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

Appendix A – Supporting Evidence

Illegal Working-Employee	
Encounter	
Illegal Working-Employee	
Illegal Working-Employee	
Freetext Observations	
Freetext Observations 2	
Freetext Delivery driver	
Freetext Query from person in resteraunt to	

Illegal Working - Employee		
Details		
Type of work	Visit	
Visit reference		
Created by		
ProntolD		- Egypt
Subject CIDPID/CEPR		
Subject name		
Subject DOB		
Subject nationality	Egypt	
Subject gender	Male	
Time	21:14	
Created at geolocation	Easting	441938
	Northing	512834
Creation date	26-03-2024 21:14:5	6
Language of Interview		
What language is the interview carried out in?	Arabic	
Interpreter used?	Yes	
Details of interpreter		
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 fro	m 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 ?		
is she here today ?	No.i don't know her	too well.
how did you get the job?	After being taken from here and asked for	om the boat. I was assessed as being an adult. I came work.
who gave you the iob		

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 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 .		
where is 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 speak?	English.		
Control			
No details provided.	No details provided.		
Remuneration			
No details provided.			
Pre-employment Checks			
No details provided.			
Additional Questions			
No details provided.			
Photographs			
No photographs.			
Declaration	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 appron.		





Encounter	
Details	
Type of work	Visit
Visit reference	
Created by	
ProntolD	- 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

	1	
Are there any vulnerabilities/	No	
trafficking/safeguarding issues?		
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
	mationality above)	

Photos



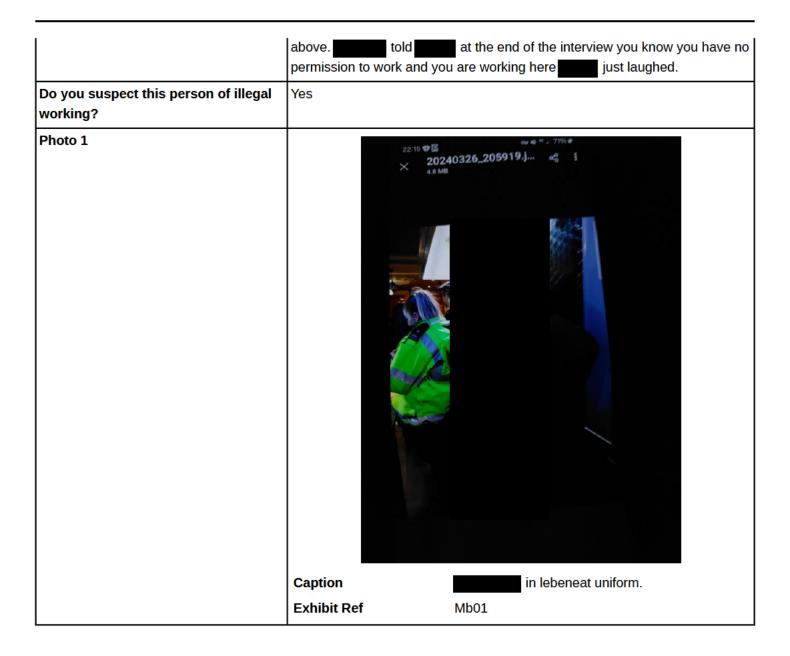
arc card

Notes

Illegal Working - Employee		
Details		
Type of work	Visit	
Visit reference		
Created by		
ProntolD	- Egypt	
Subject CIDPID/CEPR	Unknown	
Subject name		
Subject DOB		
Subject nationality	Egypt	
Subject gender	Male	
Time	21:19	
Created at geolocation	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		
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 qu	estions and that the details are true and correct.
Observations	26-03-2024 21:50:24
Observations	On arrival 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 quickly took off his apron and put it to one side managed to take a photo of before he took off his apron. 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 he initially gave his dob as then took phone and changed his dob to There was no trace with these details so took out the surname and changed the dob to which returned a result for showed the picture for and he denied it was him. Then said he has id in his jacket 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 had said was not him.

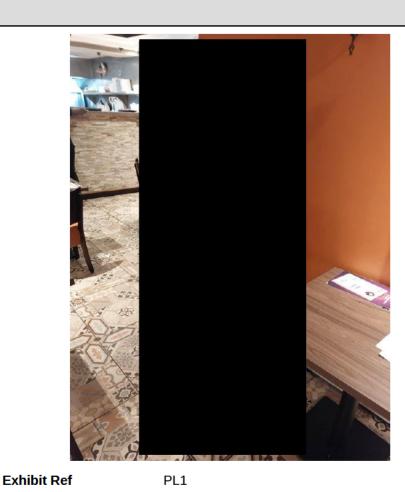


Illegal Working - Employ	ee
Details	
Type of work	Visit
Visit reference	
Created by	
ProntolD	Other
Subject CIDPID/CEPR	Unknown
Subject name	
Time	21:18
Created at geolocation	Easting 441933
	Northing 512835
Creation date	26-03-2024 21:18:30
Language of Interview	
What language is the interview carried 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

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Declaration

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

Interviewee signature





26-03-2024 21:36:42

Observations

Observations

While interviewing a female waitress appreached and asked to speak to , 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	Yes
working?	

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	22:39	
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	from Licensing advised that during previous visits to the address he dealt with 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	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 the could 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	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
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	Unknown	
Subject name		
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	While was questioning, a person approached and stated that he needed paying out. Query seemed to be directed at asked the person if he was paid by asked the person indicated he was the manager. asked if he usually paid the person. Said no, that the person wouldnt know him. I asked who the person was. Stated he thought the person was a delivery driver. Licensing Officer states he has seen on at least 3 occasions and on those occasions appeared to be working.	
Photographs		
No photographs.		