

I Ahmed Mohamed Hussain Sayed of the Lebaneat, 47 North Bailey Durham DH1 3ET will say as follows:-

- (1) I am \_\_\_\_\_ and came to the UK in 2007. I am committed to the North East of England and had a vision of bringing my culture including the food of Lebanon to this area.
- (2) As part of my trading strategy I have created, principally on the advice of my accountants, the following companies:
  - Sayed Trading Limited;
  - Lebaneat Wrap House Limited;
  - Lebaneat Durham Limited;
  - Lebaneat Yarm Ltd;

Lebaneat Yarm Ltd is not the subject of any application.

On advice each of the companies are served via Sayed Trading Limited and provide staffing across all the food outlets. I attach a copy of the accountant's letter (see number 13 of bundle).

- (3) I attended before the Licensing Committee unrepresented on the 18<sup>th</sup> September 2018 and the applications I made were both refused.
- (4) I found this meeting difficult (English is my second language) and I think I failed to make myself properly understood and clearly came across poorly at the time. I did not appreciate this until after I had read the Notice of Determination and I apologise for this. All I have ever wanted to do was to build my business and never wanted to deliberately break the law.
- (5) What I also took away from the hearing on the 18<sup>th</sup> September 2018 was that things needed to change. I appreciate how important it was to the Committee to ensure all employees had a right to work even though I believed that it was acceptable to take on (particularly chef's) on an unpaid trial basis. It also was not to lost on me that the Committee was less than impressed by my knowledge of the Licensing laws – again I apologise for this.
- (6) I am also uncertain what will happen with the fines I am told I have for three men working without the right to do so on the 2<sup>nd</sup> August 2018. I have only received one formal notice in relation to the chef at Lebaneat (who has now the correct permissions and works for me in Durham) but the police say, which I cannot dispute, that I am to get two others. If this is true, then I may have to pay a penalty of £30,000.
- (7) Should I lose my licences it will in all likelihood make this impossible. I know I only have myself to blame but must try to mitigate this as best as I can. I have taken advice from David Gray's solicitors in Newcastle who have advised I have grounds to appeal the notice I have received, and they are making enquiries in relation to the other two. I have no idea how successful this will be.

- (8) After the last Committee hearing there was a considerable amount of negative newspaper coverage. This has had quite a severe impact on the business as a whole and we have seen a drop in customers by about one third.
- (9) I fully acknowledge that staffing (again particularly chef's) has been a problem in the past with people, usually from the Middle East, just turning up and saying they are good chefs. When I have tried them out the vast majority have lied and cannot cook – I would say I turn down 75% after trial.
- (10) As I could not turn back the clock I have tried to do what I can, in the limited time I have had, to put my business on a much more structured basis and to put in checks and systems geared to satisfying the Licensing Objectives.
- (11) I took advice from J. G. E. L. S. and sought specific bespoke advice from employment solicitors on how to take the steps I know I have to take to get "back on track" (see Staff Handbook which includes section on Licensing).
- (12) The company also employs O. C. as my operations manager and it is her role to ensure that the new systems are in place and implemented.
- (13) In addition, Miss C. has overall responsibility for ensuring all staff are trained as necessary in their responsibilities under the Licensing Laws. Training (or re-training) of all responsible staff has been undertaken recently with particular reference to the new systems and updated Staff Handbook.
- (14) Miss C. reports directly to me.
- (15) As I mentioned above it was clear to me that the Committee (and to myself on reflection) that my own personal knowledge of the Licensing Laws was lacking. I have now successfully undertaken the course for Personal Licence holders. Whilst not saying I am yet comfortable with knowing all the laws I feel I am far better versed with the law and better placed to ensure I understand the concerns expressed on the 18<sup>th</sup> September.
- (16) I can also tell the Committee we have a number of people eligible to hold personal licenses which include my wife and Miss C. I intend to put further, competent, staff through the course and would look to always have someone on site with a Personal Licence. In addition, we have introduced a clear structure of control within each premises which should add to better control, management and observance with the Licensing objectives.
- (17) I am also aware the Committee will be advised that at an inspection of Lebaneat Wrap House by Durham Licensing Section took place on the 16<sup>th</sup> November and a number of breaches of Licence were discovered. This is not something I am proud of as it should have been right – I can assure the Committee that the issues were rectified as soon as possible and confirmed with the Licensing Department. I would hope, however, that if these were stand-alone concerns then it would be very unlikely that this would have resulted in a review hearing. I also now believe that at a further inspection on the 3<sup>rd</sup> January "no breaches were found".

- (18) I also think that is fair to point out that we have had little, if any, real problems on or near the premises with drunk or disorderly conduct – it is simply not in our interests to permit this type of behaviour – we are in essence a restaurant.
- (19) Another matter I think I should mention is that after we took on Miss G (shortly after the 18<sup>th</sup> September) to help us she was tasked with advising and assisting us. As part of this she arranged a meeting between us, the police and the Durham Licensing Department on the 29<sup>th</sup> November 2018.
- (20) The way it was explained to me by Miss G was that this had been set up to try to find a way forward and to look for advice on what we had done and what more we could do? Unfortunately, this did not proceed as I hoped as the Police Officer would not look at what we had prepared suggesting it should be presented to the Committee at review – I was disappointed.
- (21) I am also aware that the Khan's who own and run a nearby Indian Restaurant have also suggested our licenses should be revoked. I am not surprised by this as to effectively, closing us down, will do their business a service. I would ask the Committee to treat whatever these objectors say with caution. We have made a number of complaints about the family in the past including I believe for assault and criminal damage.
- (22) Unfortunately, it was my ex-partner Mr A G O M T who dealt with this so I am struggling to be more specific. I do recall that Mrs K was alleged to have assaulted him but not sure if she was convicted. The police have kindly said they will see if they have any records that might help.
- (23) We employ some 80 members of staff across the business and quite a lot of those people are from ethnic minorities who find work hard to come by. We have probably had over 300 different staff over the years and by far and away the vast majority have worked legally and with all the proper paperwork. Sadly, if my business folds then my staff, who have nothing wrong, will lose their livelihood because of my actions – I do not want this to happen.
- (24) I hope I have covered the main concerns of the objectors. I would like to say I do apologise that it has taken to this point for me to "get my act together". The whole experience has been a salutary lesson.
- (25) I would readily accept any advice or assistance the police believe they could give us. I suspect they may believe we are a lost cause, but I do hope not. Should the Committee feel that they can impose more prescriptive conditions short of closing us down then this would be readily accepted.

Signed:

Ahmed Mohamed Hussain Sayed

Dated:

30/1/2019

David

DH/L152

**Strictly Private & Confidential**

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23<sup>rd</sup> January 2019

Dear Ahmed

**Transfer of Employments for Staff**

I write in relation to the transfer of the employment of staff from Lebaneat (Durham) Limited to Sayed Trading Limited.

Following our discussions last spring regarding the current and future structure of the businesses and companies trading under the "Lebaneat" banner you acted on our advice and instructed us to transfer the employments of staff from Lebaneat (Durham) Limited to Sayed Trading Limited. The transfer was effective from 1<sup>st</sup> July 2018.

The purpose of this transfer was to place all of the employments of staff who are utilised across the "Lebaneat" companies into one central PAYE scheme, that being operated by Sayed Trading Limited.

Since staff are shared between venues and therefore work across the "Lebaneat" companies a charge for the time spent by each member of staff will be made by Sayed Trading Limited to the company using those particular members of staff. A more accurate representation of the cost base of each of the venues will therefore be recorded.

I can confirm that the accrued employment rights of each member of staff were transferred from Lebaneat (Durham) Limited to Sayed Trading Limited.

Should you have any queries or require any further explanation then please do not hesitate in getting back to me.

Yours sincerely

Ribchesters

Also at

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**I, O M C of the Lebaneat, 47 North Bailey, Durham, DH1 3ET will say as follows:**

- 1. I am the operations manager of all Lebaneat venues, employed by Sayed Trading Limited.**
  - 2. Sayed Trading Limited has become the employer of all Lebaneat staff from 1<sup>st</sup> July 2018 at the suggestion of our accountants, as it would ease the allocation of employees to any of our venues. Operating three venues in Durham, we sometimes find it necessary to relocate staff members according to the needs of each venue.**
  - 3. I am responsible for the day to day operations of our head office and all the Lebaneat venues. In addition, I am responsible for continuously developing new standard operating procedures or improve our existing ones, considering the growth of the business. In the past few months we have made multiple structural changes, including the opening of the head office and transferring all information from individual Lebaneat companies to be operated upon from the head office.**
  - 4. One of my main responsibilities has thus become staff training and human resources management. For members of staff to be able to easily work in any venues, we need to ensure they are all trained using the same methods and policies, and that such skills are transferable. For the past few months our team in the head office have been working on developing a system that will ensure that 1) recruitment is impartial, 2) policy is in place to ensure all new starters are checked prior to being employed, 3) full training is received and records are being kept, 4) smooth transition for the employees when relocated to another venue.**
  - 5. Our current process can be briefly summarised in the following steps:**
    - (a) vacancy advertisements are posted online (we found that indeed.com offers the widest variety of applicants);**
    - (b) applicants are being phone screened and, if successful, trial shifts are being arranged by the head office in accordance with the needs of each venue. The applicant is then emailed or texted with the details of the trial shift (date, time, location), information about workwear and what documents they should bring (original ID, proof of address, national insurance number, bank account details);**
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- (c) trial shifts are held at the venue which has requested additional members of staff, and me, Mr Sayed, and the manager/supervisor of the venue are being informed about dates and times;
  - (d) when a candidate for the trial shift arrives, they are firstly having their documents checked, and are then walked through our policies and trainings. Should have they forgotten to bring any documents, they are asked to reschedule their trial shift. We have developed an online form that is easily accessible on an iPad to ensure that documents are processed and kept securely, and I have provided details to how this operates both before and at the meeting on 29<sup>th</sup> November 2018, and to our solicitors. I am the one responsible for delivering the initial training. However, in my absence, Mr Sayed usually takes on the role. In addition, the manager/supervisor is always present to ensure that in case of any inquiries, the new member of the staff knows who their immediate superior is;
  - (e) the licensing training used to be delivered verbally using displayed guidance, however we now have written records of who has been trained. I am the one responsible for delivering the initial training. However, in my absence, Mr Sayed usually takes on the role. In addition, the manager/supervisor is always present to ensure that in case of any inquiries, the new member of the staff knows who their immediate superior is;
  - (f) if a candidate is successful, then their performance is constantly being monitored by me, Mr Sayed, and the manager/supervisor of the venue. The manager/supervisor is always welcomed to voice concerns about members of the staff as they are better acquainted with what type of employee their team needs.
6. Ensuring all staff adhere to our policies is a combination of good training being provided and constant checks being performed. My schedule is to visit each premise at least twice a day (unless I am covering the absence of one of the managers/supervisors) and to check specific procedures randomly. This ensures that staff are always aware that their behaviour is being monitored and misconduct will be observed. In terms of licensing, these checks can include random questions about which forms of ID we accept, what policy we operate against underage or proxy

sales, how would the employee deal with an aggressive refused customer, whether the training records are being updated and others.

7. Considering the amount of work associated with assembling a head office and its departments, opening two new venues, ensuring all staff are being trained and their performance monitored, and ensuring all venues are running at their maximum capacity, implementing new standard operating procedures or updating previous systems is vital. In addition, these provide us with security that we have control over all aspects of the business. Ensuring these procedures are always followed and adhered to is an ongoing and monitored task, as the simplest mistake of omitting one point can have severe consequences upon numerous sides of the business.
  
8. We have about 80 members of staff, some of whom have been working for more than two years. It has been a big, albeit better, change for employees to start dealing with an organisation (i.e. head office), rather than one individual, and to follow written procedure when in the past matters used to be dealt with differently, just as in any small business. We are trying hard to change and maintain our procedures considering our business has grown and is expected to grow substantially in the next year.

Signed:

.....  
O M C

Dated:

31/01/2019  
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