

## **Statutory Licensing Sub-Committee**

**17<sup>th</sup> September 2019**

### **Application for the Review of a Premises Licence**



### **Ordinary Decision**

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

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

#### **Electoral division(s) affected:**

Chester-le-Street West Central

#### **Purpose of the Report**

- 1 The Sub-Committee is asked to consider and determine an application by Durham County Council's Licensing Authority to review the premises licence in respect of Cookson Spice, Cookson House, Cookson Terrace, Chester-le-Street DH2 2AN.
- 2 A plan showing the location of the premises is attached at Appendix 2.

#### **Executive summary**

- 3 On 22<sup>nd</sup> July 2019, the application was received from the Licensing Authority (Responsible Authority) asking for a review of the premises licence (ref. no. PLA0067) for Cookson Spice, Chester-le-Street.
- 4 On 11<sup>th</sup> July 2019, the Licensing Authority received an application to transfer the premises licence with immediate effect from Mr Jaman Uddin Ahmed to Mr Mohamed Khalid.
- 5 On 12<sup>th</sup> July 2019, the Licensing Authority received a letter from Mr Jaman Uddin Ahmed requesting to be removed as the designated premises supervisor. Mr Khalid has stated the premises will not be used for any licensable activities.
- 6 During the consultation period the Licensing Authority received three representations in support of the review application. These were from Durham Constabulary, Home Office Immigration Enforcement Team and the Council's Durham Safeguarding Children Partnership.

- 7 The Environmental Health Department, Public Health Department, Planning Authority and Fire Authority all responded to the consultation with no comments.

### **Recommendation(s)**

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

### **Background**

- 10 Background information

Applicant	<b>Durham County Council Licensing Authority</b>	
Type of Application: <b>Review of a Premises Licence</b>	Date received: <b>22<sup>nd</sup> July 2019</b>	Consultation ended: <b>19<sup>th</sup> August 2019</b>
Current Premises Licence Holder	<b>Mr Mohamed Khalid</b>	
Current Designated Premises Supervisor	<b>N/A</b>	

- 11 The premises licence in respect of Cookson Spice, Cookson Terrace, Chester-le-Street currently permits the sale of alcohol, the playing of recorded music and the provision of late night refreshment as detailed in the table below:

<b>Licensable Activities</b>	<b>Days &amp; Hours</b>
Sale of Alcohol (for consumption on the premises)	Monday to Sunday: 11:00 – 00:00 hrs
Recorded Music (Indoors)	Monday to Sunday: 11:00 – 00:00 hrs
Late Night Refreshment (Indoors & Outdoors)	Monday to Sunday: 23:00 – 00:00 hrs
Opening Hours	Monday to Sunday: 11:00 – 00:30 hrs

- 12 A copy of the premises licence is attached at Appendix 3.

### **Details of the application**

- 13 The review application by the Licensing Authority was received by the Licensing Authority on 22<sup>nd</sup> July 2019.
- 14 The application is deemed by the Licensing Authority to be relevant and the application was advertised in accordance with the regulations.
- 15 The application for review relates to the following licensing objectives:
- The Prevention of Crime and Disorder
  - Public Safety
  - The Protection of Children from Harm
- 16 A copy of the review application and supporting documents are attached at Appendix 4.

### **The Representations**

- 17 During the consultation period, the Licensing Authority received three representations in support of the review application from the following responsible authorities, Home Office Immigration Enforcement Team, Durham Constabulary and Durham Safeguarding Children Partnership.

Copies of the representations are attached at Appendix 5.

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

- Public Health
- Planning Department
- Fire Authority

19 Additional information has been submitted by the premises licence holder. This is attached at Appendix 6.

## **The Parties**

20 The Parties to the hearing will be:

- Nicola Anderson, Licensing Enforcement Officer, Licensing Authority (Applicant)
- Mr Mohamed Khalid (Premises Licence holder)
- Sgt Caroline Dickenson, Durham Constabulary (Responsible Authority)
- Mark Thorley, Home Office Immigration Enforcement Team (Responsible Authority)

## **Options**

21 The options open to the Sub-Committee are:

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

## **Main implications**

### *Legal Implications*

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

See Appendix 1.

## *Consultation*

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

See Appendix 1

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## **Conclusion**

24 The Sub-Committee is asked to determine the application for the review of the premises licence for Cookson Spice, Cookson House, Cookson Terrace, Chester-le-Street DH2 2AN.

## **Background papers**

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

## **Other useful documents**

- None
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**Contact:** Helen Johnson

Tel: 03000 265101

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## **Appendix 1: Implications**

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### **Legal Implications**

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

In this case it was summed up that:

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

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

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

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

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

### **Consultation**

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

The Responsible Authorities were consulted on the application.

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

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

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

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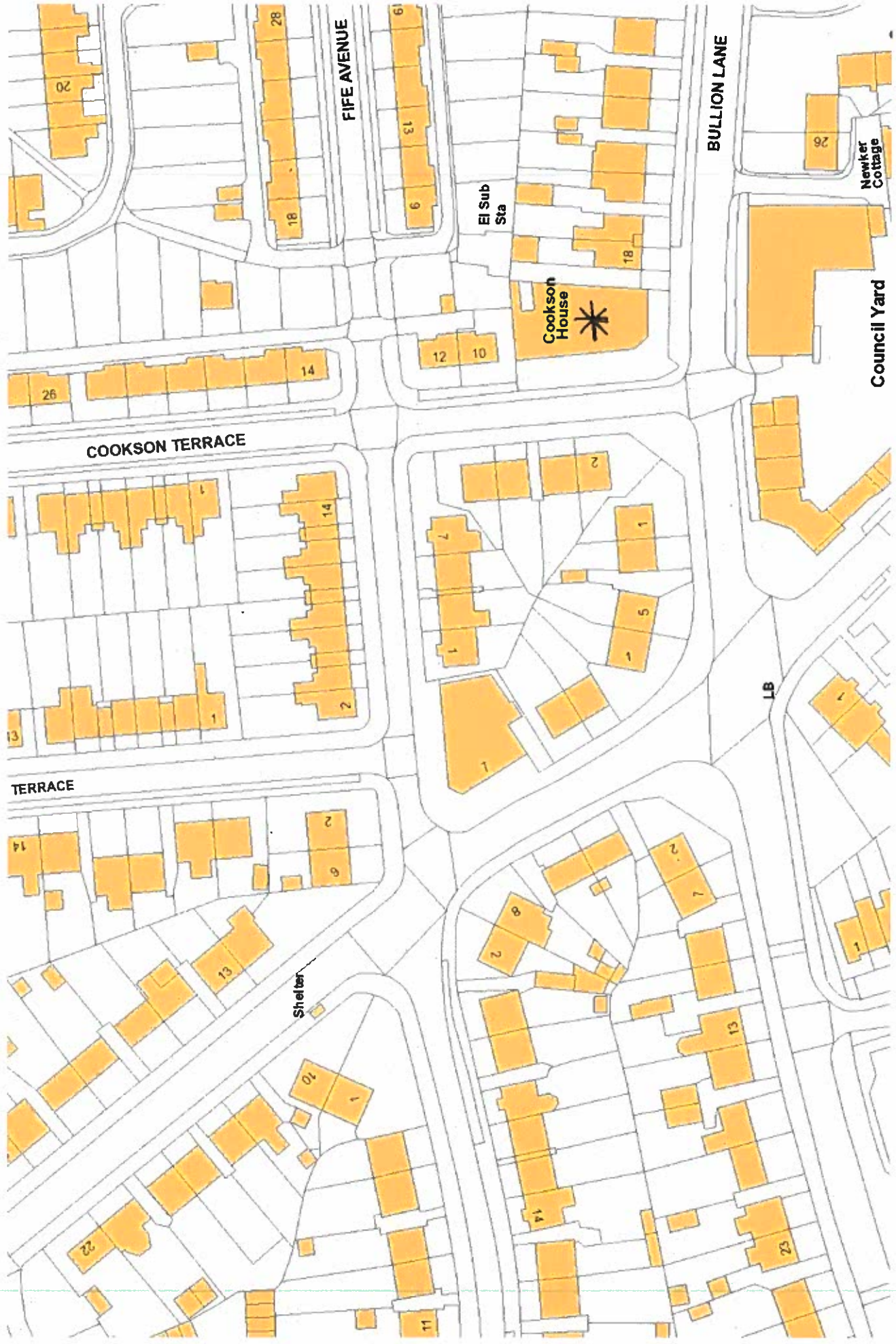
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## Appendix 2: Location Plan

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\* COOKSON SPICE, COOKSON TERRACE, CHESTER-CE-STREET





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## **Appendix 3: Premises Licence**

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## LICENSING ACT 2003 PREMISES LICENCE

**Premises Licence Number**  
**Granted**  
**Issued**

<b>PLA0067</b>
<b>19 May 2011</b>
<b>18 September 2018</b>

### Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<b>COOKSON SPICE</b> COOKSON HOUSE COOKSON TERRACE CHESTER-LE-STREET DH2 2AN	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
<b>Telephone number:</b>	

**Where the licence is time limited the dates**  
 N/A

### Licensable activities authorised by this licence

Recorded Music  
 Late Night Refreshment  
 Sale by retail of alcohol

### Opening Hours of the Premises

		Non-standard/seasonal timings
Mon	11:00-00:30	
Tue	11:00-00:30	
Wed	11:00-00:30	
Thu	11:00-00:30	
Fri	11:00-00:30	
Sat	11:00-00:30	
Sun	11:00-00:30	

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

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

<b>Recorded Music Indoors</b>  Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-00:00	<b>Further details</b> <b>Non-standard/seasonal timings</b>
<b>Late Night Refreshment Indoors and Outdoors</b>  Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-00:00 Sat 23:00-00:00 Sun 23:00-00:00	<b>Further details</b> <b>Non-standard/seasonal timings</b>
<b>Sale by retail of alcohol</b>  Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 11:00-00:00	<b>Further details</b> <b>Non-standard/seasonal timings</b>

Part 2

**Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence**

<b>Registered number of holder, for example company number, charity number (where applicable)</b>	
Company no:	N/A
Charity no:	N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol**

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**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol**

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## **Annex 1 – Mandatory conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that -

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

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

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

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

#### **Minimum Price of Alcohol:**

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

2 For the purposes of the condition:

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

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

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

Where –

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

#### **Annex 2 – Conditions consistent with the premises Operating Schedule**

##### **General**

None

##### **Prevention of Crime & Disorder**

CCTV to cover the front and rear of the premises internally and externally. All parts of the premises which members of the public have access to are also covered. Footage to be kept on the system for at least 28 days and made available to Officers of Durham Constabulary and Local Authority. Staff members to be able to operate CCTV system. System to be maintained in good working order.

## **Public Safety**

Fire exits and fire equipment to be clearly marked.  
Risk assessments in place for health and safety and fire.

## **Prevention of Public Nuisance**

No consumption of alcohol to take place at any time outside of the premises.  
Signage to be displayed asking customers to leave in a quiet manner.  
To have a no drugs policy in place.

## **Protection of Children from Harm**

A challenge 25 policy will be operated in the premises.  
A refusals register to be kept and maintained.  
Photo driving licence, passport and ID with pass logo will only be accepted as forms of ID.  
Children under the age of 16 will only be allowed on the premises accompanied by an adult.

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

### **Statutory Licensing Sub-Committee - 18th September 2018**

The Premises Licence Holder shall operate a system which ensures compliance with immigration legislation and proves employees' right to work status is evidenced before they commence employment.

Employees' right to work documents will be retained on the premises and made available for the Licensing Authority, Police and Home Office immigration enforcement officers, upon request. Such documents will be retained for a period of two years after employees cease working at the premises.

The Premises Licence Holder shall receive training in relation to immigration after three months, six months and annually thereafter. Records of training for new members of staff shall take place on those occasions and all records of training shall be made available to the Licensing Authority, Police and Home Office immigration enforcement officers, upon request.

## **Annex 4 – Plans attached**

Attached

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

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

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Durham County Council PO Box 617 Durham DH1 9HZ

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I **Nicola Anderson, on behalf of the Licensing Authority**  
(Insert name of applicant)

**Apply for the review of a premises licence under section 51 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**

Cookson Spice  
Cookson House  
Cookson Terrace  
Chester le Street

**Post town** Durham

**Post code (if known)** DH2 2AN

**Name of premises Licence Holder/DPS or club holding club premises certificate (if known)**  
Mohammed Khalid

**Number of premises licence or club premises certificate (if known)**  
PLA0067

**Part 2 - Applicant details**

**I am:**

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒



3) a member of the club to which this application relates  
(please complete (A) below)

☐

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

Please tick ✓ yes

Mr

☐

Mrs

Miss

☐

Ms

☐

Other title

(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

✓

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Nicola Anderson, Licensing Enforcement Officer Environment, Health and Consumer Protection Licensing Services (Enforcement) Annand House Meadowfield Durham DH78RS
Telephone number (if any)
E-mail address (optional)

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

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes       |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |
|   | <input type="checkbox"/>            |

Durham County Council's Licensing Enforcement section (representing Licensing as a Responsible Authority under the Licensing Act 2003) wish to review this premises licence with a view to seeking the revocation of the premises licence. This follows a visit to the premises on 23 May 2019 involving Immigration Officers and a Licensing Enforcement Officer. *At the time of the visit, immigration offences and failure to comply with Premises Licence conditions were identified which undermines the Licensing objectives.*

**At the time of the inspection at the premises on the 23<sup>rd</sup> of May 2019 the Licensing Enforcement Officer (LEO) identified the following defects and non-conformities:**

- The licence condition states that:**

*Employees' right to work documents will be retained on the premises and made available for the Licensing Authority, Police and Home Office immigration enforcement officers, upon request. Such documents will be retained for a period of two years after employees cease working at the premises.*

The Licence Holder/DPS produced a file which was kept on the top of the fridge. On checking the file, the Licence Holder/DPS could not locate the documentation. He then stated that [redacted] had taken the documentation to send to immigration. On being reminded that the documentation must be available for inspection by officers from Licensing and Immigration, the Licence Holder/DPS started looking

through a pile of paperwork under the counter and produced incomplete records of Right to Work documentation.

He said the waiter who was working that night had only started that night and he intended completing the right to work documentation with him that night. The waiter only had his driving licence with him. The Licence Holder/DPS did not seem to understand that right to work documentation should be completed before the employee started work, nor that a driving licence was not sufficient documentation to prove a right to work.

The training records that were produced were poor. One that was produced gave the job title as Voluntary. Only 3 certificates were produced. These stated that staff were given an awareness and understanding of current immigration legislation.

**2. Immigration officers had received intelligence that there were people working in the restaurant who didn't have the necessary status to allow them to do so. Officers arrested 3 people in the kitchen and a fourth was asked to leave the premises.**

*The revised Guidance under s182 of the Licensing Act 2003 states the following:*

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

- For employing a person who is disqualified from that work by reason of their immigration status in the UK.*

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

This situation undermines the prevention of crime and disorder licensing objective.

Immigration officers who removed the four males confirmed the following information:

The first arrested male Indian male, admitted working for 2-3 days at Cookson Spice (but wasn't certain exactly how long) and claimed to have found the job online by ringing around. He stated he was having short term financial difficulties and needed money to live and pay for re-sits. He stated he was to be paid £30 per day but had not been paid yet. He knew he was not allowed to work and apologised. He was accordingly served immigration paperwork as a person who was found working in breach of his visa conditions. Subject was due to be removed on 06/06/19 however he refused to leave the Detention Centre. A new removal date of 13/07/19 with Escorts has been set.

The second male Nigerian male, admitted during interview that he had helped out in the kitchen on three or four occasions receiving £25 cash and food on each occasion. Subject was fully aware that he was not allowed to work and claims to have told his friend who is the owner of the premises

that he was not allowed to work. The owner of the premises collected subject from his friends address in South Shields and would also take him home at the end of the night. He was accordingly served immigration paperwork as a person who was found working in breach of his visa conditions was due to be removed on 09/06/19 however a last-minute Human-Rights application lodged and he was released on immigration bail.

The third male arrested Bangladesh male, was interviewed the following day. He admitted to working illegally and he claimed to have worked there for two or three months getting paid £100 - £150 per week working Thursday, Friday and Saturday evenings 5pm until midnight as a chef. He was employed by and he did not produce any right to work paperwork. Subject remains detained however, he has now claimed asylum. This will be assessed, and a decision made whilst he remains in Immigration Detention.

The fourth male who was asked to leave the premises Bangladesh male having an outstanding asylum claim with no right to work. He did not admit to working illegally although he admitted that he was picked up and brought to the restaurant by Jaman Ahmed. He claimed that he was intending to see Durham (bearing in mind the restaurant is in Chester-le-Street) however, it was 8pm and he claimed to have been in the restaurant since 4pm and was found in the kitchen area where he claimed that he was just having food. was asked to leave the premises and has been named on the Civil Penalty Referral form as a suspected illegal worker. Claiming to have no cash and intending to get a bus home, was given £25 cash by Jaman Ahmed prior to leaving the premises.

**3. The Premises Licence Holder/DPS who is also the DPS could not locate the licence for the premise.**

*Section 57 of the Licensing Act 2003 states:*

*(5) A constable or an authorised person may require the person who, by virtue of arrangements made of the purposes of sub-section (2) is required to have the premises licence (or a certified copy of it) in his custody or under control to produce the licence (or such a copy) for examination.*

The Licence Holder/DPS/Designated Premises Supervisor (DPS) tried to hand over several documents asking if this was the licence. The Licence Holder/DPS/DPS did not appear to understand what his licence was or where it was.

**4. The CCTV was not working.**

*S136 of the Licensing Act 2003 states that a person commits an offence if he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or he knowingly allows a licensable activity to be so carried on.*

*The licence condition states that:*

*CCTV to cover the front and rear of the premises internally and externally. All parts of the premises to which members of the public have access are also covered. Footage to be kept on the system for at least 28 days and made available to Officers of Durham Constabulary and Local Authority. Staff members to be able to operate CCTV system. System to be maintained in good working order.*

The Licence Holder/DPS said he could not operate the CCTV system. He did not think it recorded for 28 days. He thought it just wiped itself and records for 1 day. He then suggested that we got a memory stick and downloaded it.

**5. There was no leave quietly signage**

*The licence condition states that:*

*Signage to be displayed asking customers to leave in a quiet manner.*

The Licence Holder/DPS offered no explanation as to why there was no signage.

**6. There was no refusals register**

*The licence condition states that:*

*A refusals register to be kept and maintained.*

When asked about the refusals register the Licence Holder/DPS pointed to the Challenge 25 poster that was up. The Licence Holder/DPS did not appear to understand what was being requested.

This undermines the prevention of public nuisance and protection of children from harm licensing objective

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

A further visit was made to the premises on 5<sup>th</sup> June 2019 when a Police Officer seized the paperwork held at Cookson Spice in relation to immigration training and right to work checks carried out on employees. This documentation is attached as Appendix 2.

Mr [redacted] was interviewed on 26<sup>th</sup> June 2019 under caution with a view to legal proceedings being issued against him for non-compliance with his licence conditions. A copy of the transcript of the interview is attached as Appendix 3.

When asked about not being able to produce the licence Mr Ahmed said the licence was on the wall. The summary was on display but when pressed as to whether the licence was on the premises, he said he thought it was in a folder.

During the interview Mr [redacted] suggested that his CCTV system might have been recording for the required number of days. He said the mouse doesn't work on the system and he can't put the password in. A technician has told him he needs a new system, but he thinks it does record for 28 days. Mr [redacted] said the system is not maintained, it is PAT tested (electrical test) but that is all.

Mr [redacted] said he did have a refusals register it had just been moved.

When asked about the Challenge 25 policy he had in place at the premises Mr [redacted] could not give a satisfactory answer as to what he understood the policy to mean and stated that training will be done in this area with [redacted] from TJR Licensing later.

Mr [redacted] was asked about the training he received regarding immigration. He said it had taken place once since the last committee hearing and this was at the end of February with [redacted]. He had been told what documents he needed to check. Mr [redacted] said that he had a new starter and he had made her go away three times to get the correct documentation for him before she started. Mr [redacted] still did not appear to see the significance of the fact that he was going to complete the paperwork after the waiter had commenced work and stated that he gives 24 hours to produce all the required documents.

Mr [redacted] still maintained in the interview that [redacted] had sent some paperwork to immigration.

When questioned about the training documentation he said a friend had been in the restaurant on the day of the inspection and that is why he had put his role down as voluntary. Mr [redacted] initially said that [redacted] had completed the certificates but when questioned further he said he wasn't sure who had written them out.

Mr [redacted] was asked about the people found in the kitchen. Mr [redacted] stated they were all there as it was Ramadam and they had come to break their fast. He said that they were not in the actual kitchen but in the vestibule between the restaurant and the kitchen. He said he had never met any of the males prior to that night. He was not sure why they had come to his restaurant, but he was happy to feed them as they had plenty of food. He said they did not work there, and he had never given any of them any money.

was interviewed as part of the investigation. He maintained that he had never removed any documentation from the premises regarding the immigration paperwork. He said that he had delivered training in respect of immigration right to work which had been developed by Mincoffs Solicitors and approved by Immigration. He said that he felt at the end of the training that Mr                      had a good understanding of the procedure for completing the right to work documentation and templates of what was required were left for him but confirmed there were no formal tests at the end of the training to check the knowledge.

also explained that he had checked that the premises had CCTV (although he did not undertake a full check of the CCTV to see if it complied with the licence condition) and on his visit he noted that the summary licence was on display along with the Challenge 25 posters.

On the 11<sup>th</sup> of July 2019 the Licensing Authority received an application to transfer the premises licence for Cookson Spice from Mr Jaman Ahmed to Mr Khalid who states he is the landlord at the premises.

On 18<sup>th</sup> July 2019 Mr Ahmed was removed as the Designated Premises Supervisor at the premises but as Mr Ahmed still holds a lease at the premises. It is the submission of the Licensing Authority that it remains entirely appropriate to review the Premises Licence.



**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**

--	--	--	--	--	--	--	--

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

**Please tick ✓ yes**

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

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

**Part 3 – Signatures** (please read guidance note 4)

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

**Signature**

.....

**Date** 22<sup>nd</sup> July 2019

.....

**Capacity Responsible Authority**

.....

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

**Post town**

**post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

### **Notes for Guidance**

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

**THE COUNTY COUNCIL OF DURHAM**

**Licensing Act 2003 (the Act) Committee**

**NOTICE OF DETERMINATION**

Date of Hearing : 18<sup>th</sup> September 2018  
Date of Determination : 18<sup>th</sup> September 2018  
Committee Members : 1. Councillor C. Carr (Chair)  
2. Councillor L. Brown  
3. Councillor C. Hampson

**1. Type of application or hearing**

- 1.1 Review of the premises licence at Cookson Spice, Cookson House, Cookson Terrace, Chester-le-Street, DH2 2AN

**2. Applicant**

- 2.1 Home Office, Immigration Enforcement Team

**3. Representation**

- 3.1 On 23<sup>rd</sup> July 2018, the Licensing Authority received an application from the Home Office, Immigration Enforcement Team, asking for a review of the premises licence for Cookson Spice, Cookson Terrace, Chester-le-Street

**4. Witnesses**

- 4.1 The Committee heard from the following:

- Yvonne Raine, Senior Licensing Officer
- Mark Thorley, Home Office, Immigration Enforcement
- Jaman Uddin Ahmed, the Premises Licence Holder
- Matt Foster, Mincoffs Solicitors on behalf of the Premises Licence Holder

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

**5. Licensing Act 2003**

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

**6. Section 182 Guidance**

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

**7. Licensing Policy**

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

**8. Licensing Objectives**

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

- Prevention of Crime & Disorder

**9. Evidence**

Representations of the Senior Licensing Officer, Yvonne Raine

- 9.1 Ms Raine re-iterated the contents of her report, outlining the representations made and the issues involved.
- 9.2 It was confirmed that additional information had been supplied by the Premises Licence Holder and the Applicant. Copies had been passed over to all relevant parties.

Representations of the Home Office

- 9.3 Mark Thornley spoke on behalf of the Home Office. He confirmed that an enforcement visit had taken place on 18<sup>th</sup> November 2017. Entry was pursuant to Section 179 of the Licensing Act 2003. Mr Ahmed had confirmed that he was the owner and manager of the premises.
- 9.4 Unfortunately four arrests had been made on the basis of immigration offences. Consequently passports were seized and searches were carried out at personal addresses.

- 9.5 There were no records at all on the premises, although it was conceded that sometimes records are kept off-premises, sometimes with accountants. Following a search of the premises and house searches, there were no employment records.
- 9.6 During the premises search an interview took place in the kitchen, at Mr Ahmed's request, and the Home Office followed this with the imposition of a Civil Penalty. This was appealed at the local county court but the decision to serve this penalty was upheld.
- 9.7 Mr Ahmed was now in the process of paying the Civil Penalty but this was for a large amount, £37,000. A payment plan was now in place.
- 9.8 This was not the first such visit to these premises. On 3<sup>rd</sup> March 2016 there had been one arrest made but that person was later released due to checks made. He suspects that the release of this person gave Mr Ahmed a false sense of security that it was satisfactory to carry on as he had been doing.
- 9.9 No proper checks had been carried out in this latest incident. Those checks were clearly defined on the Home Office website and so they were readily available.
- 9.10 There were mitigating factors in that Mr Ahmed had now employed a licensing consultant and had gone through thorough training. New systems had been introduced so great efforts had been made which was rare in his experience, although it was stressed these systems should have been in place in any event.
- 9.11 The Home Office had suggested the imposition of conditions, which were to be found at Page 55 of the hearing bundle.

#### Representations of the Applicant

- 9.12 Matthew Foster spoke on behalf of Cookson Spice. He confirmed that these premises were in an area that historically had issues with crime and disorder. Prior to this development the premises had involvement with the police. Aside from the issues discussed today, there have been no reported issues with these premises.
- 9.13 His client was both the premises licence holder and the designated premises supervisor. He took responsibility for what had happened.
- 9.14 Mr Ahmed has had a difficult time. He suffers with dyslexia and he had no doubt this contributed to the offences, which he acknowledged were serious.
- 9.15 He had done his best to rectify the situation and he hoped to keep the premises in line with the new conditions that were being offered.
- 9.16 Mr Ahmed had already been prosecuted and was struggling to keep the business going due to the penalty imposed. His client was asking for another chance.

- 9.17 It was acknowledged that their starting point may well be a revocation. But he felt that the Sub-Committee had been provided with information which allowed them to step back from a revocation. If he had 'tipped up' today and had done absolutely nothing then it would be quite right to look at revocation. His client had given the Sub-Committee plenty of reasons to step back from that.
- 9.18 Licensing Consultant, spoke to the Sub-Committee. He confirmed the training that had been given stressing that many in the UK had not put this sort of training in place. This was to all staff.
- 9.19 On 15<sup>th</sup> August 2018 he had spoken to the whole of the staff, including all kitchen staff. He had been told about Mr Ahmed's dyslexia and so had tailored the training to suit. He had fully explained the documents that had been introduced into the business.
- 9.20 He had suggested that the premises obtain an ultra-violet reader to assist with identifying original documentation.
- 9.21 He can confirm that Mr Ahmed certainly knows about the seriousness of the situation and there was an offer to do initial refresher training after three months and then subsequently every six months.
- 9.22 The Sub-Committee asked a number of questions of the Licence Holder.
- 9.23 He confirmed he took food hygiene laws extremely seriously. He had been running this business for seven years.
- 9.24 They had a turnover of staff as it was a busy business, especially at weekends. He now had a system of employing insisting on a passport, driving licence, national insurance number and only taking referrals through the job centre. He had previously put trust in the individuals but there was a change of focus now, only taking referrals from the job centre.
- 9.25 He fully intended to use an ultra-violet machine and was looking to acquire his own photocopier for administrative duties.
- 9.26 Once refresher training was completed full records would be signed and kept. This hopefully satisfied both the licensing authority and the Home Office.
- 9.27 Mr Foster provided a final summary confirming this was a decision of great importance to his client. He was already struggling to make ends meet with the large fine that had been imposed.
- 9.28 There was now a recognition, from the Home Office, that the proposed conditions would satisfy them. This would make Home Office visits much easier.
- 9.29 He asked the Sub-Committee to step back from a revocation and that conditions would be fit and proper for this licence.

## **10. Decision**

10.1 It is deemed that the premises licence may continue with the addition of further conditions at Annex 3 of the licence:

10.1.1 *The Premises Licence Holder shall operate a system which ensures compliance with immigration legislation and proves employees' right to work status is evidenced before they commence employment.*

10.1.2 *Employees' right to work documents will be retained on the premises and made available for the Licensing Authority, Police and Home Office immigration enforcement officers, upon request. Such documents will be retained for a period of two years after employees cease working at the premises.*

10.1.3 *The Premises Licence Holder shall receive training in relation to immigration after three months, six months and annually thereafter. Records of training for new members of staff shall take place on those occasions and all records of training shall be made available to the Licensing Authority, Police and Home Office immigration enforcement officers, upon request.*

## **11. Reasons**

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

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

- Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

11.3 The Sub-Committee must have regard to the Licensing Act 2003, the Section 182 Guidance and the Council's Licensing Policy.

11.4 It is clear that there has been significant issues with regard to illegal workers at these premises. The Sub-Committee had heard that four workers had been arrested as having no grounds to work in the UK. As a result it was revealed that the licence holder had no real procedures or checks and balances to ensure that such workers were not employed at these premises.

11.5 As a result, the Home Office chose to impose a Civil Penalty. The amount of that penalty was challenged by way of appeal at the local county court but was upheld.



- 11.6 The fine was significant, totalling £30,960. The licence holder was also ordered to pay the Home Office costs of £5,960. The Sub-Committee had heard that the licence holder would struggle to make the required payments but that it would be impossible without the continuation of this licence.
- 11.7 The licence holder's personal circumstances should not be a factor in considering the continuation of this licence. What was impressive was that the licence holder had sought the views of a licensing law firm and had sought training from a licensing consultant, TJR Licensing. They had made representations on behalf of the licence holder and had produced documentation evidencing new procedures and a new approach to employment issues.
- 11.8 The licence holder had offered additional conditions to be placed on his licence and the Home Office representative had indicated that these conditions would be a satisfactory outcome to this matter. The Home Office were certainly not looking to revoke this licence and felt it could continue, in compliance with the licensing objectives.
- 11.9 The Sub-Committee are therefore confident that the appropriate and proportionate response to this review is to impose further conditions on these premises.
- 11.10 The Sub-Committee have considered the review and determined, having regard to the four licensing objectives, that this premises licence may continue with the conditions as previously outlined.

Signed

(Chair)

Dated

26<sup>th</sup> September 2018

**PLEASE NOTE:**

---

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





**Immigration Compliance Training**  
**Cookson Spice, Cookson Terrace, Chester Le Street**

**Course Date 28<sup>th</sup> February 2019**

NAME IN CAPITALS	ROLE IN VENUE	SIGNATURE
	WAITER.	
	WAITER.	
	WAITER	
	MANAGERS.	
	VOLUNTARY/	
	CHEFS.	
	TANDOORI CHEFS.	

I certify that the above names individuals attended this course and received the training

Tim Robson – Tutor .....

28/2/19



TJR Licensing, Consultancy and Training.

**Record of Training Given to a Member of Staff Regarding awareness  
and understanding of Current Immigration Legislation  
Trainers Declaration.**

**Cookson Spice, Cookson Terrace, Chester Le Street**

I hereby confirm that I have delivered training to; JAMAN.

In relation to age restricted products and I feel confident that he/she fully understands the legislation, liabilities, policies and procedures to be complied with namely.

- Immigration legislation Compliance

Position in premises; MANAGER

Candidate Signature;

Name of Premises; **Cookson Spice, Cookson Terrace, Chester Le Street**

Trainer Name **Tim Robson Cert.Ed. MIOL, BII**

**Signature**

**Date 28<sup>th</sup> February 2019**

It is recommended that refresher training is given every six months.



TJR Licensing, Consultancy and Training.

**Record of Training Given to a Member of Staff Regarding awareness  
and understanding of Current Immigration Legislation  
Trainers Declaration.**

**Cookson Spice, Cookson Terrace. Chester Le Street**

I hereby confirm that I have delivered training to

In relation to age restricted products and I feel confident that he/she fully understands the legislation, liabilities, policies and procedures to be complied with namely.

- Immigration legislation Compliance

Position in premises;

*VOLUNTEER*

Candidate Signature;

Name of Premises; **Cookson Spice, Cookson Terrace, Chester Le Street**

Trainer Name **Tim Robson Cert.Ed. MIOL, BII**

**Signature**

**Date 28<sup>th</sup> February 2019**

It is recommended that refresher training is given every six months.

## EMPLOYEES 'RIGHT TO WORK' PACK

Tick when completed



Enclosed copies of original personal documents



Validity of the documents checked



Signed & dated declaration on copies of personal documents

To be signed on completion of the pack

Employer's signature:

Date: 30/07/2018

Print Name:

Employee's signature:

Date: 30-07-2018

Print Name: JAMAL AHMED

# COOKSON SPACE

## Pre-employment check

Checks framed by law	Check done by	Date	Type of document
Identity <ul style="list-style-type: none"> <li>• Passport birth certificate or driving licence</li> <li>• Certificate of registration Biometric Residence Permit and/or immigration documents</li> </ul>	JAMIN JODIN	30-07-2018	PASSPORT DRIVING LICENCE
Right to work in the UK			



THIS PAGE IS RESERVED FOR OFFICIAL OBSERVATIONS

BRITAIN AND NORTH IRELAND



THE DATE ON WHICH THIS RIGHT TO WORK  
CHECK WAS MADE IS 30-07-2018.

## EMPLOYEES 'RIGHT TO WORK' PACK

### Tick when completed



Enclosed copies of original personal documents



Validity of the documents checked



Signed & dated declaration on copies of personal documents

### To be signed on completion of the pack

Employer's signature:

Date: 06-08-2018

Print Name:

Employee's signature:

Date: 06-08-2018

Print Name: Jamar

# COOKSON SPACE

## Pre-employment check

Checks framed by law	Check done by	Date	Type of document
<b>Identity</b> <ul style="list-style-type: none"> <li>• Passport, birth certificate or driving licence</li> <li>• Certificate of registration, Biometric Residence Permit and/or immigration documents</li> </ul>	JAMAN UDDIN		PASSPORT DRIVING LICENCE
<b>Right to work in the UK</b>			

### Notes:

The date on which this right to work check was made [ / / ]

Signature: .....

Print Name: .....

In the presence of [employee]

Signature: .....

Print Name: .....

DATE FOR REVIEW:

(Only applicable if employee has time limited permission to work in the UK)

## P45 Part 1A



HM Revenue  
& Customs

## Details of employee leaving work

Copy for employee

**1** Employer PAYE reference

Office number Reference number

**2** Employee's National Insurance number

**3** Title - enter MR, MRS, MISS, MS or other title

Surname or family name

First or given name(s)

**4** Leaving date DD MM YYYY

29

07

2018

**5** Student Loan deductions

☐

Student Loan deductions to continue

**6** Tax Code at leaving date

If week 1 or month 1 applies, enter 'X' in the box below.

Week 1 / Month 1

☐

**7** Last entries on P11 Deductions Working Sheet

Complete only if Tax Code is cumulative. If there is an 'X' at box 6 there will be no entries here.

Week number

Month number

04

Total pay to date

£

P

Total tax to date

£

P

**8** This employment pay and tax. If no entry here, the amounts are those shown at box 7.

Total pay in this employment

£

P

Total tax in this employment

£

P

**9** Works number/Payroll number and Department or branch (if any)

**10** Gender. Enter 'X' in the appropriate box

Male

X

Female

☐

**11** Date of birth DD MM YYYY

**12** Employee's private address

Postcode

**13** I certify that the details entered in items 1 to 11 on this form are correct.

Employer name and address

Postcode

Date DD MM YYYY

14

08

2018

### To the employee

The P45 is in three parts. Please keep this part (Part 1A) safe. Copies are not available. You might need the information in Part 1A to fill in a Tax Return if you are sent one.

Please read the notes in Part 2 that accompany Part 1A.

The notes give some important information about what you should do next and what you should do with Parts 2 and 3 of this form.

### Tax credits

Tax credits are flexible. They adapt to changes in your life, such as leaving a job. If you need to let us know about a change in your income, phone 0845 300 3900.

### To the new employer

If your new employer gives you this Part 1A, please return it to them. Deal with Parts 2 and 3 as normal.





**HM Revenue  
& Customs**

**P45 Part 2**  
**Details of employee leaving work**  
Copy for new employer

**1 Employer PAYE reference**

Office number      Reference number

**2 Employee's National Insurance number**

**3 Title - enter MR, MRS, MISS, MS or other title**

**4 Leaving date DD MM YYYY**

**29**

**07**

**2018**

**5 Student Loan deductions**

☐

Student Loan deductions to continue

**6 Tax Code at leaving date**

If week 1 or month 1 applies, enter 'X' in the box below.

Week 1 / Month 1

☐

**7 Last entries on P11 *Deductions Working Sheet***

Complete only if Tax Code is cumulative. If there is an 'X' at box 6 there will be no entries here.

Week number

Month number

**04**

Total pay to date

£

P

Total tax to date

£

P

**To the employee**

This form is important to you. Take good care of it and keep it safe. Copies are not available. Please keep Parts 2 and 3 of the form together and do not alter them in any way.

**Going to a new job**

Give Parts 2 and 3 of this form to your new employer, or you will have tax deducted using the emergency code and may pay too much tax. If you do not want your new employer to know the details on this form, send it to your HM Revenue & Customs (HMRC) office immediately with a letter saying so and giving the name and address of your new employer. HMRC can make special arrangements, but you may pay too much tax for a while as a result of this.

**Going abroad**

If you are going abroad or returning to a country outside the UK ask for form P85 *Leaving the United Kingdom* from any HMRC office or Enquiry Centre.

**Becoming self-employed**

You must register with HMRC within three months of becoming self-employed or you could incur a penalty. To register as newly self-employed see The Phone Book under HM Revenue & Customs or go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk) to get a copy of the booklet SE1 *Are you thinking of working, working for yourself?*.

**Claiming Jobseeker's Allowance or Employment and Support Allowance (ESA)**

Take this form to your Jobcentre Plus Office. They will pay you any tax refund you may be entitled to when your claim ends, or at 5 April if this is earlier.

**Not working and not claiming Jobseeker's Allowance or Employment and Support Allowance (ESA)**

If you have paid tax and wish to claim a refund ask for form P50 *Claiming tax back when you have stopped working* from any HMRC office or Enquiry Centre.

**Help**

If you need any further help you can contact any HMRC office or Enquiry Centre. You can find us in The Phone Book under HM Revenue & Customs or go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

**To the new employer**

Check this form and complete boxes 8 to 18 in Part 3 and prepare a form P11 *Deductions Working Sheet*. Follow the instructions in the Employer Helpbook E13 *Day-to-day payroll*, for how to prepare a P11 *Deductions Working Sheet*.



HM Revenue  
& Customs

**P45 Part 3**  
**New employee details**  
For completion by new employer

**1** Employer PAYE reference  
Office number      Reference number

**2** Employee's National Insurance number

**3** Title - enter MR, MRS, MISS, MS or other title

**4** Leaving date DD MM YYYY

**5** Student Loan deductions  
☐ Student Loan deductions to continue

**6** Tax Code at leaving date  
  
If week 1 or month 1 applies, enter 'X' in the box below.  
Week 1 / Month 1 ☐

**7** Last entries on P11 *Deductions Working Sheet*  
Complete only if Tax Code is cumulative. If there is an 'X' at box 6 there will be no entries here.  
Week number  Month number  **04**

Total pay to date  
£  **P**

Total tax to date  
£  **P**

**To the new employer**

**8** New employer PAYE Reference  
Office number      Reference number

**9** Date new employment started DD MM YYYY

**10** Works number/Payroll number and Department or branch (if any)

**11** Enter 'P' here if employee will not be paid by you between the date employment began and the next 5 April  
☐

**12** Enter Tax Code in use if different to the Tax Code at box 6  
  
If Week 1 or Month 1 basis applies, enter 'X' in the box below.  
Week 1 / Month 1 ☐

**13** If the tax figure you are entering on P11 *Deductions Working Sheet* differs from box 7 (see the E13 *Employer Helpbook Day-to-day payroll*) please enter the figure here.  
£  **P**

**14** New employee's job title or job description

**15** Employee's private address  
  
Postcode

**16** Gender: Enter 'X' in the appropriate box  
Male ☒ Female ☐

**17** Date of birth DD MM YYYY

**Declaration**

**18** I have prepared a P11 *Deductions Working Sheet* in accordance with the details above.  
Employer name and address  
  
Postcode  
  
Date DD MM YYYY

## EMPLOYEES 'RIGHT TO WORK' PACK

Tick when completed



Enclosed copies of original personal documents



Validity of the documents checked



Signed & dated declaration on copies of personal documents

To be signed on completion of the pack

Employer's signature

Date 13-08-2018.

Print Name JAMMAN

Employee's signature

Date 13-08-2018.

Print Name



COOKSON SPICE

### Pre-employment check

Checks framed by law:

Check done by

Date: \_\_\_\_\_

Type of document

January

13-08-2018

PASSPORT

H. M. Ridenour  
of custom letter

## EMPLOYEES 'RIGHT TO WORK' PACK

**Tick when completed**



Enclosed copies of original personal documents



Validity of the documents checked



Signed & dated declaration on copies of personal documents

**To be signed on completion of the pack**

Employer's signature:

Date:

Print Name:

Employee's signature:

Date: 28/2/19

Print Name:

# COOKSON SPICE

## Pre-employment check

Checks framed by law	Check done by	Date	Type of document
<b>Identity</b> <ul style="list-style-type: none"> <li>• Passport, birth certificate or driving licence</li> <li>• Certificate of registration, Biometric Residence Permit and/or Immigration documents</li> </ul>			
<b>Right to work in the UK</b>			

### Notes:

The date on which this right to work check was made [   /   /   ]

Signature: .....

Print Name: .....

In the presence of (employee)

Signature:

Print Name

**DATE FOR REVIEW:**

(Only applicable if employee has time limited permission to work in the UK)



TJR Licensing, Consultancy and Training.

**Record of Training Given to a Member of Staff Regarding awareness  
and understanding of Current Immigration Legislation  
Trainers Declaration.**

**Cookson Spice, Cookson Terrace, Chester Le Street**

I hereby confirm that I have delivered training to;

In relation to age restricted products and I feel confident that he/she fully understands the legislation, liabilities, policies and procedures to be complied with namely.

- Immigration legislation Compliance

Position in premises; waiter

Candidate Signature;

Name of Premises; **Cookson Spice, Cookson Terrace, Chester Le Street**

Trainer Name **Tim Robson Cert.Ed. MIOL, BII**

Signature

**Date 28<sup>th</sup> February 2019**

It is recommended that refresher training is given every six months.

PROVISIONAL



PROVISIONAL DRIVING LICENCE

PROVISIONAL DRIVING LICENCE

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## Appendix 5: Representations

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

URN

Statement of Sgt 484 DICKENSON

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

This statement (consisting of                      page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 17th August 2019

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

☐

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

☐

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

Durham Constabulary are fully supportive of the application made by Durham Council to seek a review of the premises licence for Cookson Spice.

This is the third time the premises has been visited by immigration officers and illegal worker have been arrested at the premises. The first occasion on 3rd March 2016 whereby one worker was arrested, the second visit on 18th November 2017 whereby four arrests were made and now the third occasion on 23rd May 2019 whereby four males were encountered and three were arrested with the forth being asked to leave the premises.

At the time of the immigration visits in May 2019 the Premises licence holder and Designated premises supervisor was Mr Jaman AHMED. AHMED was already in the process of paying a civil penalty of £37,000 which was a result of the previous immigration visit in November 2017.

AHMED had been subject to a licencing review on 18th September 2018 where by the decision was made by the committee not to revoke his licence however only 8 months later here he is again found to have a number of illegal workers at the premises and he was breaching a number of the conditions of his licence.

The current landlord of the property is a Mohamed KHALID who has provided a letter to Durham Constabulary dated 10<sup>th</sup> July whereby he has advised Jaman AHMED that he was to removed as designated premises supervisor with immediate effect and that he (Mohamed KHALID) would be taking over as the premises licence holder.

Durham Constabulary received an application on 11th July 2019 to transfer the premises licence to Mohamed KHALID. At the time of writing this statement no application has been received to add a DPS.

The change of PLH to the landlord of the property again doesn't offer any confidence to Durham Constabulary that there will be any changes in the running of this business. I would have expected a responsible landlord to know what is going on at their properties and when Cookson Spice was subject to review procedures last year, to intervene then or at least have a closer eye on the business to ensure this didn't happen again. It would appear

the landlord is now only taking action as the licence is in jeopardy.

It is Durham Constabulary's position that it is a very serious matter to employ workers who do not have the right to work in the UK and the way Jaman AHMED has conducted himself since been given a 2<sup>nd</sup> chance by the sub licencing committee to improve shows that he has a total disregard for the Licencing Act, sub licencing committee decisions and the promotion of the licencing objectives and continues to exploit people for profit.

Signature:

Signature witnessed by:



Durham Safeguarding Children Partnership  
Transformation and Partnerships  
Durham County Council  
County Hall  
Durham  
DH1 5UL

Ref SB/2019/081

Date: 7<sup>th</sup> August 2019

Durham County Council  
Licensing Services  
PO Box 617  
Durham  
DH1 9HZ

To whom it may concern

**Re: Review Application for Cookson Spice, Cookson House, Chester le Street, DH2**

By way of background, as a responsible authority under the Licensing Act, Durham Durham Safeguarding Children Partnership (DSCP) examines all licensing applications to ensure that safeguards are in place to protect children and young people from harm.

Durham SCP recognises that children and young people's access to alcohol can make them vulnerable to exploitation; become victims of crime as well as the possibility of becoming an offender themselves. This is supported by analysis, both locally and nationally.

The use of age verification policies, refusal register and the supervision and training of staff on licensed premises can make a significant contribution in ensuring that licensed premises restrict the availability of alcohol to all children and young people.

Durham SCP has received an application from Durham Licensing Authority for a review of a premises licence under the Licensing Act 2003, in respect of the premises:

Evidence presented in the application of review raises concerns about the protection of children from harm. In particular my concerns centre on the following:

- Failure to maintain agreed licensing conditions relating to application of age verification scheme and maintenance of refusals register.

Durham SCP believe the role of the premises licence holder and designated premises supervisor are positions of responsibility. Based on the evidence provided in this review it is apparent that the conditions of licence are not being adhered to and the premises licence holder and designated premises supervisor are not fulfilling their roles in respect to the premises licence.

Therefore, on behalf of the Durham Safeguarding Children Partnership, I would support the application by Durham Licensing Authority to review the premises licence.

Yours sincerely

Mark Quinn  
Quality & Performance Coordinator  
Durham Safeguarding Children Partnership

## **Helen Johnson - Licensing Team Leader (N'hoods)**

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**From:** Thorley Mark  
**Sent:** 29 July 2019 10:15  
**To:** Helen Johnson - Licensing Team Leader (N'hoods)  
**Subject:** FW: Application for a review of a premises licence - Cookson Spice, Cookson Terrace, Chester-le-street  
**Attachments:** Immigration Representations Cookson Spice.docx

Helen,

Please see attached, I was advised to forward to yourself.

Regards,

Mark

*Mark Thorley*

A/Chief Immigration Officer (3755)

Immigration, Compliance and Enforcement Team – North East and Cumbria

Immigration Enforcement

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**From:** Thorley Mark  
**Sent:** 29 July 2019 10:10  
**To:** 'licensing@durham.gov.uk' <licensing@durham.gov.uk>  
**Subject:** FW: Application for a review of a premises licence - Cookson Spice, Cookson Terrace, Chester-le-street

Morning Nicola,

Please see attached – can you let me know if this is acceptable or if it needs any further details etc

Kind Regards,

Mark

*Mark Thorley*

A/Chief Immigration Officer (3755)

Immigration, Compliance and Enforcement Team – North East and Cumbria

Immigration Enforcement

## **Helen Johnson - Licensing Team Leader (N'hoods)**

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**From:** AHS Licensing  
**Sent:** 15 August 2019 12:05  
**To:** Helen Johnson - Licensing Team Leader (N'hoods)  
**Subject:** FW: Cookson Spice Cookson House Cookson Terrace Chester-Le-Street Durham AL26110

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**From:** Nicola Anderson  
**Sent:** 14 August 2019 00:47  
**To:** AHS Licensing <Licensing@durham.gov.uk>  
**Subject:** FW: Cookson Spice Cookson House Cookson Terrace Chester-Le-Street Durham AL26110

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**From:** ISD Alcohol Reviews  
**Sent:** 13 August 2019 16:42  
**To:** Nicola Anderson  
**Cc:** Thomas Phil  
**Subject:** RE: Cookson Spice Cookson House Cookson Terrace Chester-Le-Street Durham AL26110

Good afternoon,

In relation to your review application re the above premises I can confirm that a subsequent visit was made which had resulted in the encounter of four illegal workers.

A civil penalty of £25,000.00 has been issued to the business owner of which he is paying off via a direct debit payment system which has been set up for him.

Regards

*Paul Wynter*

*Interventions and Sanctions Directorate | Alcohol and LNR licensing Team  
Immigration Enforcement*

## Immigration Representations Cookson Spice

I wish to submit representations regarding Cookson Spice following an illegal working visit conducted by North East ICE Arrest Team, accompanied by Durham Licensing to Cookson Spice, 12 Cookson Terrace, Chester-Le-Street DH2 2AN on 23/05/2019.

Intelligence was received that the business was employing illegal workers.

A previous visit to Cookson Spice on 18/11/2017 resulted in the arrest of 4 Immigration Offenders and a subsequent Licensing Review held on 18/09/2018; resulted in a Statutory Licensing Sub Committee imposing the following conditions:

*The Premises Licence Holder shall operate a system which ensures compliance with immigration legislation and proves employees' right to work status is evidenced before they commence employment. Employees' right to work documents will be retained on the premises and made available for the Licensing Authority, Police and Home Office immigration enforcement officers, upon request. Such documents will be retained for a period of two years after employees cease working at the premises. The Premises Licence Holder shall receive training in relation to immigration after three months, six months and annually thereafter. Records of training for new members of staff shall take place on those occasions and all records of training shall be made available to the Licensing Authority, Police and Home Office immigration enforcement officers, upon request.*

A visit was subsequently conducted with 3 Immigration Offenders arrested with a further Immigration Offender asked to leave the premises as he held no right to employment.

Out of the three persons arrested 2 were served Immigration Paperwork as having Worked in Breach of their Visa Conditions and both were removed from the United Kingdom on 06/06/2019 to India and Nigeria respectively.

The third male a Bangladeshi National, who had previously been served Immigration paperwork as having Overstayed his visa has since claimed Asylum and is currently on Immigration Bail.

With the fourth male escorted out of the premises the Civil Penalty pack was referred to our Civil Penalty team for consideration of £20,000 per Illegal Worker a total of £80,000 as they have previously found to employ illegal workers. This is ongoing and is being processed by the team.

The previous Civil Penalty of £25,000 for the visit in 2017 is still outstanding.

Mr.Ahmed has shown a blatant disregard to the requirements of his Licence-when asked for documentation regarding his employees right to work and subsequent checks completed, the required documentation was piecemeal and unacceptable.

What records produced were of poor quality and not up to the required standard required by the Home Office. Mr. Ahmed was fully aware of the expectations required as an employer following his previous Licensing Review. The fact that 4 Immigration Offenders were encountered working within his business afterwards suggests that any further conditions imposed would only be ignored.