

Licensing Authority: Westmorland and Furness Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Home Office Immigration Enforcement

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

The Fisherbeck Hotel Lake Road	
Post town Ambleside	Post code (if known) LA22 0DH

Name of premises licence holder or club holding club premises certificate (if known) Yatson & Co Ltd
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Number of premises licence or club premises certificate (if known) unknown
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Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates

(please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional)

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

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

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

Grounds for review:

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

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

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

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

Please refer to accompanied review pack for detailed information

Please tick ✓ yes

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

If yes, please state the date of that application

Day	Month	Year

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 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 R Hundal
.....

Date 09 May 2024
.....

Capacity Responsible Authority
.....

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

Alcohol Licensing Team
Lunar House
40 Wellesley Road

Post town

Croydon

Post Code

CR9 2BY

Telephone number (if any)

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

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.



Home Office

Premises Licence Review

The Fisherbeck Hotel
Lake Road
Ambleside
LA22 0DH

Contents

Case Summary	3
Licensed Premises History	4
Enforcement Visit: 11 January 2024.....	5
Enforcement Visit: 11 April 2024	7
Reasons for Review	8
Outcome Sought	9

Case Summary

Two enforcement visits were conducted to the Fisherbeck Hotel, Lake Road, Ambleside, LA22 0DH and their annex building, the Log House, Ambleside, LA22 0DN. The visits were conducted after the Home Office had received intelligence that illegal working was occurring at the premises.

Six illegal workers were encountered over the two visits. Referrals have been made to the Civil Penalty Compliance Team in relation to the illegal working.

On 29 April 2024, a civil penalty for £10,000 was issued for employing illegal workers in January 2024. The civil penalty outcome for the visit in April 2024 is yet to be decided.

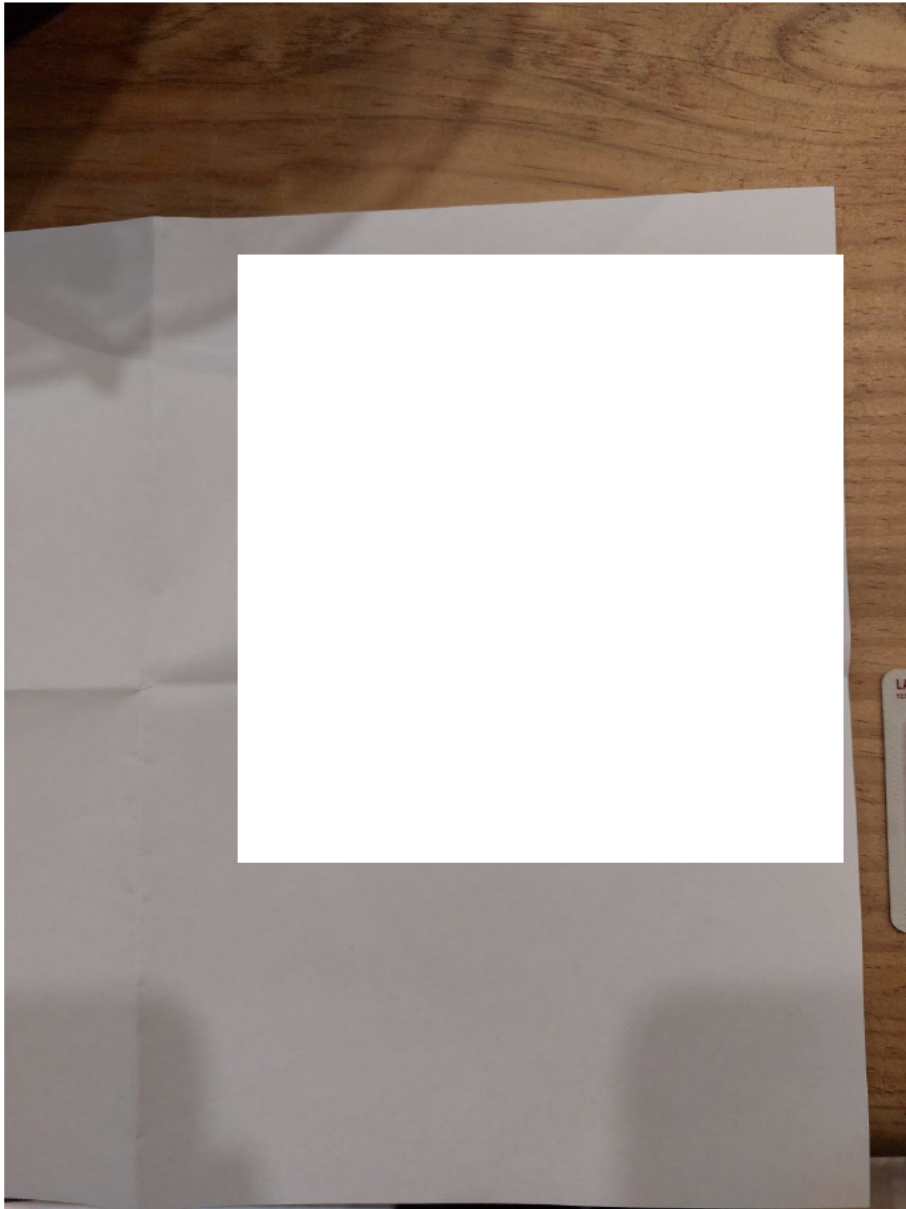
Licensed Premises History

The premises license has been held by Yatson & Co Ltd, with the designated premises supervisor being _____, a licence which has been held since 23 October 2019.

The company registration number for Yatson & Co LTD is 09168529. Companies House show that it was incorporated on 11 August 2014, is currently active and _____ is the director, appointed on 11 August 2014.

The company is also registered under another name, Fisherbeck Hotel Management Company Limited, registration number 12866537. Companies House show that it was incorporated on 08 September 2020, is currently active and _____ is the director, appointed on 04 November 2022.

A visit was previously conducted to the premises on 11 January 2024. The directors of the company under both names have remained the same.



List of names provided to officers prior to conducting their search.

Enforcement Visit: 11 April 2024

Entry was gained to the premises at 11:30. Upon entering, immigration officers encountered the following individuals:

was encountered by officers working in the premises, he was seen leaving a rear entrance going towards the plant room whilst carrying tools. entered the UK in 2019 on a 6 month visit visa and has made no applications to remain in the UK after the visa had expired, nor did they have any permission to work. was served with paperwork as an overstayer on 30 November 2021.

was interviewed and stated he had worked at the premises for over one year. stated his role is repair work (plumbing and electric) and he works 5 days a week, 7-8 hours a day. was unsure of the name of the person who employed him, he receives food and accommodation. was observed carrying out electrical work on the premises.

was encountered by officers working in the premises, he was seen cleaning. was previously encountered at the premises, made a claim to remain in the UK following his detention in January 2024. This claim is outstanding.

stated he does cleaning at the hotel and had been since November 2023. was observed cleaning when officers arrived, he then tried to flee. stated he is allowed to stay (at the hotel) for helping out. stated ' ' said they could stay at the hotel.

was seen fleeing from the kitchen when officers arrived. was previously encountered working in January 2024. When interviewed she confirmed that she was cleaning for three hours a day. When asked about remuneration, stated she gets "One meal for one day, the residue from the customers food only". This is clearly concerning and is an indicator of modern slavery.

Hotel Manager

An interview was conducted with , who stated that she had handed in her notice and was just helping out. was questioned about the three workers who were encountered, she stated that she had only started work at 11am and could not account for who they are.

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.

Out of the 16 staff encountered on two separate occasions, there were 6 illegal workers encountered at the premises. Two workers were encountered on both occasions.

Three illegal workers were encountered at the premises on 11 January 2024. A notice of intent to issue a civil penalty was served explaining there could be a financial penalty issued to the liable party. This document contained information on 'Code of practice on preventing illegal working'. Furthermore, this contained the following link [Right to work checks: employer guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/right-to-work-checks-employer-guidance), which contains detailed information on how to and when to conduct right to work checks. Despite this, the second visit uncovered a continued practise of employing illegal workers.

It must be noted that on 29 April 2024, a civil penalty for £10,000 was issued for employing illegal workers in January 2024. The civil penalty outcome for the visit in April 2024 is yet to be decided.

The license holder, Yatson & Co Ltd has deliberately overlooked the rules and laws in place to prevent crime and disorder. In addition, the comments made by one worker in April 2024 that she receives "One meal for one day, the residue from the customers food only" should be given considerable weight.

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. 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.

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 and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded 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.

The Fisherbeck Hotel, trading as Yatson & Co Ltd, under the control of [redacted] has been found employing illegal workers on two separate occasions. This business has clearly failed to meet the prevention of crime and disorder objective.

The license holder would have been aware of his responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application. They have also been reminded on 11 January 2024 of their responsibility to ensure an individual's permission to work in the UK.

The premises was visited just three months later on 11 April 2024 and three individuals were encountered who had no permission to work, two of which the owner was specifically informed previously had no permission to work in the UK.

The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.

A firm response to this behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants.

It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and (unlawfully) inflate their profits to the expense of others.

Immigration Enforcement asks that the premises licence is revoked. 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 criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally.

This submission provides the licensing subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.