

Licensing Committee Agenda

HEARING TO CONSIDER AN APPLICATION FOR A REVIEW OF A PREMISES LICENCES

This meeting will consider only licensing matters delegated under the Licensing Act 2003

18TH March at 11am

Remote Meeting

MEMBERS OF COMMITTEE INVITED TO ATTEND HEARING

Councillor R. Lee (Chair)
Councillor D. Clark (Vice Chair)

and Councillors A. Davidson and P. Wilson

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City. If you would like to find out more, please telephone Dan Sharma-Bird in the Democracy Team on Chelmsford (01245) 606523 or email dan.sharma-bird@chelmsford.gov.uk.

Licensing Committee

18th March 2024

AGENDA

1. Apologies for Absence

2. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. Minutes

To consider the minutes of the meeting on 12 December 2023

4. Licensing Act 2003 – Application for a review of a Premises Licence - 122 Springfield Road, Chelmsford, CM2 6LF

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 12th December 2023 at 1.30pm

Present:

Councillor R. Lee (Chair of Hearing)

Councillors D. Clark and A. Davidson

1. **Apologies for Absence**

No apologies for absence were received.

2. **Declaration of Interests**

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

3. **Minutes**

The minutes of the meetings on 14th and 21st November 2023 were confirmed as a correct record.

4. **Licensing Act 2003 – Application for a new Premises Licence – Clockwork Orange, Boyton Hall Farm, Boyton Hall Lane, Roxwell, Chelmsford, CM1 4LN**

The Committee considered an application for a new premises licence made under Section 17 of the Licensing Act 2003 and had regard to the representations made during the consultation period. These related to the promotion of the below Licensing objectives.

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

The application was for the below licensable activities:

Sale or supply of Alcohol Saturday 11:00 – 23:00
Sunday 13:00 – 19:00

Performance of Dance Saturday 11:00 – 23:00
Sunday 13:00 – 19:00

Performance of Live Music Saturday 11:00 – 23:00
Sunday 13:00 – 19:00

Performance of Recorded Music Saturday 11:00 – 23:00
Sunday 13:00 – 19:00

It was noted by the Committee that there were three options namely;

- Grant the application, on the terms and conditions applied for
- Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the licensing objectives.
- Refuse the application in whole or in part.

The following parties attended the hearing and took part in it:

Applicant

- Mr Chaplin (agent)
- Mr Hall (applicant)
- Mr Galley (production manager)

Objector

- Cllr Lewis (Chignal Parish Council)

Officers informed the Committee that during the course of the application, one representation had been received, from Chignal Parish Council. The Chair advised that the written representation had been read and considered by the Committee in advance of the meeting.

The applicant addressed the Committee to summarise their application. They informed the Committee that it was for a repeat event, which had previously been held at Chelmsford racecourse. They referred to their extensive experience in running the festivals without issues in the past and detailed the event would take place on Saturday 29th June with the potential for a smaller scale event with reduced hours on Sunday 30th June as well. The Committee heard that the event was targeted at a well known audience group and they were moving location to alleviate previously raised concerns regarding clients exiting the previous site near to a dual carriageway. The Committee were informed that the event was aimed at a middle-aged audience and run by a professional and experienced talent pool. They also highlighted that no responsible authorities had made representations against the application. They also informed the Committee that their traffic management plan and event management plans would be amended in line with any comments from the Safety Advisory Group.

The Committee heard from a Councillor representing Chignal Parish Council. They highlighted that their initial concerns had been raised due to a lack of information available to them, but after seeing the detailed information they felt that the majority of their concerns were in fact alleviated. They asked questions on a public right of way issue, a residential property near to the site and on matters including the security company and production company. In response the applicants detailed that any public right of ways would be maintained, the property nearby would have security at the end of its road and they would seek to reach out to the resident in advance. They also stated they had a designated security company along with a separate

production and sound management company. They also stated that parking on the site would be in excess of what was required.

In response to questions from the Committee, the applicants confirmed litter picks would cover the surrounding areas and that the event would close at 22:30 on the Saturday, with the licence continuing till 23:00, to cover any issues and if utilised on the Sunday, this would finish at 19:00. The applicants also confirmed that the licence was for a recurring event and if successful then they would be looking to use the site on an annual basis. They also apologised for not reaching out to the Parish Council in advance and offered to meet with them to address any other concerns at a later stage.

The Committee thanked those present for their input and advised that the decision would be made during the deliberation after the meeting. It was noted that due to the remote nature of the meeting, the decision would be circulated to all parties within a few working days via email.

RESOLVED that the Director of Public Places be authorised to grant the application on the terms applied for (including the proposed conditions proposed therein by the applicant) and subject also to the imposition of –

- 1) the mandatory conditions;
- 2) the conditions proposed by Mr Lewis Mould on behalf of Public Health & Protection Services, as set out at 1 – 7 in Appendix C. (The applicant itself had signified its agreement to such conditions.)
- 3) a condition to the effect that the Event Management Plan and Traffic Management Plan referred to in the Operating Schedule must (in addition to the requirement that such plans be submitted to the Licensing authority not less than 3 months before the date of any proposed event) be approved in writing by SAG, or the Licensing authority on SAG's behalf, before any such event can take place. Furthermore, the Traffic Management Plan must contain detailed information as to the arrangements in place for the potential 14,999 attendees to egress the site in a safe manner during hours of darkness at the end of the event.

Reasons for Decision

The Committee gave careful consideration to the application and the relevant representations both written and made in the course of the virtual hearing by the applicant's representatives and Chignal Parish Council.

The Committee was mindful of the fact that on the basis of the imposition of the conditions set out in Appendix C Chelmsford City Council's Public Health & Protection Services did not raise any objections to the application. Furthermore, none of the other responsible authorities (e.g. Essex Police) had sought to make representations against the grant of the application.

In all the circumstances, the Committee was satisfied that with (i) the steps that the applicant proposed to promote the licensing objectives as outlined in the application and (ii) the imposition of the above-mentioned conditions, it was appropriate to authorise the grant of the licence.

Informative

In the course of the hearing, it came to light that in Section 5 of the application (Operating Schedule) the reference to the 2024 two-day event being held on 28th & 29th June 2024 (i.e. Friday & Saturday) was incorrect; the reference should have been to 29th & 30th June 2024 (i.e. Saturday & Sunday). The Committee considered, however, that this was a minor and thus correctable error, with no third-party suffering prejudice as a result of such correction. It was clear from the remainder of the application that the application was in respect of Saturday 29th and Sunday 30th June.

The meeting closed at 2.15pm

Chair



Chelmsford City Council Licensing Committee

18th March 2024

Licensing Act 2003 – Application to Review a Premises Licence: Mosaic, 122 Springfield Road, Chelmsford, Essex, CM2 6LF

Report by:

Director of Public Places

Officer Contact:

Callum Roberts, Licensing Officer,
Callum.Roberts@chelmsford.gov.uk, 01245606202

Purpose

The Committee is requested to consider an application made by the Home Office for a review of the said premises licence under section 51 of the Licensing Act 2003 and to have regard to the representations made during the consultation period that followed in line with the promotion of the licensing objectives:

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Recommendations

Members are advised that they have the following options when determining this application.

1. To modify the conditions of the licence either permanently or for a period not exceeding three months
2. To exclude a licensable activity from the scope of the licence, either permanently or for a period not exceeding three months
3. Remove the Designated Premises Supervisor

4. To suspend the licence for up to three months
5. Revoke the licence

An appeal against the review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

1. Introduction

- 1.1. Mosaic is a restaurant situated on Springfield Road near both commercial and residential properties.
- 1.2. The Premise licence holder is Mr Mehmet Kilic who successfully transferred the licence into his name on the 22nd of May 2017. Full details of the licensable activities are detailed on the current licence. A copy of the Premises Licence is attached at **Appendix A**
- 1.3. Mr Kilic is also the nominated designated premise supervisor at Mosaic who is responsible for the sales of alcohol. He holds a personal licence issued by the London Borough of Havering.

2. Application

- 2.1. On Wednesday 24th January 2024 Chelmsford City Council received an application from the Home Office for a review of the premise licence at Mosaic on the grounds of failure to promote one of the four licensing objectives - specifically, the prevention of crime and disorder objective - which is detailed on page 3 of the review application. A copy of the application for the review and supporting document is attached as **Appendix B**.
- 2.2. The application has been properly made in accordance with The Licensing Act 2003 and all procedures have been correctly followed. The public notice was properly displayed, and copies of the application were served on the Premises Licence Holder – through their legal representative - and responsible authorities. The application was also advertised via the Council's website.

3. Representations

- 3.1. Essex Police made representation to support the application for a review in relation to licensing objective 'Crime and Disorder.' A copy of this representation is attached as **Appendix C**.
- 3.2. There have been no other representations from other responsible authorities or members of the public.

4. Conclusion

- 4.1. The relevant sections of the Statement of Licensing Policy are brought to the attention of members and are as follows:
- 4.2. (1.37) Where relevant representations are made, the Council will seek to make objective judgements as to whether conditions may need to be attached to various authorisations, to secure promotion of the licensing objectives.
- 4.3. This application has been correctly submitted.
- 4.4. At the conclusion of this hearing members are advised to consider the options as previously recommended

List of appendices:

- Appendix A – Copy of the premise licence
- Appendix B – Application for Review of premise licence and supporting documents made by the home Office.
- Appendix C – Essex Police Representation

Background papers:

- Application file held by Licensing Authority
- Statement of Licensing Policy
- Licensing Act 2003

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

Health and Safety: None

Digital: None

Other:

Consultees: As per that required by legislation

Relevant Policies and Strategies: Statement of licensing policy

Licensing Act 2003

Schedule 12 - Part A Regulation 33,34

Premises Licence

Premises Licence Number

05/00993/LAPRE

Part I – Premises Details

Mosaic Restaurant 122 Springfield Road Chelmsford Essex CM2 6LF		
Telephone number	01245 352542	
Where the licence is time limited the dates are		
Not applicable		
Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities are		
Sale or supply of Alcohol	Monday - Saturday	11:00 - 00:00
Sale or supply of Alcohol	Sunday	12:00 - 23:30
Sale or supply of Alcohol	Good Friday	12:00 - 23:30
Sale or supply of Alcohol	Christmas Eve	12:00 - 23:30
The opening hours of the premises are		
Opening hours	Monday - Saturday	11:00 - 00:30
Opening hours	Sunday	12:00 - 00:00
Opening hours	Good Friday	12:00 - 00:00
Opening hours	Christmas Day	12:00 - 00:00
Where the licence authorises supplies of alcohol whether these are on and / or off supplies		
On the premises		

Part 2

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

Mr Mehmet Kilic
113 Blake Avenue
Basildon
Essex
SS14 2FR

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Mehmet Kilic

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Signed: 
On behalf of the Licensing Authority

Dated: 30th August 2005

Issued on the 14th October 2020 following a premises change of name

Annex I – Mandatory conditions

- 1 Where premises authorise the supply of alcohol no supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- 2 Where the film body has specified in the licence, admission of children (aged under 18) must be restricted in accordance with any recommendation made by that body.

Where

- a) the film classification body is not specified in the licence, or
 - b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the licensing authority.
- 3 Where a premises licence includes a condition that at specified times individuals must be at the premises to carry out a security activity(s) each individual must, be licensed by the Security Industry Authority.
 - 4 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

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

- 5 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated 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.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
(a) a holographic mark, or
(b) an ultraviolet feature.
- 7 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.
- 8 (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 set out in paragraph 1—
(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 the alcohol, and
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
(i) the holder of the premises licence,
(ii) the designated 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 – Embedded Conditions

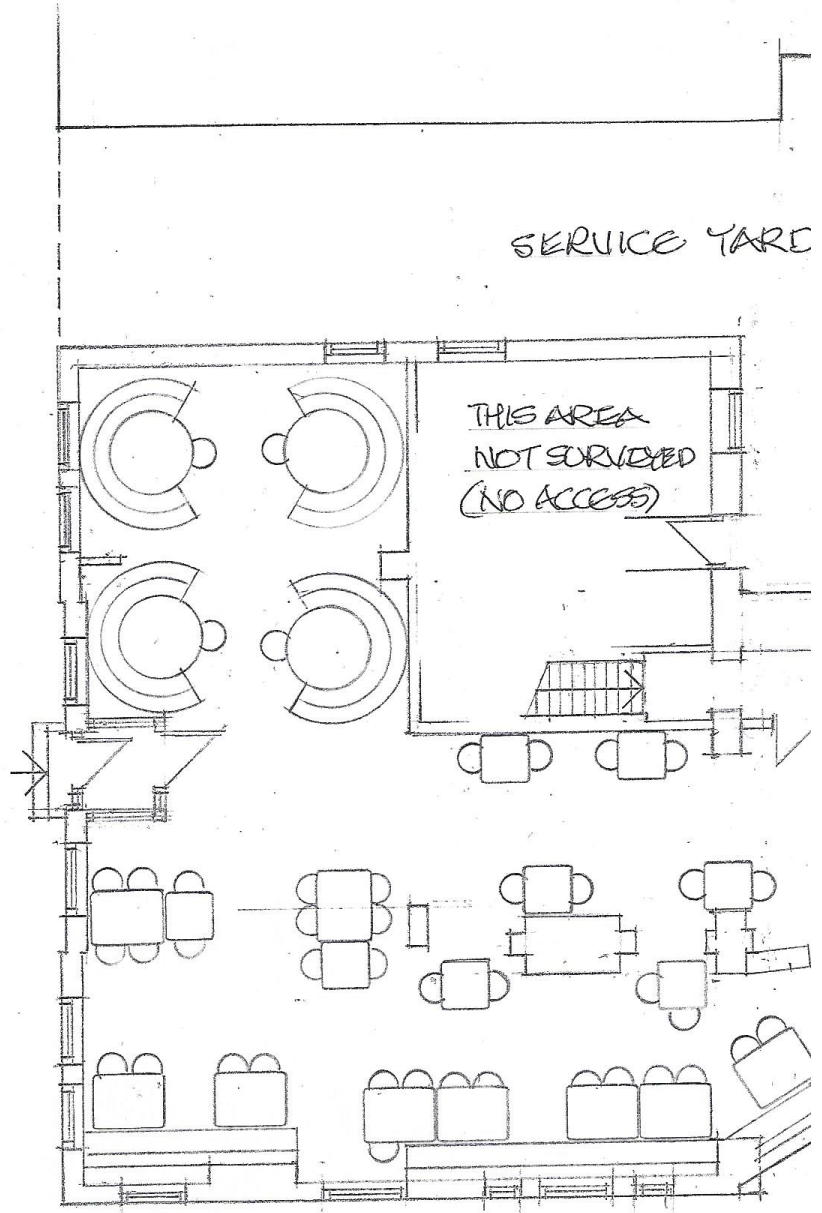
None

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

Not applicable

Annex 4 – Plans

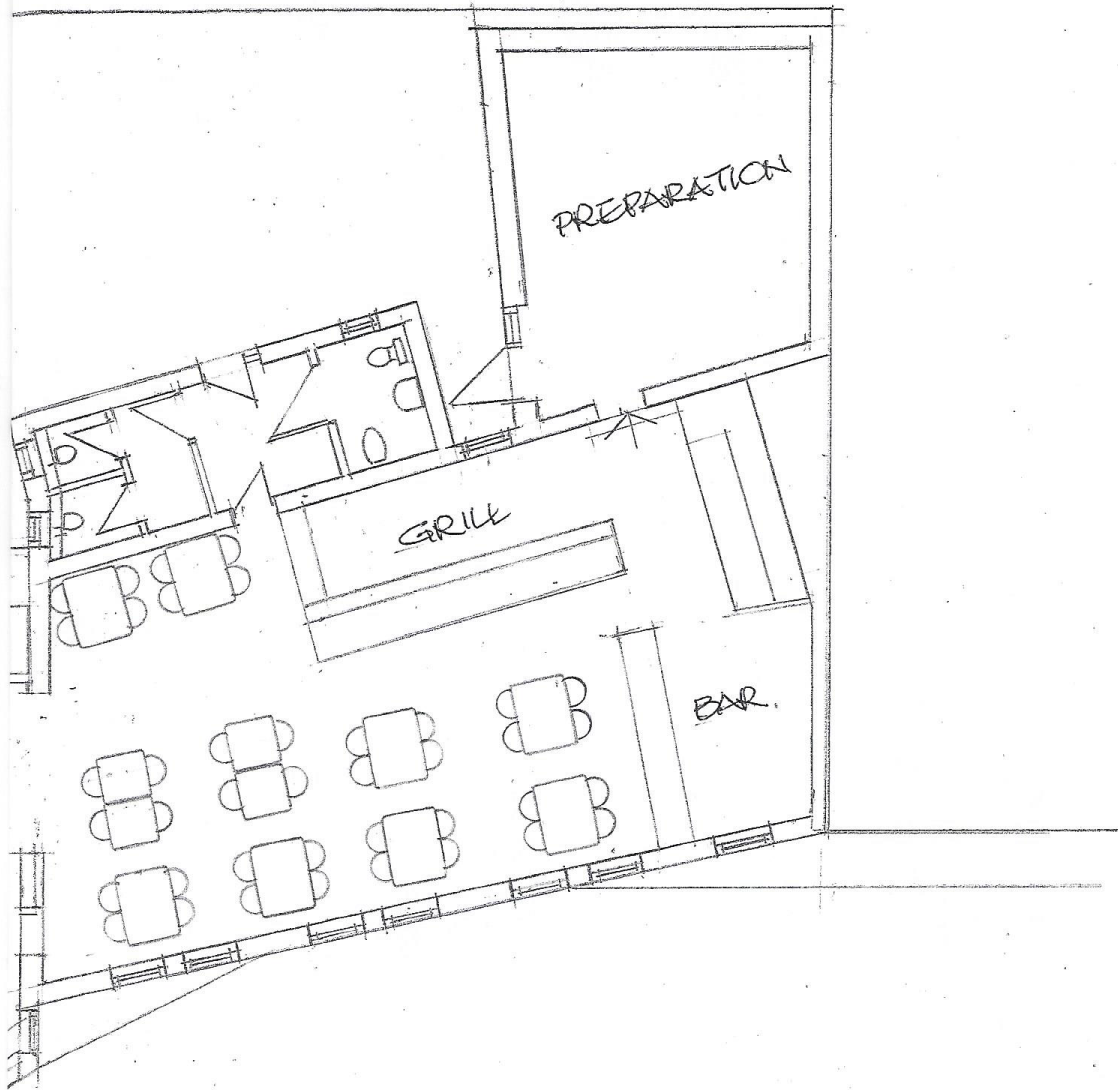
See attached



SERVICE YARD

THIS AREA
NOT SURVEYED
(NO ACCESS)

EXIT
SCA
0



TING TABLE LAYOUT

E 1:100 @ A3
5

10M

122 Springfield Road, Chelmsford, Essex
CM2 6LF. Existing restaurant layout.

Scale 1:100

DRAWING No. 03

Licensing Authority: Chelmsford City Council
By email: Licensing@chelmsford.gov.uk

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Home Office Immigration Enforcement

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Mosaic Restaurant 122 Springfield Road	
Post town Chelmsford	Post code (if known) CM2 6LF

Name of premises licence holder or club holding club premises certificate (if known) Mehmet Kilic

Number of premises licence or club premises certificate (if known) 05/00993/LAPRE

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Home Office
Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Telephone number (if any)

E-mail address (optional)
IE.Alcoholreviews@homeoffice.gov.uk

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

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

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

Grounds for review:

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

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

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

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

Please refer to accompanied review pack for detailed information

Please tick ✓yes

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

If yes, please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

yes **Please tick ✓**

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature K Sooriyaarachchi
.....

Date 24 January 2024
.....

Capacity Responsible Authority.....

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

Alcohol Licensing Team
Lunar House
40 Wellesley Road

Post town

Croydon

Post Code

CR9 2BY

Telephone number (if any)

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

Notes for Guidance

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



Home Office

Premises Licence Review

Mosaic Restaurant
122 Springfield Road
Chelmsford
CM2 6LF

Contents

Case Summary	3
Licensed Premises History	4
Enforcement Visit: 29 June 2023	5
Reasons for Review	7
Outcome Sought	9
Appendix A – Supporting Evidence	11

Case Summary

On 29 June 2023, the East of England Immigration, Compliance and Enforcement team (ICE) visited Mosaic Restaurant, 122 Springfield Road, Chelmsford CM2 6LF after intelligence was received that illegal workers were employed at the business. Entry was gained to the premises at 18:30hrs under section 179 of the Licensing Act 2003.

Officers swept the premises, and seven members of staff were encountered and two were arrested. One male had an outstanding application from May 2023 and was bailed. The other male had overstayed his seasonal worker visa. Illegal working interviews were completed, and a civil penalty referral notice was served.

Licensed Premises History

Mosaic Restaurant holds premises licence 05/00993/LAPRE issued by Chelmsford City Council.

The licence is registered to Mehmet Kilic, [REDACTED]. Mr Kilic is also the Designated Premises Supervisor (DPS). The licence is still in the name of the previous restaurant Stone Grill as Mr Kilic has recently re-named the premises.

The premises is licensed for the sale and supply of alcohol on the premises.

The opening hours of the premises are:

Monday - Saturday	11:00 - 00:30
Sunday	12:00 - 00:00
Good Friday	12:00 - 00:00
Christmas Day	12:00 - 00:00

Licensable activities authorised by the licence and the times the licence authorises carrying out of licensable activities are:

Monday - Saturday	11:00 - 00:00
Sunday	12:00 - 23:30
Good Friday	12:00 - 23:30
Christmas Eve	12:00 - 23:30

Enforcement Visit: 29 June 2023

Entry was gained to the premises at 18:30hrs. A total of seven individuals were encountered of which two were illegal workers.

One of the illegal workers and the employer share the same. For clarity, they will be referred to by their surname followed by their year of birth.

[REDACTED]

[REDACTED] was encountered in the kitchen behind “Just Eat” terminals by immigration officers. Home Office checks indicate that [REDACTED] arrived in the UK illegally by small boat on 07 May 2023. He made an application for leave to remain which is currently outstanding, he does not have the Right to Work in the UK.

An illegal working interview as an employee was conducted with [REDACTED]. When questioned by the encountering immigration officer he stated that he was not working at the premises. [REDACTED] admitted that he does not hold the Right to Work and maintained he did not work at the premises. [REDACTED] stated that he stays at his uncle’s (later identified as Kilic (1970)) house and that he was on the premises because he was bored at home. [REDACTED] claimed that he showed his documents to Kilic (1970) and he is aware that [REDACTED] has No Right to Work. [REDACTED] also stated that he has only been at the premises on the day of encounter and that he was visiting a solicitor the following day. Although [REDACTED] denied working, he was encountered in a staff only area where live orders were being processed. It is considered that his denial was an attempt to deceive officers and cover up his illegal working.



Images of staff only area where “Just Eat” terminals are located where officers encountered [REDACTED]

[REDACTED]

[REDACTED] was encountered by officers whilst working in the kitchen washing dishes. Home Office checks conducted revealed that [REDACTED] was granted a temporary work visa which was valid from 27 July 2022 to 27 December 2022. [REDACTED] was an overstayer and did not hold the Right to Work in the UK when encountered at the premises.

An illegal working interview as an employee was conducted with [REDACTED]. When questioned by officers how long he has been working at the premises he replied, "I don't work here I was washing my hands in the kitchen". However, officers observed that he was washing dishes when encountered. [REDACTED] maintained that he did not work at the premises throughout the interview. While [REDACTED] denied working at the premises, it is clear from the observations of officers that he was washing dishes for the operations of the restaurant and his belongings were kept in the staff only areas. It is considered that his denial was an attempt at deceiving officers and covering up his illegal employment.

Manager: Mehmet Kilic - 1970

Kilic (1970) confirmed that he was named on the license. Kilic (1970) informed officers that he had been working at Mosaic for four months and that his son was the company owner. He stated that he has been covering for his son whilst he was on holiday and was due to return in one week.

Kilic (1970) confirmed that they had 5 staff members working that night and stated that the staff are paid weekly in cash or occasionally via bank transfer. Kilic (1970) stated that Right to Work checks for staff are conducted but he was unsure if this had been completed for all employees and was unable to provide evidence of copies of Right to Work checks. When questioned if accommodation is provided to staff Kilic (1970) stated that accommodation was not provided but food is provided.

When officers walked through the premises, they noted that there was a basement which contained of 5 – 6 rooms. Some of the rooms were used to store furniture and freezers and two other rooms were locked which were later opened by Kilic (1970) and appeared to be living accommodation. Officers also noted that [REDACTED] belongings were found in these rooms.

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.

There were two illegal workers encountered at the premises. Both workers maintained that they were not working at the premises. In contrary to their claims one employee was encountered whilst working behind a “Just Eat” terminal in a ‘staff only’ area and the other employee was washing dishes in the kitchen. Both these situations indicate of them working at the premises. In this instance the DPS for the premises claims that Right to Work checks are generally conducted for staff but he was unsure if this had been completed for all staff working and was unable to provide evidence of documents/checks carried out.

The license holder/employer could have protected themselves and prevented crime and disorder by completing a straightforward Right to Work check. These checks should be carried out on all employees prior to commencing work. All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working, and guidance can be found on the gov.uk website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office’s official YouTube page.

In this case, one illegal worker had an outstanding claim. Claimants are issued with an Application Registration Card (ARC), this card clearly states the holder’s employment restrictions. The license holder could have protected himself from falling foul of the law by conducting a simple check of the ARC.



Example of an ARC card where work is not permitted.

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. The license holder has overlooked the rules and laws in place to prevent crime and disorder.

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

Outcome Sought

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

There are four licensing objectives which underpin the Act, and which need to be considered 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.

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

Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or the revocation/suspension of their premises licence.

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. A key draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in sub-standard accommodation and toiling in poor working conditions for long hours for remuneration below the National Minimum Wage.

A firm response 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.

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 illicit activity by employing

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

This submission and appended documents provide 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.

Appendix A – Supporting Evidence

Illegal Working-Employee [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working-Employer [REDACTED]

Illegal Working - Employee					
Details					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	████████████████████				
Subject CIDPID/CEPR	██████████				
Subject name	██████████				
Subject DOB	██████████				
Subject nationality	██████				
Subject gender	Male				
Time	19:28				
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Northing	206966				
Creation date	29-06-2023 19:28:21				
Language of Interview					
What language is the interview carried out in?	Turkish				
Interpreter used?	Yes				
Details of interpreter	See encounter				
Does the individual understand the interpreter?	Yes				
Obligation					
How long have you been working at this business?	I don't work here				
What is your job role/ what are your duties?	I don't work here. I know I have no work permit.				
Do you work the same hours/ days every week?	I don't work				
Control					
Who gave you this job (name and role in business)?	I stay at my uncles house but I was bored so I came here.				
Who tells you what days/ hours to work?	I just came here no one asked me				

Remuneration

No details provided.

Pre-employment Checks

What name does the employer know you as? [REDACTED]

Does your uncle the owner know you can't work? Yes he knows

Did you show any documents prior to getting the job? Yes I showee my paperwork to him. So he knows I can't work. I have only been here today. I am going to a solicators tomorrow.

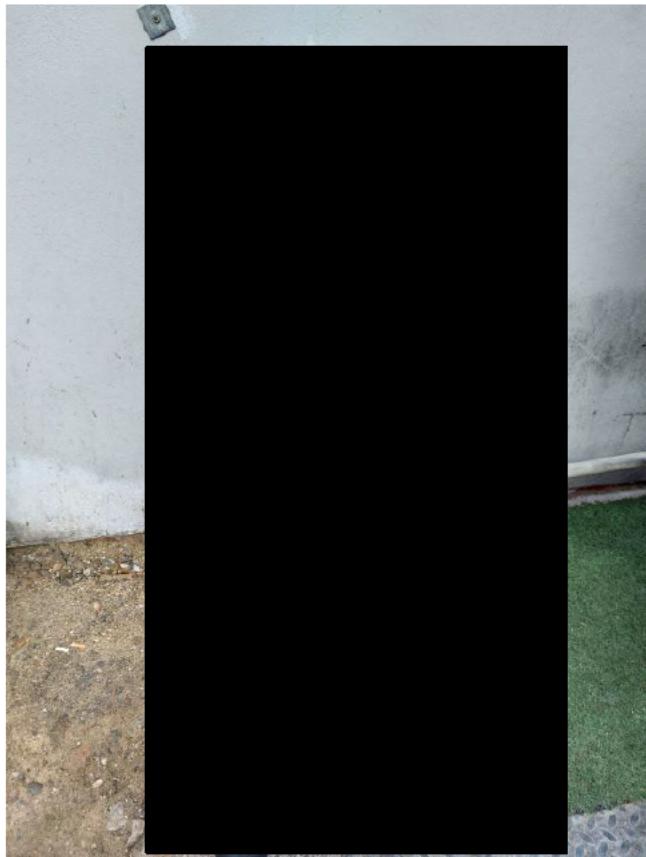
Additional Questions

Does that gentleman work here? (pointing at gentleman arrested by [REDACTED]) I haven't seen him working

Who else works here? I don't know

Photographs

af/001



Declaration

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

Subject has refused to provide a signature.

Employee read the contents of the interview themselves No

Contents read back to the employee in the language used during the interview Yes

Observations

Observations Individual was in a staff only area on arrival. He was behind a just eat terminal as pictured below

Do you suspect this person of illegal working? Yes

Photo 1



Caption

af/002

Photo 2



Caption

af/003

Illegal Working - Employee					
Details					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	██				
Subject CIDPID/CEPR	Unknown				
Subject name	██				
Subject DOB	██████████				
Subject nationality	██████████				
Subject gender	Male				
Time	19:48				
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Northing	206969				
Creation date	29-06-2023 19:48:50				
Language of Interview					
What language is the interview carried out in?	Turkish				
Interpreter used?	Yes				
Details of interpreter	Big word				
Does the individual understand the interpreter?	Yes				
Obligation					
How long have you been working at this business?	I don't work here I was washing my hands in the kitchen				
What is your job role/ what are your duties?	I don't work here				
What days/ hours do you work each week?	I don't work here				
Do you work the same hours/ days every week?	I don't work here				
Control					
Who gave you this job (name and role in business)?	I don't work here				

Who tells you what days/ hours to work?	I don't work here
Who tells you what tasks/ duties to do each day?	I don't work here
Remuneration	
How are you paid (money, accommodation, food)?	I don't work here
If money, how much and how do you receive it?	I don't work here
Who pays you?	I don't work here
Do you pay income tax or have a National Insurance number?	I don't work here
Pre-employment Checks	
What name does the employer know you as?	I don't work here
Did the employer check your right to work or immigration status before they offered you the job?	I don't work here
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	I don't work here
Does your employer know you're not allowed to work in the UK?	I don't work here
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Subject has refused to provide a signature.	
Employee read the contents of the interview themselves	Yes
Contents read back to the employee in the language used during the interview	Yes

Observations	
Observations	This man was encountered working in the kitchen and cleaning dishes. He said he doesn't work here but all his belongings were in the room below where the staff lived .
Do you suspect this person of illegal working?	Yes

Illegal Working - Employer					
Details					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntolD	████████████████████				
Subject CIDPID/CEPR	Unknown				
Employer	██████████				
Subject DOB	██████████				
Subject nationality	Turkey				
Subject gender	Male				
Time	19:19				
Created at geolocation	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Easting</td> <td style="text-align: right;">571453</td> </tr> <tr> <td>Northing</td> <td style="text-align: right;">206968</td> </tr> </table>	Easting	571453	Northing	206968
Easting	571453				
Northing	206968				
Creation date	29-06-2023 19:18:52				
Language of Interview					
What language is the interview carried out in?	English				
Interpreter used?	No				
Employer Details					
What is the name of the business?	Mercimek ltd				
What is your position here?	Director				
how long have you worked here?	4 months. My son is the company owner and he is on holiday in Cyprus. He returns in 1 week				
how do you pay the staff whilst your son is away?	We pay weekly always mostly cash. It's done online via bank transfer				
do you know if the staff are checked for work status?	Yes we check but I'm not sure for all of them. Some are British. I don't know about everyone today				
does your company hold copies of documents	I don't know if there are or where they are kept				
how many staff are employed?	I think 5. Tonight we have 5 staff working.				
what are your opening hours?	We open at 1200 and work until 2200hrs.				
do operate and trade within your license times?	Yes				
are you named on the license?	Yes. I am the DPS				

how have you held the license?	20 years across different restaurants
do you own any other restaurants?	Yes. Mosaic in Braintree. I hold the license there also
what type of restaurant is your restaurant in Braintree?	It's a Turkish grill restaurant
do you provide any accommodation for your staff?	No
do you provide food for your staff whilst they work?	Yes, they get to chose what they like ans its free of charge

Declaration by Employer

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

Signed by [REDACTED]



29-06-2023 19:29:24

Observations

Observations	Mehmet was fully compliant with answering questions around employment of staff
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Management Checks Complete

Date management checks complete	04-07-2023 15:50:31
Reviewer(s)	[REDACTED]

Licensing Team
Chelmsford City Council
Civic Centre
Chelmsford
CM1 1JE

Licensing Team
Braintree Police Station
Braintree
CM7 3DJ

06th February 2024

**Representation in relation to Premises Licence Review –
Mosaic Restaurant, 122 Springfield Road, Chelmsford**

Dear sirs,

With regards to the above review brought on by Immigration Enforcement, Essex Police would like to make representations to support this application.

Essex Police is of the opinion that the the crime and disorder objective of the Licensing Act 2003 has been undermined. The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises.

On the 29 June 2023, the East of England Immigration, Compliance and Enforcement team (ICE) visited Mosaic Restaurant, 122 Springfield Road, Chelmsford CM2 6LF after intelligence was received that illegal workers were employed at the business. Entry was gained to the premises at 18:30hrs under section 179 of the Licensing Act 2003.

Seven members of staff were encountered and two were arrested. One male had an outstanding application from May 2023 and was bailed. The other male had overstayed his seasonal worker visa. Illegal working interviews were completed, and a civil penalty referral notice was served.

The two illegal workers maintained that they were not working at the premises. But one employee was encountered whilst working behind a “Just Eat” terminal in a ‘staff only’ area and the other employee was washing dishes in the kitchen.

The Premises licence holder/DPS was unable to provide immigration enforcement with any evidence of right to work checks.

If immigration enforcement had not brought this premises to review, Essex police would have done based on the findings from this visit.

Essex Police supports revocation of the premises licence, as 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.

Essex Police contends that a licence holder who has himself or through his agents negligently or deliberately failed to conduct right to work checks, which have been a requirement since

2006, should not be afforded an opportunity to do so once caught and then merely be asked to do what they should have been doing already.

Please can Essex police be informed of the upcoming hearing.

Yours sincerely

Police licensing officer

Chelmsford & Maldon