



# Agenda

## Licensing Sub-Committee

Wednesday, 11 October 2023 at 10.00 am

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15  
8AY

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### Membership (Quorum – 3 )

Cllrs Gorton, Mrs Murphy and Mynott

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### Agenda

Item	Item	Wards(s) Affected	Page No
	<b>Contents</b>		
1.	<b>Appointment of Chair</b>		
2.	<b>Administrative Function</b> Members are respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.		
3.	<b>Kervan Kitchen, Church Lane, Doddinghurst, Brentwood,CM15 0NG - Application to Review a Premises Licence</b>		5 - 96

A handwritten signature in black ink, reading "Jonathan Stephenson", is centered at the top of the page. The signature is written in a cursive style with a horizontal line crossing through the middle of the letters.

Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
03.10.2023

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### Information for Members

#### Substitutes

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The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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#### Rights to Attend and Speak

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Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

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#### Point of Order/ Personal explanation/ Point of Information

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##### Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

##### Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

##### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

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### Information for Members of the Public

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The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

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these activities, in their opinion, are disrupting proceedings at the meeting.

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 **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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 **Evacuation Procedures**

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**COMMITTEE TITLE** Licensing Sub Committee

**DATE** 11 October 2023

<b>REPORT TITLE:</b>	<b><i>Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, CM15 0NG</i></b> Application to Review a Premises Licence – Licensing Act 2003
<b>REPORT OF:</b>	Paul Adams – Licensing Manager

## 1. REPORT SUMMARY

An application has been received from the Home Office Immigration Enforcement Team for a review of the premises licence in respect **Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, CM15 0NG** following a visit by the East of England Immigration Compliance and Enforcement (ICE) team where individuals who had no legal basis to live or work were discovered. During the consultation period, representations were also received from Brentwood Council's Environmental Health Department, Essex Police and one Other Person.

## 2. RECOMMENDATIONS

2.1 The Sub-Committee considers the application for review and any relevant representations and consider what steps are appropriate for the promotion of the licensing objectives in line with the options open to the committee under the Licensing Act 2003.

2.2 The following options are available to the Licensing Sub-Committee:

- i. Do nothing with the licence;
- ii. Modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation or removing a licensable activity from the licence;
- iii. The removal of the designated premises supervisor from the licence;
- iv. To suspend the licence for a period not exceeding three months;
- v. To revoke the licence

## 3. THE APPLICATION

3.1 On 15 August 2023, an application for a review of the premises licence was received from the Home Office Immigration Enforcement Team for a review of the premises licence in respect Kervan Kitchen, Church Lane, Doddinghurst,

Brentwood, CM15 0NG. The premises licence holder is Willow Essex Ltd. The sole Director of this company is Savas Firat, who is also the Designated premises Supervisor on the licence.

- 3.2 The application is in relation to on 10 May 2023, the East of England Immigration Compliance and Enforcement (ICE) team visited Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, CM15 0NG. The visit was conducted after intelligence was received that the business was employing illegal workers. Entry to the premises was gained under section 179 Licensing Act 2003.

One Tajikistani male was arrested who had no legal basis to live or work in the UK. During this visit, a member of the public advised officers that three individuals made off from the restaurant and jumped into neighbouring houses' gardens after immigration officers entered the business. These individuals were not located.

On 29 June 2023, the same team executed a search warrant at Kervan Kitchen to investigate the allegation of illegal working. Approximately four individuals within the premises attempted to make off when immigration officers entered but all were stopped. Following questioning, two Tajikistani males were arrested who had no legal basis to live or work in the UK. A redacted copy of the application and supporting materials is attached at **Appendix 1**.

As part of the review application, Immigration Enforcement are asking that the premises licence is revoked.

- 3.3 A copy of the existing premises licence together with a set of OS Street Maps to better identify the location are attached at **Appendix 2**.
- 3.4 During the consultation period, two representations were received from Responsible Authorities, Essex Police and Environmental Health (Noise Team)
- 3.3 Mr Zach Byrne, Environmental Health Officer's representation relates to noise nuisance generated by this premises for nearby residents. Environmental Health have received numerous complaints over the years regarding noise nuisance. A copy of the full representation is attached as **Appendix 3**.
- 3.4 Mr Simon Barnes, Essex Police Licensing Officer's representation is in support of the Immigration Enforcement Review. He also refers to previous visits to the premises & some noncompliance the licence & requirements for the summary licence display. Mr Barnes' representation is attached as **Appendix 4**.
- 3.5 During the consultation period an additional representation was received from Mr Darren White and relates to nuisance from the premises. A copy of his representation is attached at **Appendix 5**. Mr White also has provided video evidence which will be available at the hearing.

## **SUPPORTING INFORMATION**

### **4.0 REASONS FOR RECOMMENDATIONS**

- 4.1 These are options available to the Sub-Committee under the Licensing Act 2003
- 4.2 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.
- 4.3 In determining this application for a review of the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
- 4.4 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure. Representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.
- 4.5 The Sub-Committee are advised that the final decision should be based on the individual merits of the application & findings of fact made at the hearing.
- 4.6 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

### **5.0 BACKGROUND INFORMATION**

- 5.1 Applications for reviews of premises licences can be brought by responsible authorities or any other persons under section 51 Licensing Act 2003 one or more of the four licensing objectives.
- 5.2 The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 5.3 Any decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant, the licence holder or a person who made the representation.
- 5.4 Each application must be considered on its own merits and in accordance with the Licensing Authority's statement of licensing policy.

- 5.5 Conditions attached to licences must be tailored to the individual type, location and characteristics of the premises concerned and be appropriate for the promotion of the licensing objectives in an individual case.

## 6 STATEMENT OF LICENSING POLICY

- 6.1 The following sections may be relevant to this review:

*19.1 Brentwood Borough Council, through its Corporate Strategy is committed to further improving the quality of life for the people of the Borough of Brentwood by continuing to reduce crime and the fear of crime.*

*19.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Brentwood Borough Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003, as amended, reinforces this duty for local authorities.*

## 7 RELEVANT SECTIONS OF THE SECRETARY OF STATE'S GUIDANCE

- 7.1 Section 11 of the guidance is relevant to reviews. In particular Sections 11.27 and 11.28 which read:

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 the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs; Revised Guidance issued under section 182 of the Licensing Act 2003 I 101
- for the organisation of racist activity or the promotion of racist attacks;
- **for employing a person who is disqualified from that work by reason of their immigration status in the UK;**
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.



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**

## **8.0 LEGAL IMPLICATIONS**

8.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.

8.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.

8.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

8.4 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –

(a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;

(b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Brentwood Borough Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

**Name & Title: Claire Mayhew, Joint Acting Director –  
People & Governance & Monitoring Officer**

**Tel & Email 01277 312500 / [claire.mayhew@brentwood.gov.uk](mailto:claire.mayhew@brentwood.gov.uk)**

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003 and any responses have been included in this report.
- 8.2 Officers from the Licensing Authority have made checks on the display of public the notices & are satisfied that these requirements have been met.

### **REPORT AUTHOR:**

**Name: Paul Adams**

**Title: Licensing Manager**

**Phone: 01277 312500**

**Email: paul.adams@brentwood.gov.uk**

### **APPENDICES**

- Appendix 1 - Application for review & supporting information.
- Appendix 2 - Copy of premises licence and OS Street Plans
- Appendix 3 - Representation of Mr Zach Byrne, Environmental Health Officer.
- Appendix 4 - Representation of Mr Simon Barnes, Essex Police Licensing Officer.
- Appendix 5 - Representation of Mr White

**KERVAN KITCHEN**

**CHURCH LANE, DODDINGHURST, BRENTWOOD CM15 0NG**

# **APPENDIX 1A**

## **APPLICATION TO REVIEW** **THE PREMISES LICENCE**

*received 16 August 2023*



Licensing Authority: **Brentwood Borough Council**  
Address: by email - [licensing@brentwood.gov.uk](mailto:licensing@brentwood.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	
Kervan Kitchen Church Lane Doddinghurst	
Post town Brentwood	Post code (if known) CM15 0NG

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Willow Essex LTD t/a Kervan Kitchen
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<b>Number of premises licence or club premises certificate (if known)</b> PRM_0046
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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) 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

**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 15 August 2023  
.....

Capacity Responsible Authority  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
Alcohol Licensing Team Lunar House 40 Wellesley Road	
<b>Post town</b> Croydon	<b>Post Code</b> CR9 2BY
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> 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.



**KERVAN KITCHEN**

**CHURCH LANE, DODDINGHURST, BRENTWOOD CM15 0NG**

# **APPENDIX 1B**

**APPLICATION TO REVIEW**

**THE PREMISES LICENCE**

**HOME OFFICE REPORT**

**(REDACTED)**

*received 16 August 2023*





Home Office

## **Premises Licence Review**

Kervan Kitchen,  
Church Lane,  
Doddinghurst,  
Brentwood,  
CM15 0NG

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# Case Summary

On 10 May 2023, the East of England Immigration Compliance and Enforcement (ICE) team visited Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, CM15 0NG. The visit was conducted after intelligence was received that the business was employing illegal workers. Entry to the premises was gained under section 179 Licensing Act 2003.

One Tajikistani male was arrested who had no legal basis to live or work in the UK. During this visit, a member of the public advised officers that three individuals made off from the restaurant and jumped into neighbouring houses' gardens after immigration officers entered the business. These individuals were not located.

On 29 June 2023, the same team executed a search warrant at Kervan Kitchen to investigate the allegation of illegal working. Approximately four individuals within the premises attempted to make off when immigration officers entered but all were stopped. Following questioning, two Tajikistani males were arrested who had no legal basis to live or work in the UK.

# Licensed Premises History

The premises licence number is PRM\_0046 and is held by Willow Essex Ltd, T/A Kervan Kitchen at The Willow, Church Lane, Doddinghurst, Brentwood, Essex, CM15 0NG.

The designated premises supervisor (DPS) is Mr [REDACTED].

The company registration number for Kervan Kitchen is 11724601. Companies House shows that it was incorporated on 12 December 2018, is currently active and Mr [REDACTED] was appointed director on 12 December 2018.



## Enforcement Visit: 10 May 2023

Upon entering the premises at 16:25, immigration officers encountered seven individuals present at the business, including one individual who attempted to evade officers. All other staff members were cleared as having a right to live and work in the UK. However, when officers had questioned management at the premises as to who else was working at the restaurant and why individuals had made off from officers on entry, management became hostile and refused to provide any explanation or records to confirm who else was working.

The male who had attempted to evade arrest was:

████████████████████

████████████████████ was encountered by officers when he was running out of the kitchen as officers entered the rear side garden of the restaurant.

Home Office checks revealed that ██████████ entered the UK in May 2022 with a visa to work temporarily as a seasonal worker. This visa had expired on 03 November 2022. ██████████ had failed to leave the UK or further regularise his permission to stay in the UK.

A Russian interpreter was used to interview ██████████ he confirmed that he understood the interpreter.

████████████████████ was questioned as to why he ran out of the kitchen. He replied he had a headache and wanted to get some fresh air. He denied working at the restaurant but stated that he showed his passport to the manager of the restaurant and that the management knew his visa had expired. ██████████ also stated he lived at the premises and paid £250 a month but then later retracted his answer about payment. The owner of the premises, ██████████ when spoken to over the phone stated that rooms on the premises are designated as rest rooms for butchers who come in early and that no one rents a room but that they are free for all staff. A referral was made to the Civil Penalty Compliance Team regarding ██████████ having no right to rent and for the business having employed a worker who had no permission to be employed in the UK.

After the arrest of this individual, a member of the public told officers that they had seen three men make off from the premises into neighbouring gardens.

## Enforcement Visit: 29 June 2023

Immigration officers re-visited the restaurant to further investigate the allegation of illegal working, accompanied by Essex Police Licencing Officer [REDACTED].

Entry was made at 16:54. Upon entry approximately four staff members immediately attempted to evade officers. A total of ten members of staff were encountered with two individuals subsequently being arrested. During this second visit, a male who was present during our first visit was disruptive to officers throughout. This male was filming officers, frustrating searches, and claiming not to work at the premises. He initially refused to provide his details. Staff members also refused officers access to a locked room where those who had attempted to evade officers ran out from, claiming not to know the code to enter. Due to suspicion that there may be people locked inside entry was forced. All staff members were uncooperative throughout the visit and unwilling to assist with officers' enquiries.

Immigration Officers arrested the following individuals:

[REDACTED]

[REDACTED] was encountered by officers trying to escape from the rear of the premises, he was wearing chef's whites and an apron with the 'Kervan Kitchen' logo/branding.

Home Office checks revealed that [REDACTED] had entered the UK with a visa to work temporarily as a seasonal worker. This visa was valid from 30 May 2022 and expired on 30 November 2022. [REDACTED] had failed to leave the UK or regularise his permission to remain in the UK.

[REDACTED] was interviewed in English. [REDACTED] claimed he had worked at the premises for one week as a 'chef helper' working five days a week for eight hours a day and that a chef had employed him. [REDACTED] claimed to receive payment of £340 a week.



Photograph showing [REDACTED] in 'Kervan Kitchen' uniform.

[REDACTED]

[REDACTED] was encountered by officers inside the restaurant sitting at a table. [REDACTED] was suspected of working, he was an individual seen folding napkins inside the restaurant by officers prior to entry. Once officers entered, [REDACTED] then proceeded to act like a customer in an attempt to evade officers.

Home Office records revealed that [REDACTED] had entered the UK with a visa to work temporarily as a seasonal worker. This visa was valid from 31 March 2022 and expired on 30 September 2022. [REDACTED] had failed to leave the UK or regularise his permission to remain in the UK.

[REDACTED] was interviewed using a Russian interpreter, who he understood. [REDACTED] denied working at the restaurant, however observations from an officer describe a male with black hair and a beard, wearing a black t-shirt folding napkins, the male then got up and headed towards the front of the restaurant. The description and movement of that person were consistent with the appearance and location of [REDACTED]



Photograph of [REDACTED]

████████████████████

████████████████████ was encountered at the front of the premises and later identified himself as the duty manager of the premises approximately 40 minutes after officers entered and had asked for management's details. Home Office records showed that ██████████ had been granted permission to remain and he was cleared.

████████████████████ was spoken to as part of illegal working questioning. ██████████ stated he was the manager after '4 o'clock as the manager is on holiday' and the business is owned by a woman called ██████████ ██████████ could not comment on whether ██████████ works at the premises despite being encountered wearing a chef's uniform stating 'I can't comment because I do not know'. ██████████ stated he did not know ██████████ and when asked why he was seen folding napkins he stated, 'I could not see so I do not know'. ██████████ also stated that only four people were working during the time of our visit, despite ten people being encountered at the restaurant.

████████████████████

████████████████████ was present during both enforcement visits; on this occasion he was encountered at the front of the premises and he identified himself as 'management' of the premises upon entry.

████████████████████ initially only provided his first name when the warrant was served and refused to provide any further details, later claiming not to work at the restaurant.

████████████████████ was disruptive towards officers and was displaying aggressive tendencies. ██████████ followed officers around filming them and encouraging other members of staff to join in. Officers repeatedly asked ██████████ to let officers carry out their duties and to stop his obstructions. ██████████ only stopped his activities after a relative told him he was escalating the matter. ██████████ is clearly linked to the premises as he was encountered on both occasions, and he identified himself as management when the warrant was served.

## 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 three illegal workers encountered at the premises across both enforcement visits that were conducted seven weeks apart.

During our first visit, the business was served with a Civil Penalty Referral Notice regarding illegal working and the importance of ensuring all staff members have a right to work was explained. The business should have used the experience as an opportunity to prevent this type of crime and disorder from happening again.

However, during our second visit, two illegal workers were encountered and therefore it is clear that the business had deliberately overlooked the rules and laws in place to prevent crime and disorder by continuing to employ illegal workers following our first visit. There was also no record of any right to work checks being conducted and on both occasions members of staff were unwilling to cooperate with officers, being hostile and disruptive.

On both occasions, the designated premises supervisor and director, [REDACTED] was not present on site and was uncontactable. It appears that [REDACTED] does not play a large role in the day-to-day running of the business and that [REDACTED] seems to be the manager on the ground, due to him being present on both enforcement visits and identifying himself as 'management' during the second visit.

Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. All employers are dutybound by law to conduct these checks, and guidance can be found on the Gov.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page. The licence holder has deliberately overlooked the rules and laws in place to prevent crime and disorder, even after the first visit by Immigration Officers when the importance of conducting right to work checks was explained.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.

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. It must be noted that there have been two visits within 7 weeks of each other, both resulted in illegal workers being encountered.

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 straight to 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 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.

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 criminal 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 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 – Officer Records

Illegal\_Working\_Employee\_ [REDACTED] 10 May 2023

Illegal\_Working\_Employer\_ [REDACTED] 10 May 2023

Right\_to\_Rent-Landlord\_ [REDACTED]\_Company\_Administrator\_ [REDACTED] 10 May 2023

Freetext\_3\_Individuals\_escape\_from\_rear\_( [REDACTED] ) 10 May 2023

Freetext\_licencing\_ [REDACTED] ) 10 May 2023

Illegal\_Working\_Employee\_ [REDACTED] 29 June 2023

Illegal\_Working\_Employee\_ [REDACTED] 29 June 2023

Illegal\_Working\_Employer\_Acting\_Manager\_of\_premises\_ [REDACTED] 29 June 2023

Freetext\_aggressive\_disruptive\_behaviour\_( [REDACTED] ) 29 June 2023

Freetext\_late\_entry\_ [REDACTED] 29 June 2023



<b>Illegal Working - Employee</b>					
<b>Details</b>					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED]				
Subject CIDPID/CEPR	000000				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Tajikistan				
Subject gender	Male				
Time	17:30				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>559041</td> </tr> <tr> <td><b>Northing</b></td> <td>199069</td> </tr> </table>	<b>Easting</b>	559041	<b>Northing</b>	199069
<b>Easting</b>	559041				
<b>Northing</b>	199069				
Creation date	29-06-2023 17:30:15				
<b>Language of Interview</b>					
What language is the interview carried out in?	Russian				
Interpreter used?	Yes				
Details of interpreter	[REDACTED]				
Does the individual understand the interpreter?	Yes				
<b>Obligation</b>					
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				
Do you work the same hours/ days every week?	I don't work here				
<b>Control</b>					
No details provided.					
<b>Remuneration</b>					
How are you paid (money, accommodation, food)?	I don't work for anyone				

<b>Pre-employment Checks</b>	
Does your employer know you're not allowed to work in the UK?	I don't work here
<b>Additional Questions</b>	
No details provided.	
<b>Photographs</b>	
No photographs.	
<b>Declaration</b>	
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
<b>Observations</b>	
Observations	Individual was seen at the rear of the premises folding napkins by IO Fenwick he then left that station to sit at a table he then started to order food
Do you suspect this person of illegal working?	Yes

**Illegal Working - Employee****Details**

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED]				
Subject CIDPID/CEPR	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Tajikistan				
Subject gender	Male				
Time	17:22				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>559037</td> </tr> <tr> <td><b>Northing</b></td> <td>199078</td> </tr> </table>	<b>Easting</b>	559037	<b>Northing</b>	199078
<b>Easting</b>	559037				
<b>Northing</b>	199078				
Creation date	29-06-2023 17:22:08				

**Language of Interview**

What language is the interview carried out in?	English
Interpreter used?	No

**Obligation**

How long have you been working at this business?	1 week
What is your job role/ what are your duties?	Chef helper
What days/ hours do you work each week?	5 days a week. Sometimes different days each week
Do you work the same hours/ days every week?	It varies but 8 hours a day

**Control**

Who gave you this job (name and role in business)?	A chef
--	--------

**Remuneration**

How are you paid (money, accommodation, food)?	£340 a week
--	-------------

<b>Pre-employment Checks</b>	
No details provided.	
<b>Additional Questions</b>	
No details provided.	
<b>Photographs</b>	
No photographs.	
<b>Declaration</b>	
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
<b>Observations</b>	
Observations	Dressed in chefs whites, apron with company branding
Do you suspect this person of illegal working?	Yes
<b>Management Checks Complete</b>	
Date management checks complete	04-07-2023 15:54:47
Reviewer(s)	██████████

**Illegal Working - Employee****Details**

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED]				
Subject CIDPID/CEPR	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Tajikistan				
Subject gender	Male				
Time	16:56				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>559047</td> </tr> <tr> <td><b>Northing</b></td> <td>199071</td> </tr> </table>	<b>Easting</b>	559047	<b>Northing</b>	199071
<b>Easting</b>	559047				
<b>Northing</b>	199071				
Creation date	10-05-2023 16:55:59				

**Language of Interview**

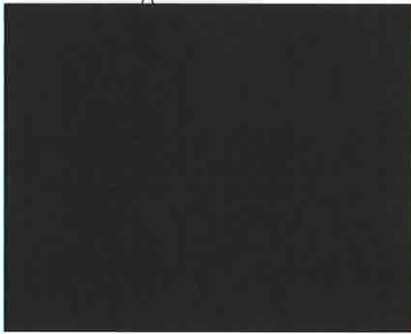
What language is the interview carried out in?	Russian
Interpreter used?	Yes
Details of interpreter	Big word
Does the individual understand the interpreter?	Yes

**Obligation**

How long have you been working here?	I do not work here
why are you here	They let me sleep here
where on the premises do you live	It's a room they let me live in here
do you pay to live here	Yes
where are you working now	I don't work anywhere now
where were you working previously	At a farm not sure where
how do you pay to live here	I have savings from the farm

**Control**

Who does he pay money to live here	I don't know
Is he the manager	I don't know


Were any checks done by the manager here on your status	I showed him my passport
Do they know you have no leave in the UK currently	They know my visas expired
Have you ever helped out with work here	No
Have they ever asked you to work	No
<b>Remuneration</b>	
how much do you pay to live here	250 pouns per month
who do you pay to live here	I don't know
<b>Pre-employment Checks</b>	
What name does the employer know you as?	██████████
<b>Additional Questions</b>	
why were you trying to evade us immigration officers when we arrived	I had a headache and wanted to get some fresh air
why did I see you moving away very quick	I don't know
<b>Photographs</b>	
No photographs.	
<b>Declaration</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature (██████████ ██████████)	 10-05-2023 17:18:16
<b>Observations</b>	
Observations	I saw him quickly leaving the back of the restaurant in a staff inly area

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<b>Do you suspect this person of illegal working?</b>	Yes
---	-----

<b>Illegal Working - Employer</b>	
<b>Details</b>	
Type of work	Visit
Visit reference	████████
Created by	████████
ProntoID	Other
Subject CIDPID/CEPR	Unknown
Employer	Acting Manager Of Premises
Time	17:38
Created at geolocation	<b>Easting</b> 559059 <b>Northing</b> 199080
Creation date	29-06-2023 17:37:55
<b>Language of Interview</b>	
What language is the interview carried out in?	English
Interpreter used?	No
<b>Employer Details</b>	
What is your position here?	Responsible after 4 o clock. Manager is on holiday.
What is the name of the business?	Kervan kitchen
If the business is owned by a company what is the name of the company?	████████ Unknown surname.
Does ██████ work here?	I know the name. I couldn't say unless I see him
Does ██████ ██████ work here?	No he does nnot work here I don't know him.
Who was at the back folding napkins?	I could not see so I do not know.
How many people work here?	4 of us today.
Why is ██████ wearing chef whites?	I can't comment because I do not know.
What if I checked CCTV?	I can't say anything



<b>Declaration by Employer</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
<b>Signed by Acting Manager Of Premises</b>	 29-06-2023 17:48:30
<b>Observations</b>	
<b>Observations</b>	

<b>Illegal Working - Employer</b>	
<b>Details</b>	
Type of work	Visit
Visit reference	██████████
Created by	██████████
ProntolD	Other
Subject CIDPID/CEPR	Unknown
Employer	██████████
Time	17:09
Created at geolocation	<b>Easting</b> 559053 <b>Northing</b> 199075
Creation date	10-05-2023 17:08:57
<b>Language of Interview</b>	
What language is the interview carried out in?	English
Interpreter used?	No
<b>Employer Details</b>	
What is your position here?	Front of house person in charge at time of visit
How long have you been working here?	4months
██████████ what does he do here	I don't know what he is doing here
██████████ have you seen him before	Yes seen him a couple of times. He is not in the kitchen and he is not waiting staff. I gave only seen him three times
how is everyone paid	I don't know.
who would know everyone's jobs and how they are paid.	██████████ first he is the boss but he is not in the UK as he lost his family in the UK
<b>Declaration by Employer</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
Subject has refused to provide a signature.	
Employer read the contents of the interview themselves	Yes
Contents read back to the employer in the language used during the interview	Yes

<b>Observations</b>	
<b>Observations</b>	No one on the premises was willing co- operate. Or answer any questions in regards to any illegal working, or right to rent. All persons on site were very on edge, and closed to any of the process no one wanted to take any responsibility for being in charge of the premises at the time of the visit.

**Right to Rent - Landlord****Details**

Type of work	Visit
Visit reference	██████████
Created by	██████████
ProntoID	Other
Subject CIDPID/CEPR	Unknown
Subject name	██████████ Company Administrator.
Time	17:16
Created at geolocation	<b>Easting</b> 559050 <b>Northing</b> 199073
Creation date	10-05-2023 17:16:40

**Language of Interview**

What language is the interview carried out in?	English
Interpreter used?	No

**Landlord Details**

Does ████████ live here?	I don't know. I haven't heard the name. I believe he is probably visiting.
Do you own the property, are you a tenant sub-letting or are you a letting agency?	I own the premises and company secretary.
Are you aware of any tenancy agreement between ████████ and the company?	Not known
Who's in control of doing tenancy agreements?	We do not rent these places out they are designed as rest rooms for butchers who come in early
So no one rents a room here?	No it is free for all staff we are a small community

**Declaration by Landlord**

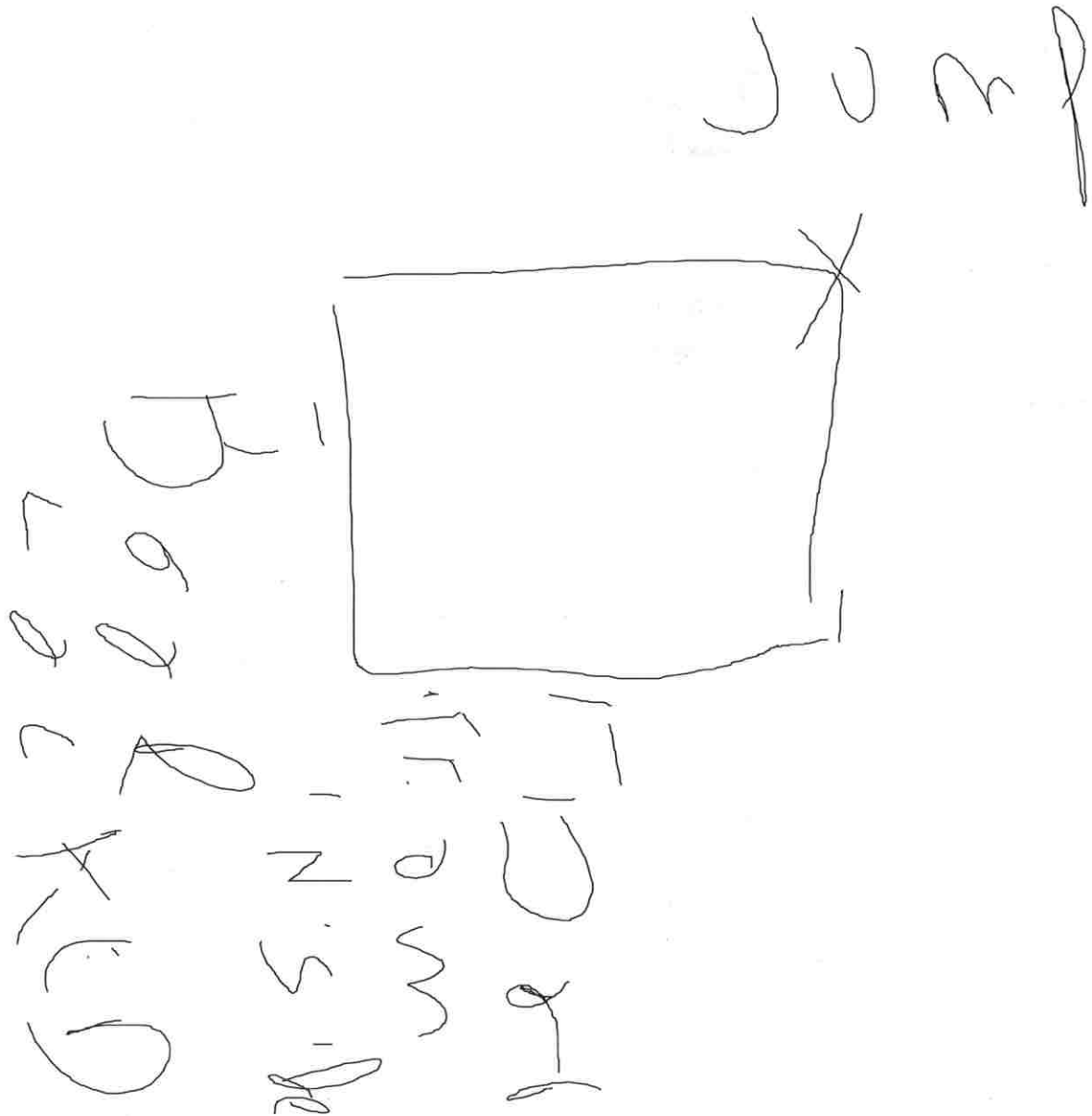
I confirm that I have understood all the questions and the details are true and correct.	
Subject has refused to provide a signature.	
Landlord read the contents of the interview themselves	Yes
Contents read back to the landlord in the language used during the interview	Yes

---

<b>Observations</b>	
<b>Observations</b>	

Freetext					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, Essex, CM15 0NG (Visit Address)				
Subject CIDPID/CEPR	Unknown				
Subject name	3 INDIVIDUAL ESCAPED FROM THE REAR				
Time	16:55				
Created at geolocation	<table> <tr> <td><b>Easting</b></td> <td>559052</td> </tr> <tr> <td><b>Northing</b></td> <td>199074</td> </tr> </table>	<b>Easting</b>	559052	<b>Northing</b>	199074
<b>Easting</b>	559052				
<b>Northing</b>	199074				
Creation date	10-05-2023 16:55:18				
Is this entry related to a Critical Incident?	No				
Entry					
Title	3 Individuals escape from rear				
Text	<p>Upon departing premises after being stood down by OIC a member of the public approached me and stated 3 persons, have jumped over the fence of the rear beer garden. 2 ran through his garden and one ran through a 70 year old ladies house. One was in all black 2 in white kitchen uniform checked trousers.</p> <p>Upon second search of garden black apron found in corner where jumped, over fence. Manger refused to co-operate when asked about persons seen by members of the public running and jumping over fence</p>				

Sketch



Date/time of sketch	10-05-2023 17:03:08
<b>Photographs</b>	
No photographs.	

Freetext					
<b>Details</b>					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	Kervan Kitchen , Church Lane, Doddinghurst, Brentwood, Essex, CM15 0NG (Visit Address)				
Subject CIDPID/CEPR	000000				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Tajikistan				
Subject gender	Male				
Time	17:30				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>559035</td> </tr> <tr> <td><b>Northing</b></td> <td>199073</td> </tr> </table>	<b>Easting</b>	559035	<b>Northing</b>	199073
<b>Easting</b>	559035				
<b>Northing</b>	199073				
Creation date	29-06-2023 17:29:55				
Is this entry related to a Critical Incident?	No				
<b>Entry</b>					
Title	Late entry				
Text	When I was covering the rear as per OIC briefing I saw a male with black hair and beard, wearing a black t shirt on. Gentleman then got up and headed towards the front of the restaurant.				
<b>Photographs</b>					
No photographs.					



Freetext					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	Kervan Kitchen , Church Lane, Doddinghurst, Brentwood, Essex, CM15 0NG (Visit Address)				
Subject CIDPID/CEPR	Unknown				
Subject name	Disruptive and extremely aggressive behaviour				
Time	17:30				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>559055</td> </tr> <tr> <td><b>Northing</b></td> <td>199077</td> </tr> </table>	<b>Easting</b>	559055	<b>Northing</b>	199077
<b>Easting</b>	559055				
<b>Northing</b>	199077				
Creation date	29-06-2023 17:29:11				
Is this entry related to a Critical Incident?	No				
Entry					
Title	aggressive disruptive behaviour				
Text	<p>I had been confronted by extreme aggression and disruptive behaviour by a gentleman that would not give a name or any status within the business, just stating that he was part of the family, this man followed us around sticking a mobile phone in our face and attempting to push for a reaction, this man persisted engaging others to join in . repeated requests for this man to subside his activities only stopped after a relative told him he was escalating the matter . no individual would identify themselves as the owner or person in charge, clearly indicating full awareness of illegal working and employment . This experience was totally unacceptable and unnecessary and has left myself and other officers feeling stressed and concerned. This is truly not acceptable behaviour of what I deem to be an individual clearly linked to this business as he was encountered last time immigration came to this premises and encountered people running from immigration. I now know this man to be a Mr [REDACTED]</p>				
Photographs					
No photographs.					

Freetext					
<b>Details</b>					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	Kervan Kitchen, Church Lane, Doddinghurst, Brentwood, Essex, CM15 0NG (Visit Address)				
Subject CIDPID/CEPR	Unknown				
Subject name	Licensing				
Time	17:05				
Created at geolocation	<table> <tr> <td><b>Easting</b></td> <td>559053</td> </tr> <tr> <td><b>Northing</b></td> <td>199074</td> </tr> </table>	<b>Easting</b>	559053	<b>Northing</b>	199074
<b>Easting</b>	559053				
<b>Northing</b>	199074				
Creation date	10-05-2023 17:05:10				
Is this entry related to a Critical Incident?	No				
<b>Entry</b>					
Title	Licensing				
Text	There was not an alcohol license displayed clearly in the premises. When asked about a refusal log they were not even aware of what that is. I advised them they must have the license on display and they must record all refusals of alcohol.				
<b>Photographs</b>					
No photographs.					

**KERVAN KITCHEN**

**CHURCH LANE, DODDINGHURST, BRENTWOOD CM15 0NG**

# **APPENDIX 2**

**PREMISES LICENCE**

**(REDACTED)**

*Issued 1 February 2020*

***OS Maps & Images***





## Premises Licence

Premises Licence Number

PRM\_0046

Application Number

19/00340/LAFVAL

Date of Issue

1 February 2020

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Kervan Kitchen At The Willow  
Church Lane  
Doddinghurst  
Essex  
CM15 0NG**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Exhibition of a film  
Indoor Sporting Event  
Performance of Live music  
Playing of Recorded music  
Other Entertainment falling within Act  
Provision of Late Night Refreshments  
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Exhibition of a film**

<b>Monday</b>	<b>07:00 - 23:30</b>
<b>Tuesday</b>	<b>07:00 - 23:00</b>
<b>Wednesday</b>	<b>07:00 - 23:00</b>
<b>Thursday</b>	<b>07:00 - 23:00</b>
<b>Friday</b>	<b>07:00 - 00:00</b>
<b>Saturday</b>	<b>08:00 - 00:00</b>
<b>Sunday</b>	<b>08:00 - 23:30</b>

### **Indoor Sporting Event**

<b>Monday</b>	<b>07:00 - 23:30</b>
<b>Tuesday</b>	<b>07:00 - 23:30</b>
<b>Wednesday</b>	<b>07:00 - 23:30</b>
<b>Thursday</b>	<b>07:00 - 23:30</b>
<b>Friday</b>	<b>07:00 - 00:00</b>
<b>Saturday</b>	<b>08:00 - 00:00</b>
<b>Sunday</b>	<b>08:00 - 23:30</b>

### **Performance of Live music**

<b>Monday</b>	<b>12:00 - 23:00</b>
<b>Tuesday</b>	<b>12:00 - 23:00</b>
<b>Wednesday</b>	<b>12:00 - 23:00</b>
<b>Thursday</b>	<b>12:00 - 23:00</b>
<b>Friday</b>	<b>12:00 - 00:00</b>
<b>Saturday</b>	<b>12:00 - 00:00</b>
<b>Sunday</b>	<b>12:00 - 23:00</b>

### **Playing of Recorded music**

<b>Monday</b>	<b>07:00 - 23:30</b>
<b>Tuesday</b>	<b>07:00 - 23:30</b>
<b>Wednesday</b>	<b>07:00 - 23:30</b>
<b>Thursday</b>	<b>07:00 - 23:30</b>
<b>Friday</b>	<b>07:00 - 00:00</b>
<b>Saturday</b>	<b>08:00 - 00:00</b>
<b>Sunday</b>	<b>08:00 - 23:30</b>

### **Other Entertainment falling within Act**

<b>Monday</b>	<b>07:00 - 23:30</b>
<b>Tuesday</b>	<b>07:00 - 23:30</b>
<b>Wednesday</b>	<b>07:00 - 23:30</b>
<b>Thursday</b>	<b>07:00 - 23:30</b>
<b>Friday</b>	<b>07:00 - 00:00</b>
<b>Saturday</b>	<b>08:00 - 00:00</b>
<b>Sunday</b>	<b>08:00 - 23:30</b>

### **Provision of Late Night Refreshments**

<b>Monday</b>	<b>23:00 - 23:30</b>
<b>Tuesday</b>	<b>23:00 - 23:30</b>
<b>Wednesday</b>	<b>23:00 - 23:30</b>
<b>Thursday</b>	<b>23:00 - 23:30</b>
<b>Friday</b>	<b>23:00 - 00:00</b>
<b>Saturday</b>	<b>23:00 - 00:00</b>
<b>Sunday</b>	<b>23:00 - 23:30</b>

**Sale by Retail of Alcohol**

<b>Monday</b>	<b>07:00 - 23:00</b>
<b>Tuesday</b>	<b>07:00 - 23:00</b>
<b>Wednesday</b>	<b>07:00 - 23:00</b>
<b>Thursday</b>	<b>07:00 - 23:00</b>
<b>Friday</b>	<b>07:00 - 00:00</b>
<b>Saturday</b>	<b>08:00 - 00:00</b>
<b>Sunday</b>	<b>08:00 - 23:00</b>

**New Year's Eve from the start of permitted hours for that day to the end of permitted hours on the following day.  
Bank Holiday Weekends on Friday, Saturday & Sunday, Christmas Eve and Boxing Day extension until 01.00 on the following day.**

**The opening hours of the premises**

<b>Monday</b>	<b>07:00 - 23:30</b>
<b>Tuesday</b>	<b>07:00 - 23:30</b>
<b>Wednesday</b>	<b>07:00 - 23:30</b>
<b>Thursday</b>	<b>07:00 - 23:30</b>
<b>Friday</b>	<b>07:00 - 00:30</b>
<b>Saturday</b>	<b>08:00 - 00:30</b>
<b>Sunday</b>	<b>08:00 - 23:30</b>

**New Year's Eve from the start of permitted hours for that day to the end of permitted hours on the following day.  
Bank Holiday Weekends on Friday, Saturday & Sunday, Christmas Eve & Boxing Day falling extension until 01.30 on the following day**

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

**Alcohol is supplied for consumption both on and off the Premise**

## Part 2

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

**Willow Essex Ltd.  
T/A Kervan Kitchen At The Willow  
Church Lane  
Doddinghurst  
Brentwood  
Essex  
CM15 0NG**

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

**Company Number                      11724601**

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

**Savas Firat**

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

**Personal Licence Number: LN/201500110  
Licensing Authority: London Borough Of Enfield**



## **Annex 1 – Mandatory conditions**

- 1 No supply of alcohol may be made under this licence**
    - a) At a time when there is no designated supervisor in respect of it or,**
    - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended**
  
  - 2 Every supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.**
  
  - 3 (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).**
- 
- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available**

5 (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.

6 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."

7 (A). 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.

(B).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 where-

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

(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) "valued 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.

8 The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or

b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3)9b) for clubs) of the Licensing Act 2003 applies to the film.

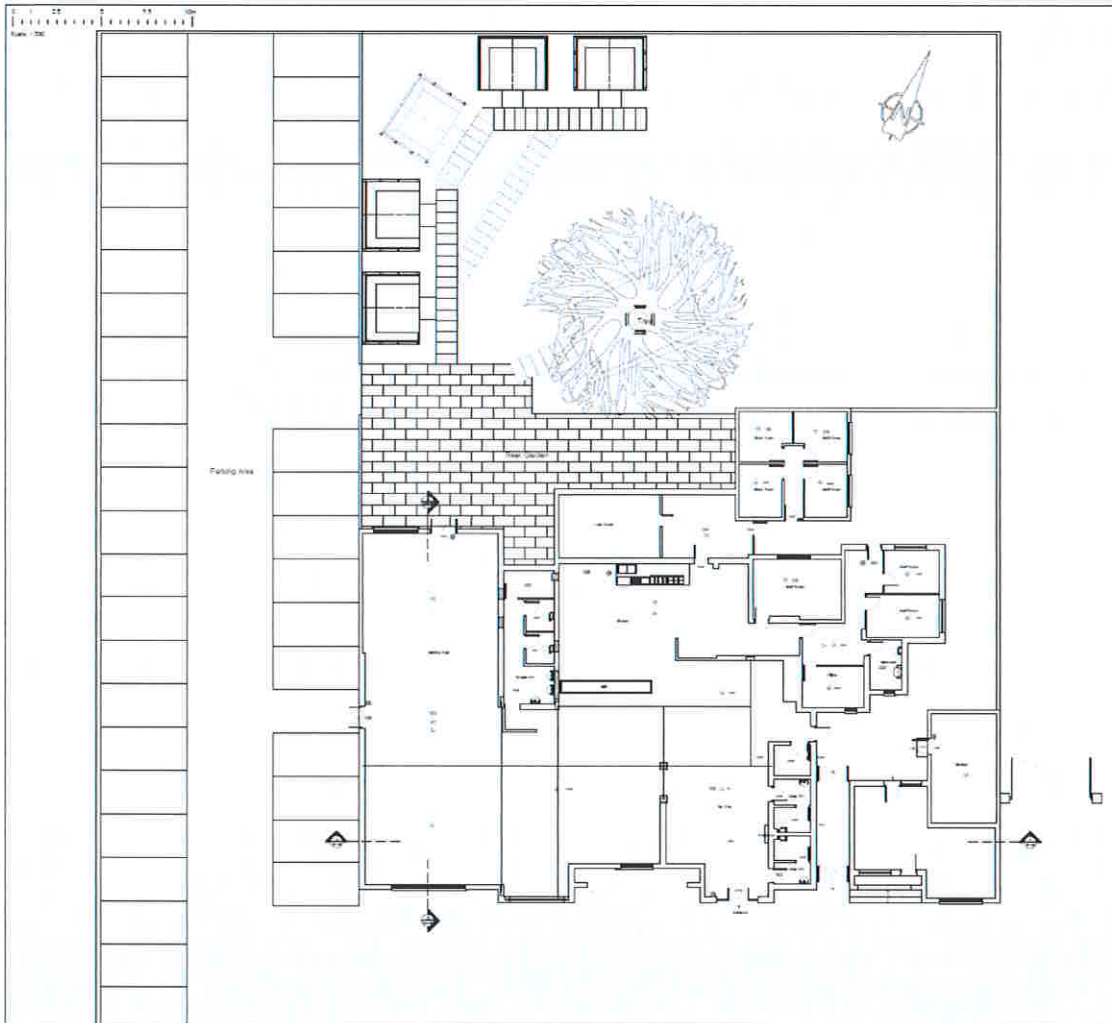
## **Annex 2 – Conditions consistent with the Operating Schedule**

- 1 The Licensed Premises will be closed within thirty minutes of the latest time at which alcohol is permitted to be supplied under this licence.**
- 2 All external areas of the Licensed Premises will be cleared of customers no later than 11.00 pm every night.**
- 3 All windows at the Licensed Premises will be kept closed after 11pm and all windows will be double glazed**
- 4 All staff will be trained in the requirements of the Licensing Act 2003 when they are recruited as part of their induction.**
- 5 All staff will require anyone attempting to purchase alcohol who appears to be under twenty years of age to show photographic proof of age.**
- 6 Function bookings will be limited to sixty persons per function.**
- 7 Amplified music and speech emitted from the premises shall be so controlled as to be inaudible at or within neighbouring dwellings when or if assessed by the Head of Environmental Health and Recreational Open Space or his employees or agents.**
- 8 Live music will be limited to live acoustic music and amplified voice.**
- 9 Recorded music will be limited to a jukebox and karaoke with or without a D.J. including audience participation.**
- 10 If at any time the Management of the Licensed Premises consider that the entertainment is in any way unsuitable or inappropriate for young people under the age of eighteen years then such young people will be asked to leave the Licensed Premises.**
- 11 The exhibition of films is restricted to the playing of video entertainment on television screens and amusement machines.**
- 12 Indoor sporting events and other entertainment will be limited to pub games that attract an audience either by advertisement or spontaneously and a compere for quiz and similar events, comedians and similar performances using voice amplification only.**

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

## Annex 4 – Plans

This licence is granted subject to the attached plan drawing no. Rev A-1361-501 dated 13NOV19 marked **80 Church Lane Brentwood CM15 0NG**



## Premises Licence Summary

<b>Premises Licence Number</b>	PRM_0046
<b>Application Number</b>	19/00340/LAFVAL
<b>Date of Issue</b>	1 February 2020

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Kervan Kitchen At The Willow  
Church Lane  
Doddinghurst  
Essex CM15 0NG**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Exhibition of a film  
Indoor Sporting Event  
Performance of Live music  
Playing of Recorded music  
Other Entertainment falling within Act  
Provision of Late Night Refreshments  
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

#### Exhibition of a film

<b>Monday</b>	<b>07:00 - 23:30</b>
<b>Tuesday</b>	<b>07:00 - 23:00</b>
<b>Wednesday</b>	<b>07:00 - 23:00</b>
<b>Thursday</b>	<b>07:00 - 23:00</b>
<b>Friday</b>	<b>07:00 - 00:00</b>
<b>Saturday</b>	<b>08:00 - 00:00</b>
<b>Sunday</b>	<b>08:00 - 23:30</b>

**Indoor Sporting Event**

Monday	07:00 - 23:30
Tuesday	07:00 - 23:30
Wednesday	07:00 - 23:30
Thursday	07:00 - 23:30
Friday	07:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:30

**Performance of Live music**

Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	12:00 - 23:00

**Playing of Recorded music**

Monday	07:00 - 23:30
Tuesday	07:00 - 23:30
Wednesday	07:00 - 23:30
Thursday	07:00 - 23:30
Friday	07:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:30

**Other Entertainment falling within Act**

Monday	07:00 - 23:30
Tuesday	07:00 - 23:30
Wednesday	07:00 - 23:30
Thursday	07:00 - 23:30
Friday	07:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:30

**Provision of Late Night Refreshments**

Monday	23:00 - 23:30
Tuesday	23:00 - 23:30
Wednesday	23:00 - 23:30
Thursday	23:00 - 23:30
Friday	23:00 - 00:00
Saturday	23:00 - 00:00
Sunday	23:00 - 23:30



**Sale by Retail of Alcohol**

<b>Monday</b>	<b>07:00 - 23:00</b>
<b>Tuesday</b>	<b>07:00 - 23:00</b>
<b>Wednesday</b>	<b>07:00 - 23:00</b>
<b>Thursday</b>	<b>07:00 - 23:00</b>
<b>Friday</b>	<b>07:00 - 00:00</b>
<b>Saturday</b>	<b>08:00 - 00:00</b>
<b>Sunday</b>	<b>08:00 - 23:00</b>

**New Year's Eve from the start of permitted hours for that day to the end of permitted hours on the following day.  
Bank Holiday Weekends on Friday, Saturday & Sunday, Christmas Eve and Boxing Day extension until 01.00 on the following day.**

**The opening hours of the premises**

<b>Monday</b>	<b>07:00 - 23:30</b>
<b>Tuesday</b>	<b>07:00 - 23:30</b>
<b>Wednesday</b>	<b>07:00 - 23:30</b>
<b>Thursday</b>	<b>07:00 - 23:30</b>
<b>Friday</b>	<b>07:00 - 00:30</b>
<b>Saturday</b>	<b>08:00 - 00:30</b>
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**New Year's Eve from the start of permitted hours for that day to the end of permitted hours on the following day.  
Bank Holiday Weekends on Friday, Saturday & Sunday, Christmas Eve and Boxing Day falling extension until 01.30 on the following day**

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

**Alcohol is supplied for consumption both on and off the Premise**

Name, (registered) address of holder of premises licence

**Willow Essex Ltd.  
T/A Kervan Kitchen At The Willow  
Church Lane  
Doddinghurst  
Brentwood  
Essex  
CM15 0NG**

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

**Company Number                      11724601**

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Savas Firat**

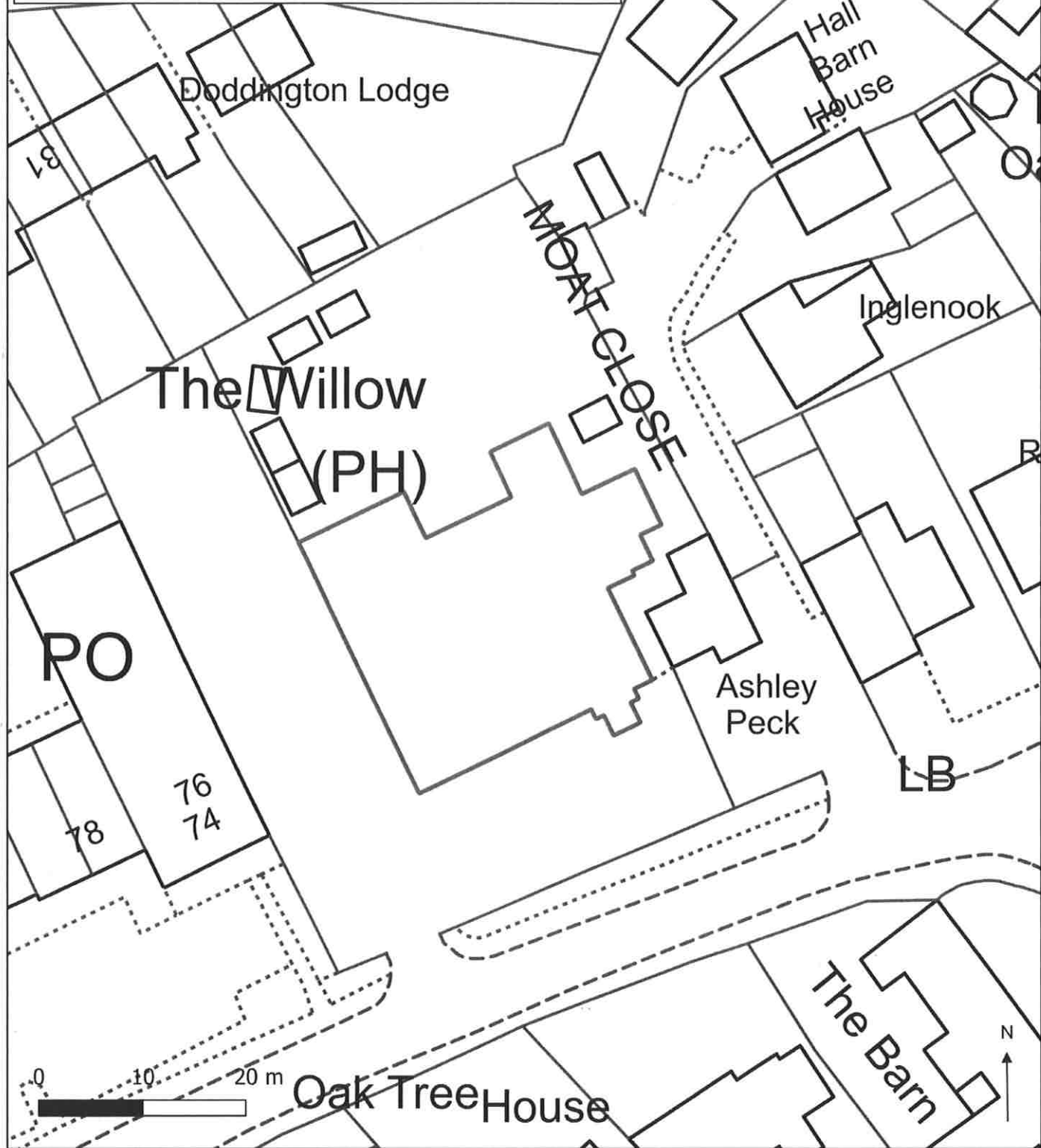
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Personal Licence Number: LN/201500110  
Licensing Authority: London Borough Of Enfield**

State whether access to the premises by children is restricted or prohibited

Legend

 KERVAN KITCHEN AT THE WILLOW, CHURCH ROAD



KERVAN KITCHEN AT THE WILLOW, CHURCH ROAD  
DODDINGHURST, CM15 0NG

Drawing No. :  
Scale at A4 : 1:500  
Drawn by : OSJ  
Service : ICT  
Date : 3rd October 2023

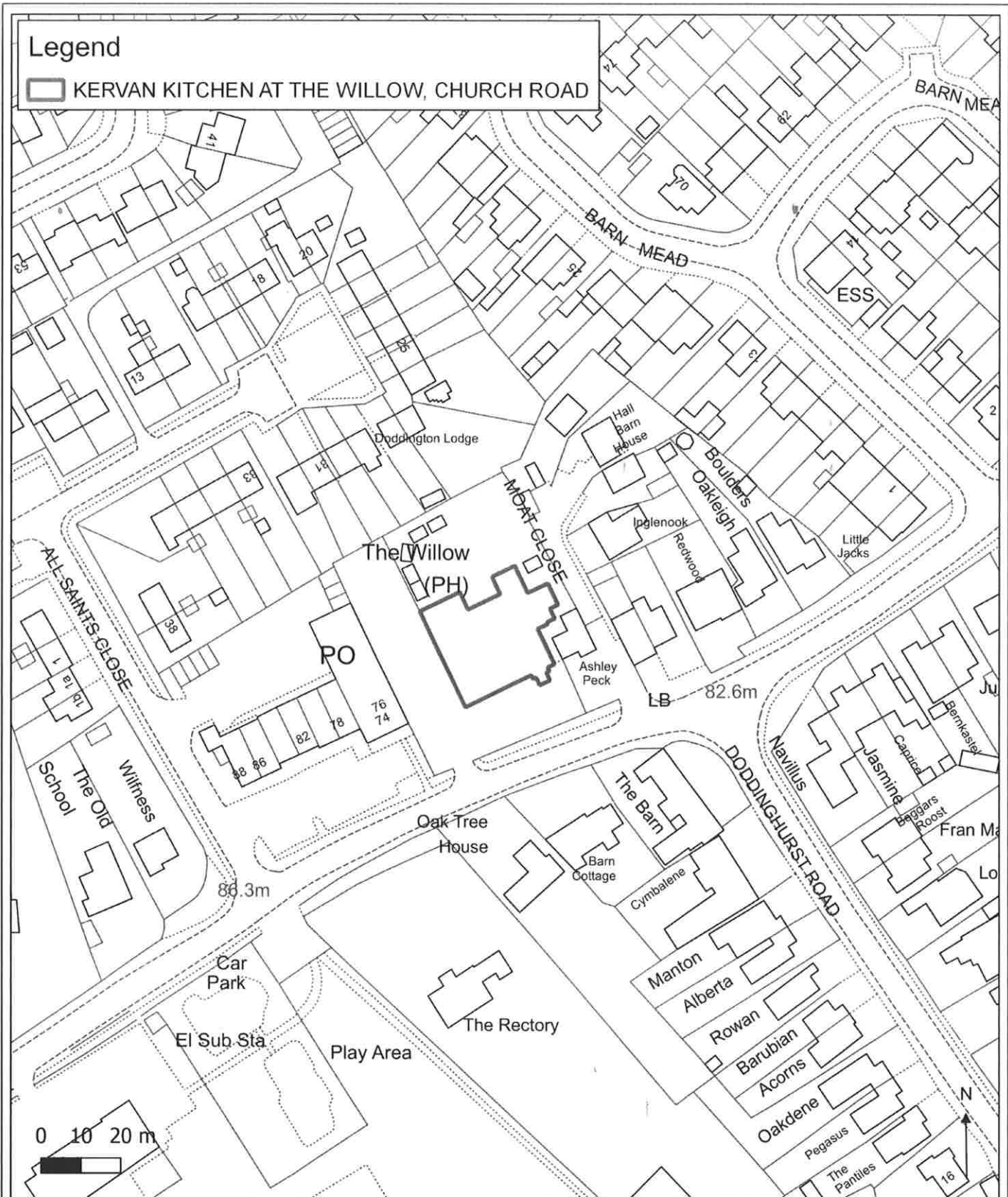
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**BRENTWOOD**  
BOROUGH COUNCIL

Jonathan Stephenson  
Chief Executive  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
CM15 8AY  
Tel.: (01277) 312500





**Legend**

 KERVAN KITCHEN AT THE WILLOW, CHURCH ROAD

**KERVAN KITCHEN AT THE WILLOW, CHURCH ROAD  
DODDINGHURST, CM15 0NG**

Drawing No. :  
 Scale at A4 : 1:1250  
 Drawn by : OSJ  
 Service : ICT  
 Date : 3rd October 2023

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Jonathan Stephenson  
 Chief Executive  
 Brentwood Borough Council  
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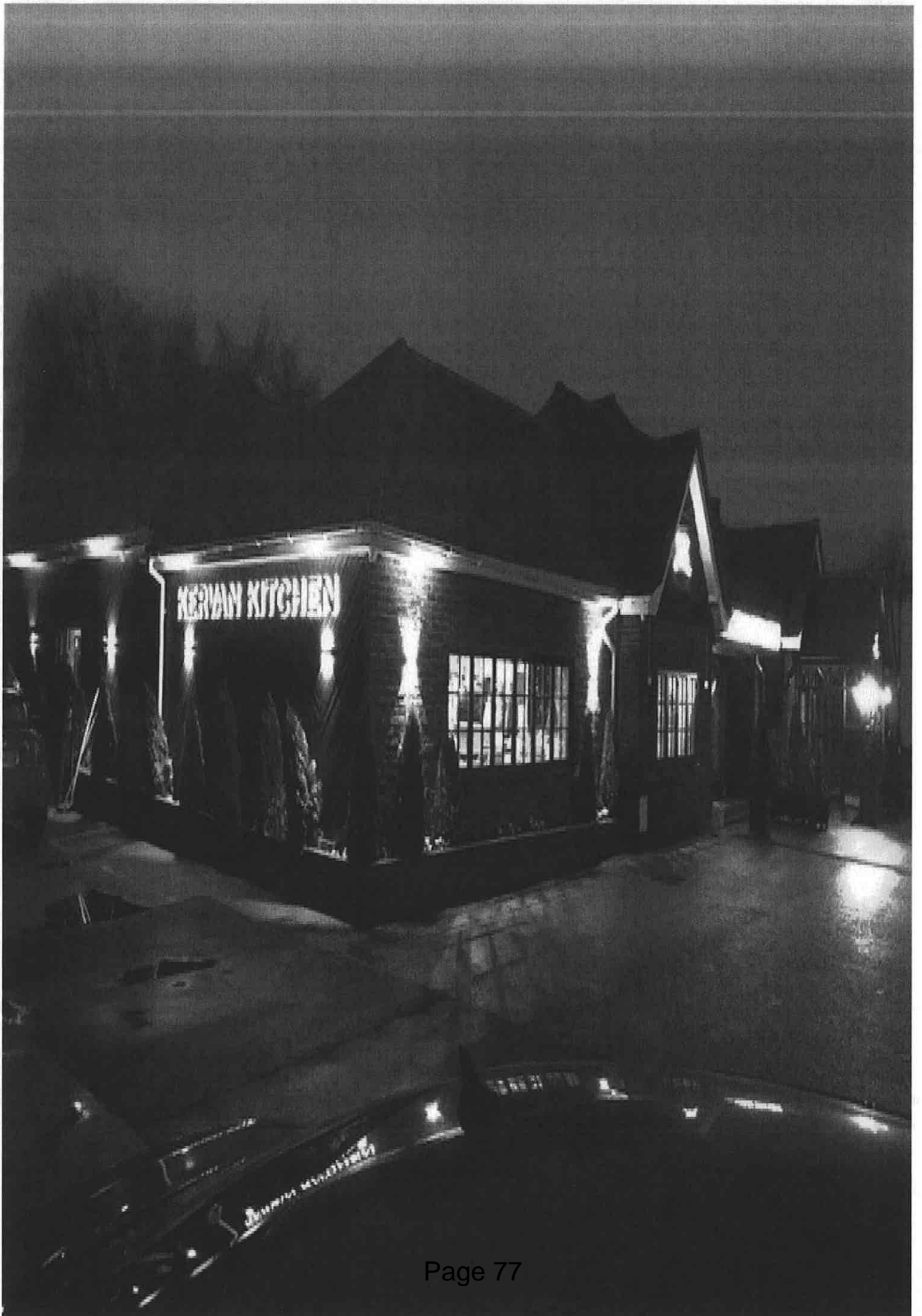














**KERVAN KITCHEN**

**CHURCH LANE, DODDINGHURST, BRENTWOOD CM15 0NG**

# **APPENDIX 3**

**APPLICATION TO REVIEW**

**THE PREMISES LICENCE**

***Responsible Authorities***

**ENVIRONMENTAL HEALTH**

**REPRESENTATION**

*Mr Zach Byrne*

*Environmental Health Officer*

*Brentwood Borough Council*





**MEMO** From Mr Zach Byrne

---

To: Licensing  
Our ref 23/001525/LICON  
Your ref  
cc  
Date 13th September 2023

<b>Location</b>	<b>The Willow, Church Lane, Doddinghurst, Brentwood</b>
<b>Details</b>	<p>Dear Colleagues,</p> <p>On 16 August 2023, the Licensing Office received an application submitted by Raj Hundal on behalf of the Home Office (Immigration Enforcement) to Review the Premises Licence at</p> <p><b>KERVAN KITCHEN AT THE WILLOW, CHURCH LANE, DODDINGHURST, BRENTWOOD CM15 0NG</b></p> <p>Made of the grounds of failing to meet the licensing objective;</p> <p><b>The Prevention of Crime and Disorder</b></p> <p>I HAVE ATTACHED A COPY OF THE APPLICATION TOGETHER WITH THE ACCOMPANYING REPORT &amp; SUPPORTING DOCUMENTS AND THE CURRENT PREMISES LICENCE FOR YOUR CONVENIENCE BUT THESE DOCUMENTS HAVE NOT BEEN REDACTED AND CONTAIN PRIVATE INFORMATION WHICH IS NOT FOR VIEWING BY THE PUBLIC. SHOULD YOU NEED TO RESPOND TO ANY PUBLIC ENQUIRIES I WOULD BE GRATEFUL IF YOU WOULD KINDLY REFER THEM TO THE LICENSING OFFICE. THANK YOU.</p> <p>Reference: 23/00018/LAPRE</p> <p>Should you feel compelled to make a representation against this application, or if I can be of any further assistance, please do not hesitate to contact me in the Licensing Office on 01277 312523 The consultation period will end at midnight on Thursday 14th September 2023.</p>

While I appreciate that the focus around the review for this premises' license review is failure to meet Licensing objectives surrounding The Prevention of Crime and Disorder, I would like to make representations regarding the noise nuisance generated by this premises for nearby residents. Environmental Health have received numerous complaints over the years regarding noise nuisance from this premises. These mainly fall into two categories.

The first relates to the activities at the premises, specifically the provision of recorded/live music at the premises frequently generates complaints from nearby residents. This usually manifests because, according to these reports, the premises' windows/doors are not kept closed in the evenings and in turn creates noise spillage into the surrounding area. Residents have advised me that they regularly have to tell the management at premises to close the windows/doors when this happens, but this should be the responsibility of the DPS.

The second, which is much more prevalent, is caused by the behaviour of staff late at night and in the early hours of the morning. I have had multiple reports and diary sheet evidence suggesting that staff members empty the bins (including throwing empty bottles around) very loudly, and are often talking at a high volume at inappropriate times. The diary sheets I have received indicate that within April-August 2023, this happened a total of 17 times, all of the occurrences being after 10PM, and most commonly between 11PM-12AM. The latest time this occurred was at 01:55AM.

With this in mind, I suggest the following measures be addressed in the new premises License:

- Windows and doors shall be closed at all times when live/recorded music is played.
- Staff should be respectful to neighbouring properties with respect to operating outside the premises, particularly at night: handling of waste bins and staff talking should not be excessively audible.

**Mr Zac Byrne**  
**Environmental Health**

**KERVAN KITCHEN**

**CHURCH LANE, DODDINGHURST, BRENTWOOD CM15 0NG**

# **APPENDIX 4**

**APPLICATION TO REVIEW**

**THE PREMISES LICENCE**

***Responsible Authorities***

**POLICE REPRESENTATION**

**(REDACTED)**

*Mr Simon Barnes*

*Essex Police Licensing Officer*





## **Premises Licence Review**

**Kervan Kitchen  
Church Lane, Doddinghurst**

**Police Representation in support of review.**

# **PUBLIC COPY**

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1.0 Background Details	Page 3
2.0 Outline of police interactions with premises	Page 4
3.0 Case Law and Essex Police recommendation for outcome of review	Page 8

## 1.0 Background Details

- 1.1 Kervan Kitchen is a licensed premises situated on Church Lane in Doddinghurst with a post code of CM15 0NG. The Premises Licence Holder (PLH) is Willow Essex Limited (Essex) and holds a licence number of PRM\_0046, the Designated Premises Supervisor (DPS) is Savas FIRAT and has been since 25<sup>th</sup> October 2019.
- 1.2 The premises has been in the control of Willow Essex Limited (Essex) since October 2019. The company has one director who is Savas FIRAT.
- 1.3 The premises is a Turkish restaurant offering a variety of Turkish dishes and is located in a rural town near to a parade of shops and on the main road through the town.
- 1.4 Prior to the current occupiers the premises was a Public House.

## 2.0 Outline of police interactions with the premises.

- 2.1 Police have undertaken a total of seven visits on this premises since it opened under its current management. Prior to this operator the premises operated as a public house.
- 2.2 Two visits were conducted to assess compliance with the licence prior to Covid restrictions with the remaining five visits being conducted in the last 15 months.
- 2.3 On 15<sup>th</sup> June 2022 Essex Police Licensing Officer Simon Barnes undertook a visit on the premises and spoke to members of staff. The DPS was not on premises and the duty manager was not available due to sickness. A visual basic check of premises was conducted, it was noted that the premises summary licence was not on display and when questioned on this, a member of staff by the name of [REDACTED] has called the duty manager who confirmed themselves to be [REDACTED] [REDACTED] and refers to themselves as [REDACTED].
- 2.4 [REDACTED] has been surprised this was not on display, the reasons given were that they have recently had a re-decoration and had been visited by the local authority the day before and moved several things from the walls to be compliant with building control and the summary must have been taken down.
- 2.5 [REDACTED] was given words of advice that the summary should be on public display, [REDACTED] committed to ensuring that this would be resolved this evening.
- 2.6 On 26<sup>th</sup> November 2022 a visit was undertaken by PC Smith of Brentwood Community Policing (CPT), during this visit the DPS was not on premises and PC Smith has spoken to [REDACTED] by phone. The officer noted that the summary licence was not on display, the reasons given were that another one needed to be printed off and displayed. Words of advice were given to [REDACTED] [REDACTED] to ensure this was done.
- 2.7 On 29<sup>th</sup> June 2023, Licensing Officer Simon Barnes attended the premises alongside officers from the Immigration and Customs Enforcement team. Mr Barnes has observed the ICE team and undertaken a deeper review of the licence to confirm compliance with conditions.
- 2.8 Summary licence remains not on display, whilst checks of the premises layout were conducted it was noted that several areas were not shown on the premises plan which forms a part of the licence and is required under s136 Licensing Act.
- 2.9 Due to the concerns regarding compliance with the licence, Mr Barnes has approached staff to confirm if the DPS or anyone in management was present



that he could speak to which was initially rebuffed as not being on the premises or available.

- 2.10 Mr Barnes also witnessed the ICE team asking for access to the office where the CCTV system was kept, staff have refused access regardless of the warrant and officers have been seen warning that they would use force to gain entry and that the lack of cooperation would likely reflect badly on any review of the licence.
- 2.11 Sometime later [REDACTED], who was previously seen walking round the premises recording both the ICE officers and Mr Barnes, has approached offering a phone which was connected to [REDACTED].
- 2.12 Mr Barnes has then outlined the concerns regarding the licence and the lack of compliance with previous words of advice regarding the summary licence. Given the lack of cooperation and response to previous concerns and the lack of compliance with the licence Mr Barnes has indicated to [REDACTED] that a warning would need to be issued and a further, fuller discussion between the premises management, the Licensing Authorities licensing team and himself to discuss an action plan would be required.
- 2.13 On 3<sup>rd</sup> July 2023 a warning letter was issued by Essex Police requesting an urgent meeting to be held to discuss the concerns raised, a copy of this letter was emailed to the registered email of the DPS, by post to the premises and a copy served on the Licensing Authority. A copy of this letter is attached at Appendix A.
- 2.14 On 12<sup>th</sup> July 2023 a meeting was held with Brentwood Council Licensing Officer Mr Dave Leonard, [REDACTED] who identified herself as the company secretary and Mr Simon Barnes for Essex Police.
- 2.15 The meeting started with an outline of the circumstances of the 29<sup>th</sup> June, what was seen during the visit and the issues highlighted by phone. [REDACTED] was surprised by several of the plan deficiencies as many of the areas highlighted have been present on the premises since it was opened in 2019.
- 2.16 [REDACTED] gave some explanation as to why the premises may have become used for illegal workers, if indeed there were any workers as at this time she was not informed who these people were or had time to review if they were working or simply using the facilities. [REDACTED] noted that the DPS had control of 3 premises and recently has been focused on their Basildon branch to the detriment of this branch which they had felt was in a stable position management wise.
- 2.17 She also posited that, as part of Turkish culture, some friends of workers regularly came to the premises to use the kitchens to cook their own meals to then eat in the premises. Mr Barnes confirmed at this point that the reasons for

any potential breaches of immigration law would be best be dealt with by Immigration Officials as part of their ongoing investigation and no further discussion was permitted on these matters at the meeting.

- 2.18 Mr Barnes highlighted the number of times that the summary licence was found to be missing and reason given that it had been either removed or needed re-printing and the defects of the layout. It was posited at the meeting that potentially a planning application layout had been used by licensing in error. Whilst this could possibly be true there is an onus on the Licence Holder to review their licence on issue and to request corrections where administrative errors are found in the licence to the Licensing Authority, this appears to not have been done. It was the recommendation that a minor variation would be required to correct the licence.
- 2.19 Discussion was had regarding ongoing management of the premises, it was [REDACTED] intention to take control of the premises going forward to review management processes to correct for all the issues highlighted, it was advised by Mr Barnes that it would be prudent to change the DPS to [REDACTED] going forward given the fact that Mr FIRAT was not in day to day control of the premises and [REDACTED] would be. [REDACTED] agreed to this, as the matters of concern were primarily for the Licensing Authority to enforce the case was then passed to Mr Dave Leonard to continue.
- 2.20 Mr Leonard emailed [REDACTED] on the 27<sup>th</sup> July giving advice in support of the meeting outcomes.
- 2.21 A review of Essex Police's records shows that an application was made on 23<sup>rd</sup> December 2019 requesting a variation which included a premises plan which matches the layout that was on display on the current licence and no other applications to vary the licence have been received since this date.
- 2.22 On 16<sup>th</sup> August 2023 Essex Police received a copy of an application from the Home Office for a review of the premises licence. At the time of the application no minor variation application or DPS variation had been referred to Essex Police.
- 2.23 On the 17<sup>th</sup> August Mr Barnes undertook a brief visit to check on the status of the action plan for the premises, during this visit the full licence was on display in the lobby area of the premises as well as notices for the review and a minor variation. Mr Barnes asked for clarification from the council's licensing team regarding a minor variation as Essex Police had not received this and was advised that they would discuss this with the licence holder.

### 3.0 Case Law and Essex Police recommendation for outcome of review

3.1 Essex Police have note of the Section 182 guidance issued by the Secretary of State and in particular note are 11.27 which outlines certain criminal activity that should be treated particularly seriously which includes “for employing a person who is disqualified from that work by reason of their immigration status in the UK” and 11.28 as highlighted in the Immigration bundle.

3.2 In the case of *East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)*(2016) Mr Justice Jay said:

*“The prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.”*

3.3 In the case of *R (Bassetlaw District Council) v Worksop Magistrates' Court*; [2008] WLR (D) 350, Mrs Justice Slade said:

*“On the determination under s 52 Licensing Act 2003 of an application for review of a premises licence in circumstances involving criminal conduct connected with the licensed premises, consideration must be given to what was necessary to promote the objective of crime prevention, and to the needs of the wider community, and not be limited to guidance and remedial action and to the needs of the licence-holders” (para 32.1).*

*“(…)wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State” (para 32.1)*

*“However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable” (para 33.1).*

3.4 In addition the sub committee should consider Paragraph 11.23 of the s182 guidance which read:

*“(…) However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”*

- 3.5 Given the above, it is Essex Police's position that it supports the recommendation made by the Home Office in their bundle for the licence to be revoked.

**KERVAN KITCHEN**

**CHURCH LANE, DODDINGHURST, BRENTWOOD CM15 0NG**

# **APPENDIX 5**

## **APPLICATION TO REVIEW** **THE PREMISES LICENCE**

***Other Persons***

### **REPRESENTATION**

*Mr Darren White*



**Dominika Jaskolska**

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**From:** [REDACTED]  
**Sent:** 02 September 2023 12:34  
**To:** Licensing  
**Subject:** The Kervan Kitchen, Doddinghurst

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern, I wish to make representation against the above premises license on the following item prevention of public nuisance.

My name is [REDACTED]

My address is, [REDACTED]  
Church lane, Doddinghurst .

I wish for a review under the prevention of public nuisance against The Kervan Kitchen in Doddinghurst.

I live in close proximity to the above premises and have been subjected to constant noise from the above establishment. I have video evidence of the incidents dating back 2-3 years but unfortunately the councils spam filters will not allow me to send them to the licensing team.

When this restaurant first opened we were subjected to many people sitting in the seated areas in the garden dining and enjoying themselves, however as the nights went on we were often in bed listening to people leave the garden area screaming and shouting and generally keeping me awake.

I rang the restaurant and spoke to a member of staff whose reply was " it's a business, what do you expect", needless to say that wasn't the answer I was expecting.

More recently we've been subjected to people leaving in large swathes shouting and screaming through the village as they depart with no one from the restaurant trying to tell them to quietly leave. We also have live music frequently wether it's a disco or live singers and as it's been relatively warm, the bi-fold windows are opened so the whole village can enjoy it wether we want to or not.

On one particular occasion I had to go into the restaurant and speak to the management to tell the to shut the fire escape doors that were wide open.

The front of my house directly overlooks the staff accommodation that was built as part of the refit by the current management, this location also houses their refuse bins.

I have often been woken up from anytime from midnight to 2-3 am by staff emptying bins and large bottle bins into a larger containers, with no regard to the locals.

In the early days we were liaising with the lady whose name is on the license, but after a while she just chose to ignore us.

We also have other issues with the charcoal odour blowing into our property from the kitchen exhaust- but this is currently being dealt with by environmental health although it's being going on since day one- but still no progression.

This is a very busy premises- but not really suited for a village location in my opinion due to the nature of how it's run, with no regard for the locals whatsoever.

I am away until the 11th of September should anyone wish to view the video evidence.

I can be contacted via return email or or [REDACTED] my landline is [REDACTED]

Regards, [REDACTED]

Sent from my iPad





## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Licensing Sub-Committees**

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

### **Licensing Act 2003 and Gambling Act 2005**

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

### **Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:**

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

### **Scrap Metal Dealing**

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

### **Street Collections and House to House Collections**

- (a) Appeals against refusal to grant or renew a license.

### **Licensing of sex establishments**

- (a) Determination of all applications, revocations and appeals.

### **Street Trading**

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

### **Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis**

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

### **Animal Welfare and Security, except for the following:**

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

### **Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:**

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

### **Mobile Homes**

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.