



DARLINGTON
Borough Council

Licensing Act 2003 Sub Committee Agenda

10.00 am Thursday, 11 September 2025
Council Chamber, Town Hall, Darlington

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. APPLICATION TO REVIEW A PREMISES LICENCE - Oak Tree Inn. – Report of the Executive Director of Economy and Public Protection. (Pages 3 - 94)

Amy Wennington
Assistant Director Law and Governance

Wednesday, 3 September 2025

**Town Hall
Darlington.**

Membership
Councillors Curry, Haszeldine and Kane

If you need this information in a different language or format or you have any other queries on this agenda please contact James McAllister, Democratic Officer, Resources and Governance Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: james.mcallister@darlington.gov.uk or telephone 01325 403122

LICENSING ACT 2003 SUB COMMITTEE

11 SEPTEMBER 2025

ITEM NO.

APPLICATION TO REVIEW A PREMISES LICENCE

Purpose of Report

1. To invite Members to consider an application from the Home Office (Immigration Compliance and Enforcement) to review a premises licence on the grounds that the prevention of crime and disorder licensing objective has been undermined.

Background Information

2. Attached to this report are the details of the application to review the premises licence of the Oak Tree Inn, Middleton St George, Darlington, DL2 1HN.
3. Members are requested to determine this application and provide reasons for their decision.

Legal Implications

4. The Borough Solicitor, in accordance with the Council's approved procedures, has considered this report, and there are no issues that the Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Human Rights Act

5. When considering matters relating to the grant, suspension, revocation or refusal of licences and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether the interference is proportionate

Section 17 of the Crime and Disorder Act 1998

6. One of the four Licensing Objectives of The Licensing Act 2003 is the prevention of crime and disorder. The attached report refers to this and is the reason for the review.

Recommendation

7. Members are requested to determine the application in accordance with Section 52 of the Licensing Act 2003.

Trevor Watson
Executive Director of Economy and Public Protection

Background Papers

- The Licensing Act 2003
- The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005
- The Licensing Act 2003 (Hearings) Regulations 2005
- Darlington Borough Council's Licensing Policy
<https://www.darlington.gov.uk/media/ujndrhba/licensing-act-policy-2003.pdf>
- Guidance issued under Section 182 of the Licensing Act 2003
https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_October+2024+1_.pdf
- Immigration Act 1971
- Home Office Guidance - Preventing illegal working in licensed premises

Colin Dobson

Extension: 405988

**FOR CHAIR AND MEMBERS
OF THE LICENSING ACT 2003 SUB COMMITTEE
11 SEPTEMBER 2025**

**APPLICATION TO REVIEW PREMISES LICENCE ON THE GROUNDS OF THE PREVENTION OF
CRIME AND DISORDER**

Licence holder	Punch Taverns Plc, Jubilee House, Second Avenue, Burton upon Trent DE14 2WF	Ref No: LAPREM00249
Premises:	Oak Tree Inn, Middleton St George, Darlington, DL2 1HN	
Licensable Activities:	Sale by Retail of Alcohol - On premises (on and off premises) Monday to Saturday 11:00 - 00:00 Sunday 12:00 – 00:00 Performance of Live Music (Indoors) Every Day 11:00 - 00:00 Playing of Recorded Music; Indoor Sporting Events; Provision of facilities for entertainment similar to making music or dancing. Monday to Saturday 11:00 - 00:00 Sunday 12:00 - 00:00	
Premises Opening Times	Monday to Saturday 11:00 – 00:30 Sunday 12:00 – 00:30	
Home Office Application	Review of Premises Licence on the grounds of Crime and Disorder	

Notification to Responsible Authorities/Other Persons:

On receipt of this application, Licensing served notice to the following responsible authorities and local Councillors representing Middleton St George:

Environmental Health	Chief Fire Officer
Durham Constabulary	Trading Standards
Planning	Public Health
The Licensing Authority	
Darlington Safeguarding Partnership	

Immigration Enforcement served the notice on the Premises Licence Holder by first-class post.

Information on the Premises:	30 July 2025
Information on Council's website:	30 July 2025

LEGISLATION:

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four Licensing Objectives:

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

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State. The Licensing Authority may depart from its own Policy or the Secretary of State's Guidance if it has good cause, but must be able to give full reasons for such a departure.

DESCRIPTION OF PREMISES

When the Premises Licence application was made, the applicant described the premises as:

"The Oak Tree is a one bar public house with car park, outside drinking area and dining area. The premises serves a full food menu on lunchtimes and evenings."

PURPOSE OF REPORT

To invite Members to consider an application for a review of the Premises Licence submitted by the Home Office (Immigration Compliance and Enforcement) based on the grounds that it undermines the prevention of the crime and disorder objective.

Members are requested to consider any appropriate action, which may include revocation of the licence.

BACKGROUND OF THE PREMISES

On 27 July 2005, an application was made by Punch Taverns Plc to convert an existing licence under the Licensing Act 1964 to a premises licence under the Licensing Act 2003, which was duly granted.

In March 2009, an arson took place at the premises where an estimated £118,000 of damage was caused. Someone who had invested money in the property arranged the fire so that he could claim the money from insurance. Others involved in this offence had been living on the premises to provide security while the landlady was away. All those involved in this offence received custodial sentences when convicted in 2010.

In September 2010, a complaint was made that a customer had been served by a child who was working alone behind the bar. It transpired that it was the daughter of the Designated Premises Supervisor (DPS) who had authorised her to serve alcohol, but on that occasion, she was not directly supervised as she had been working in the kitchen. No further action was taken, and management guidance was given to the DPS.

On 5 November 2010, a warning letter was sent to the premises management from Darlington Council's Principal Environmental Health Officer following a complaint of noise within the premises on 30 October that year. This was in relation to entertainment that continued beyond midnight, which was in breach of a licence condition.

During 2023 and into 2024, there were several complaints from a nearby resident that customers' children in the outside area had been throwing stones over the perimeter fence, causing damage and creating anti-social behaviour. Darlington's Civic Enforcement Team, along with Licensing, attempted to resolve these issues using a problem-solving approach. It was established that loose ground material was being thrown around by the children of customers, and when the leaseholder had this removed, these complaints stopped.

During the time of this licence, there have been a number of changes to DPS, which have all been properly authorised.

A copy of this licence is in **Appendix 1**.

APPLICATION TO REVIEW THE PREMISES LICENCE

On 29 July 2025, an application was properly made by the Home Office (Immigration Compliance and Enforcement) as a Responsible Authority, to review this premises licence under Section 51 Licensing Act 2003 on the grounds that the crime and disorder objective had been undermined. Responsible Authorities were notified, and a review notice was prominently displayed on the premises. A copy of the displayed notice is in **Appendix 2**. Further information was also available on Darlington Borough Council's licensing webpage, where all consultations are published.

In summary, on 18 December 2024, the North East, Yorkshire, and Humberside Immigration Compliance Enforcement (ICE) visited the Oak Tree Inn, Middleton St George, Darlington. Four illegal workers were found during the enforcement visit, three of whom did not hold the right to work, and one was working in breach of conditions. The DPS was present during this visit and stated that she does not check for identification documents to carry out right-to-work checks and simply believed what the workers say their status is.

Whilst the premises licence is held by Punch Taverns Plc, the DPS is Ersin Aydin, who is also the business owner and company director of Missim Ltd. This company is responsible for the Oak Tree Inn business, which was incorporated on 18 May 2024.

A civil penalty of £90,000 was issued to Missim Ltd on 10 February 2025 for employing two individuals without the right to work. The company objected to this penalty, and after the objection was fully considered, the civil penalty remained at £90,000. Payment was due by 24 March 2025; however, it remains unpaid and has now been referred to a third-party debt collection agency.

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 6 April 2017. The intention was to prevent illegal working on premises licensed for the sale of alcohol or late-night refreshment. The Home Office has requested that the premises licence be revoked to reflect the serious nature of this issue.

The review application is in **Appendix 3**, and a comprehensive Premises Licence Review pack (redacted) has been provided by the Home Office, which is in **Appendix 4**.

REPRESENTATIONS

During the statutory consultation period, no representations were made by responsible authorities or members of the public in relation to this application. Regular checks of the premises were made by Licensing Officers to ensure the review notice remained in place. It was also noted that during these visits, the premises were closed to business.

NOTIFICATION

The Licence Holder and Home Office have been issued with a notification to attend this hearing and provided with details of the hearing procedures in accordance with Regulations 6 and 7 of the Licensing Act 2003 (Hearings) Regulations 2005. A copy of these notices is in **Appendix 5**

THE LICENSING POLICY

Members are referred to the following relevant sections of the Council's Licensing Policy, which are reproduced in **Appendix 6**

Section 1.2 – 1.3	Purpose
Section 6 – 7.3	Premises licence and impact of licensable activities
Section 11.3 to 11.5	Steps to address Crime and Disorder

A full copy of the policy will be available for Members to refer to.

THE GUIDANCE

Members are referred to the Secretary of State's Guidance in relation to the prevention of crime and disorder and the review process. A full copy of the relevant guidance is available to Members, and the relevant sections of the Guidance are reproduced in **Appendix 7**.

ADDITIONAL INFORMATION

Members should note that Home Office Immigration Compliance and Enforcement Officers are protected in law from revealing their identities for the purpose of a review.

MEMBERS' OPTIONS

Members may consider the following options:

1. To modify the conditions on the licence – i.e. to alter, remove or add additional conditions that they consider appropriate to promote the crime prevention, public nuisance prevention, public safety or child protection licensing objectives
2. Exclude a licensable activity from the scope of the licence.
3. To remove the Designated Premises Supervisor, for example, because they consider that the problems are the result of poor management.
4. To suspend the entire licence for a period not exceeding 3 months.
5. To revoke the licence.
6. To take no action against the licence.

If Members are minded to add additional conditions, they must be appropriate to promote the licensing objectives detailed above. Members are reminded that any such conditions should not duplicate existing legislation.

Members are further reminded that any party to the review who is aggrieved at the decision of the Licensing Act Sub Committee (Premises Licence Holder or Home Office) may appeal the decision to the Magistrates' Courts. In the event of such appeal, any determination by the Sub Committee will not take effect until the appeal is disposed of.

Contact Officer: Colin Dobson x 5988

Trevor Watson

Executive Director of Economy and Public Protection

Appendix 1 – Premises Licence

Appendix 2 – Notice of Review

Appendix 3 – Review Application

Appendix 4 – Review Pack (Redacted)

Appendix 5 – Request to attend hearing

Appendix 6 – Extracts from policy

Appendix 7 – Extracts from Section 182 Guidance

For admin use only:

Date of Sub Committee:

Sub Committee Decision:

Reasons:



DARLINGTON
Borough Council

Licensing Act 2003 – Part A

PREMISES LICENCE – LAPREM00249

Premise Details:

Oak Tree Inn

Middleton St George DARLINGTON DL2 1HN

Date Granted: 14 June 2024

Duration of Licence:

Not Time Limited

Licensable Activities

Activity	Days of Week	Open	Close
Sale of Alcohol for consumption both on and off the Premises	Monday to Saturday	11:00	00:00
	Sunday	12:00	00:00
Live Music (Indoors)	Every Day	11:00	00:00
Indoor Sporting Events; Recorded Music; Provision of facilities for Entertainment similar to Making Music or Dancing	Monday to Saturday	11:00	00:00
	Sunday	12:00	00:00
Opening Hours	Monday to Saturday	11:00	00:30
	Sunday	12:00	00:30

Non Standard Times

The Sale of Alcohol and regulated entertainment specified in this licence shall be extended by one additional hour on the following days:

Friday to Monday for every May Bank Holiday, August Bank Holidays, Thursday to Monday for every Easter Bank Holiday, Christmas Eve and Boxing Day.

New Year's Eve Exemption:

The licensable activities specified in this licence may be provided from the end of the specified finish times on any day which is New Year's Eve to the beginning of the start times on the following day (New Year's Day). The premises will close 30 minutes after the end of the non-standard/seasonal timings.

On no more than 12 occasions per calendar year Live Music may be provided outdoors between 11:00 and 21:00 (excluding the use of Temporary Event Notices).

Premises Licence Holder:

Punch Taverns Plc

Jubilee House Second Avenue BURTON UPON TRENT DE14 2WF

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

Name:	Ersim Aydin
Licence Number:	PERS1303
Licensing Authority:	Fenland Council

Annex 1 – Mandatory Conditions

1. Every Supply of alcohol under the premises licence must be made by or authorised by a person who holds a personal licence.
2. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no Designated Premises Supervisor in respect of the premises licence or
 - (b) at a time when the designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
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 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.
8. For the purposes of the condition set out at 7 —
- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
 where—
 - i) P is the permitted price,
 - ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - i) the holder of the premises licence,
 - ii) the designated premises supervisor (if any) in respect of such a licence, or
 - iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
9. Where the permitted price given by Paragraph (b) of paragraph 8 would (apart from the 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.
- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

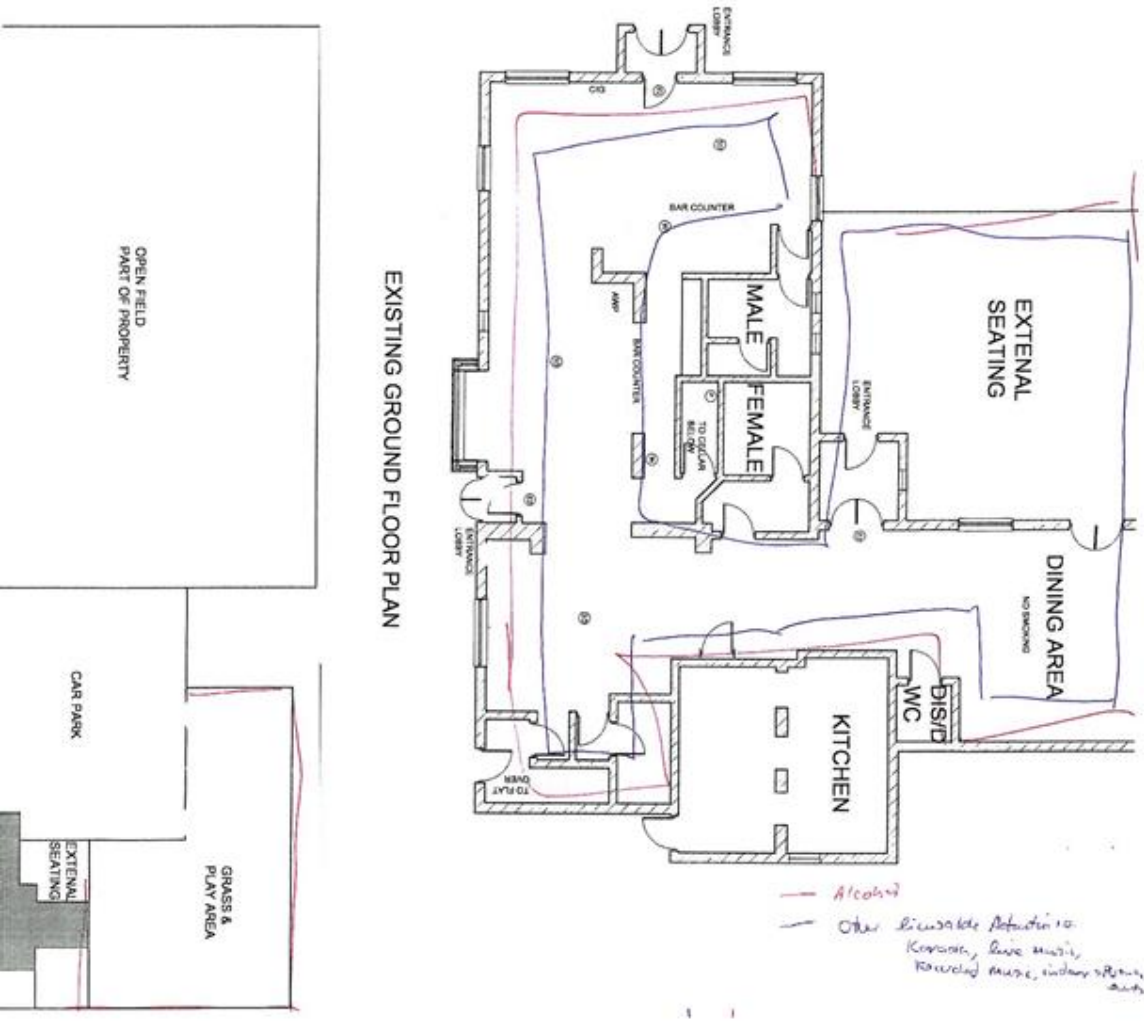
Annex 2 – Conditions consistent with the operating schedule

1. This licence is subject to all of the embedded conditions/restrictions inherent in the Licensing Act 1964 save those relating to hours which have been amended by virtue of this application.
2. Conspicuous and legible signage will be prominently displayed within the premises at each exit, requesting that patrons leave the establishment in a quiet and orderly manner.
3. The car park and exterior areas will be lit every evening when the premise is open to the public and such lighting will be maintained.
4. Children will not be permitted entry to the premises after 21:00 unless they are having a meal and are accompanied by an adult.
5. No adult themed entertainment will be allowed on the premises.

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

None

Annex 4 – Plans



Issued in accordance with the application to vary the premise licence to specify a Designated Premises Supervisor

Authorised Officer
Date of Issue 17 June 2024

PREMISES LICENCE GUIDANCE

1. Your Premises Licence has been granted and is enclosed.
2. The annual fee is due on the anniversary of its grant, unless you are exempt (e.g. community premises). Please ensure that the annual fee is paid on time.
3. Your Premises Licence has been granted for an unlimited period of time and is subject to the conditions mentioned in the licence.
4. You must ensure that the Premises Licence, or a certified copy of it, is kept at the premises in the custody or under the control of yourself or a person ("the nominated person") who works at the premises and whom you have nominated in writing for these purposes. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
5. You must ensure that a Summary of the Premises Licence, or a certified copy of that Summary, is prominently displayed at the premises. If you have nominated a person ("the nominated person"), under 4 above, you must prominently display at the premises a notice specifying the position held at the premises by that person. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
6. A Police Constable or an Authorised Person may require the holder of the Premises Licence or the nominated person to produce the Premises Licence, or a certified copy of it, for examination. A person commits an offence if he or she fails, without reasonable excuse to comply with these requirements. The maximum fine is £500 on conviction.
7. Where a Premises Licence or Summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the Council for a copy of the licence or Summary. A fee of £10.50 is payable.
8. Subject to reinstatement in certain circumstances, a Premises Licence lapses if the holder the licence dies, becomes mentally incapable, becomes insolvent, or is dissolved.
9. Where the holder of a Premises Licence wishes to surrender their licence they may give the Council notice to that effect. The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council.
10. The holder of a Premises Licence must, as soon as reasonably practicable, notify the Council of any changes in:
 - Name and address
 - Name and address of the Designated Premises Supervisor (unless that Supervisor has already notified the Council)

The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council. A fee of £10.50 is payable.

A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.

11. The holder of a Premises Licence may apply to the Council at any time for variation of the licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and the application will need to be advertised and served on the Responsible Authorities. Please contact the Council for an application form and a guidance leaflet on how to apply for a variation. Please note that a Licence may not be varied to extend the period

for which a licence has effect, or to vary substantially the premises to which it relates – in those cases an application for a new Premises Licence will need to be made; please contact the Council for further details.

12. The holder of a Premises Licence may, if the licence authorises the supply of alcohol (or if it is intended to vary a licence so that it authorises the supply of alcohol), apply to vary the licence so as to specify the individual named in the application as the Designated Premises Supervisor. Amongst other things, an application form will need to be completed, a fee will need to be paid and the notice of the application must be given to the Police. It is possible for the applicant to ask for such a variation to have immediate effect on an interim basis. Please contact the Council for an application form and guidance leaflet on how to apply for a variation.
13. The Premises Licence may be transferred following an application made to the Council for a transfer of the Licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and notice of the application must be given to the Police. It is possible for the applicant to ask for a transfer to have immediate effect on an interim basis. Please contact the Council for an application form and a guidance leaflet on how to apply for a transfer.
14. Where a Premises Licence has effect, and Interested Party or a Responsible Authority may apply to the Council for a review of the licence. You will be notified if an application is made to review your Premises Licence and you will have the opportunity to make representations about a review and to attend before the Council's Licensing Committee.
15. Your attention is drawn in particular to Part 7 of the Licensing Act 2003 which concerns offences under the Licensing Act 2003.

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LICENSING ACT 2003 APPLICATION FOR REVIEW OF PREMISES LICENCE

PREMISES NAME: Oak Tree Inn

PREMISES ADDRESS: Middleton-St-George
Darlington
DL2 1HN

Notice is hereby given that Darlington Borough Council has received from Home Office on 29 July 2025, an application for a review of the Premises Licence in respect of the above-named premises.

Grounds of Review

This review has been prompted due to concerns relating to Crime and Disorder objective of the Licensing Act 2003.

This Notice must be displayed on the premises for a minimum of 28 days, commencing from the day after the date the request for review was submitted to the relevant authority, this being Darlington Borough Council, Licensing Section, Town Hall, Darlington, DL1 5QT.

Anyone wishing to make representations/comments regarding this review must do so in writing to Darlington Borough Council by;

26 August 2025

Grounds for the review may be inspected at the office stated above or by visiting: **www.darlington.gov.uk**

It is an offence, knowingly or recklessly, to make a false statement in connection with an application and the maximum fine of £20,000 for which a person is liable on summary conviction for the offence.

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Licensing Authority: Darlington Borough Council
Address: Licensing@darlington.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

Oak Tree Inn Middleton St George	
Post town Darlington	Post code DL2 1HN

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

Punch Taverns Plc

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

LAPREM00249

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 Licensing Compliance Team (IELCT)

6th Floor, 2 Ruskin Square

Dingwall Road

Croydon

CR0 2WF

Telephone number (if any)

E-mail address (optional)

IE.Alcoholreviews@homeoffice.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

☒
☐
☐
☐

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

Grounds for review:

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

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

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

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

Please refer to accompanied review pack for detailed information

Please tick ✓

yes

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

☐

If yes, please state the date of that application

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

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

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 **S Monawar**

.....

Date **29 July 2025**

.....

Capacity **Responsible Authority**.....

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

**Immigration Enforcement Licensing Compliance Team
6th Floor, 2 Ruskin Square
Dingwall Road**

**Post town
Croydon**

**Post Code
CR0 2WF**

Telephone number (if any)

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

Notes for Guidance

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

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Home Office

Premises Licence Review

Oak Tree Inn
Middleton St George
Darlington
DL2 1HN

Contents

Case Summary	3
Licensed Premises History	4
Enforcement Visit dated: 18 December 2024	5
Reasons for Review	8
Outcome Sought	10
Appendix – Supporting Evidence	11

Case Summary

On 18 December 2024, the North East, Yorkshire and Humberside Immigration Compliance Enforcement (ICE) visited Oak Tree Inn, Middleton St George, Darlington, DL2 1HN.

Four illegal workers were encountered during the enforcement visit – of which three did not hold the right to work and one working in breach of conditions.

A civil penalty of £90,000 was issued to Missim Ltd on 10 February 2025 for employing two individuals without the right to work. The company objected to the penalty. The objection was fully considered, and the civil penalty was maintained at £90,000 on 20 February 2025. The payment was due by 24 March 2025 but remains unpaid and has now been referred to a third-party debt collection agency.

Licensed Premises History

The premises license number is LAPREM00249 granted by Darlington Borough Council on 14 June 2024. The premises license is held by Punch Taverns Plc and the Designated Premises Supervisor (DPS) is Ersim AYDIN.

The company registration number for Missim LTD is 15728387. Companies House shows that it was incorporated on 18 May 2024 and is currently active under Ersim AYDIN who was appointed director on 04 March 2025. AYDIN was previously appointed director from 18 May 2024 to 13 February 2025.

The premises is licensed for the sale of alcohol from Monday to Saturday between 11:00hrs and 00:00hrs and on Sunday between 12:00hrs and 00:00.

Enforcement Visit dated: 18 December 2024

Upon entering at 15:01hrs, immigration officers encountered the following individuals,

████████████████████

Upon immigration officers entering, ██████████ displayed an adverse reaction as he attempted to run from the kitchen into the garden. He was dressed in black kitchen uniform wearing gloves and a white cap.



████████████████████ encountered in uniform.

An illegal working interview was conducted with the assistance of an interpreter. ██████████ confirmed that he had been working at the premises kitchen for approximately two weeks. He worked six days a week, seven hours each day. He is paid £300 cash in hand per week and was employed by the owner (Ersim AYDIN), who was aware that ██████████ was not allowed to work in the UK. ██████████ confirmed that right to work checks were not conducted prior to commencing work as he did not have any identification card.

Home Office checks showed that ██████████ entered the UK illegally by small boats in September 2024 and claimed for protection which was outstanding at the time of the enforcement visit. ██████████ bail conditions did not permit him the right to work. Therefore, ██████████ was found working in breach of his bail conditions.

██████████

██████████ was encountered making bread in the kitchen. He then attempted to walk away and sit in a staff area. He consistently denied working despite other members of staff confirming that he was working in the kitchen.

An illegal working interview was conducted with the assistance of an interpreter. ██████████ claimed he arrived at the premises the day prior and was at the premises to see a friend and have tea. ██████████ maintained he was not working at the premises. However, when immigration officers spoke to the manager she had stated ██████████ was on a work trial with a view to hiring him. Other staff members also confirmed that ██████████ was working in the kitchen. ██████████ claimed that he was not receiving any payment as he did not work at the premises. ██████████ personal belongings were found in a room above the premises.

Home Office checks showed that ██████████ entered the UK illegally by small boats in October 2022 and claimed for protection. This was refused in April 2024. An appeal was lodged which is still ongoing. ██████████ bail conditions only permitted him to work in roles within the Shortage Occupation List (SOL). Therefore, ██████████ was found working in breach of his work restrictions.

██████████

Immigration officers encountered ██████████ in the bar area. Officers observed ██████████ answering the phone and serving a table of customers.



██████████ encountered in a waitress uniform.

During the illegal working interview, [REDACTED] confirmed that she had been working at the premises for approximately three weeks. Her duties include serving food and alcohol to customers and answering phone calls. [REDACTED] claimed she does not have scheduled shifts, instead is asked to work during busy periods and does not receive payment for such. [REDACTED] stated her employer 'Ersim' provided her with free food and accommodation in return for her work. When questioned if the employer was aware of her immigration status [REDACTED] stated that the employer helped her with 'the papers'. [REDACTED] confirmed that the employer was aware of her not holding the right to work.

Home Office checks showed that [REDACTED] last entered the UK in September 2024 where she was allowed entry as a visitor for six months. [REDACTED] has never held the right to work in the UK.

[REDACTED]
[REDACTED] was encountered walking down the stairs leaving from one of the rooms above the premises.

When questioned [REDACTED] claimed he had come to the premises around ten days ago for an interview. He stated that he is a chef and a baker but does not work at the premises. He claimed that he left his passport in London, however, officers had found it in his bedroom, alongside a counterfeit passport.

Home Office checks showed that [REDACTED] last valid leave expired in March 2023. No outstanding applications at the time of the enforcement visit. At the time of the enforcement visit [REDACTED] was an overstayer with no right to work in the UK.

Ersim AYDIN – DPS/Company Director

AYDIN identified himself as the owner of the business to immigration officers. An illegal working employer interview was conducted with AYDIN.

AYDIN, she confirmed that she was responsible for employing staff. When officers questioned what checks are conducted on new staff members AYDIN replied 'I don't normally ask for ID, I do ask if they're OK to work and 9 out of 10 I go with what they say.' AYDIN stated [REDACTED] had been working at the premises for a few weeks and [REDACTED] only arrived the day before. AYDIN also stated that she has been supporting [REDACTED] in applying for a National Insurance number once she was aware of her status.

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. In this case, the owner/DPS was present. When interviewed she stated that she does not check for identification documents to carry out right to work checks and simply believed what the workers say their status is. This itself is problematic as right to work checks needs to be conducted on before an individual begins any form of work, including trial shifts or temporary roles. The timing of these checks is not discretionary and cannot be deferred to justify the presence of illegal workers at the premises.

In addition, another individual was found in the accommodation upstairs who did not hold the right to work. Although he claimed that he did not work at the premises he admitted that he had an interview to work at the premises just ten days before the visit. Therefore, it is considered that he was also a worker at the premises.

Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ illegal workers where there is reason to believe this is the case. 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.

Further concerns include the wages paid to the workers. During the interviews, [REDACTED] disclosed that he worked six days a week, for seven hours each day and would get paid £300 per week. This equates to 42 hours of work for a remuneration of £7.14 per hour. This falls below the National Minimum Wage, which at the time of the enforcement visit was £11.44. [REDACTED] stated that she was provided with only free food and accommodation in return for her work. In this case, the low wages or lack thereof seem to have been supplemented by the offer of food and accommodation. Actions such as this exploits workers as well as providing an unfair competitive advantage over businesses that adhere to wage regulations.

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 license – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other

activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded to review the premises licence.

Outcome Sought

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

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

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

Oak Tree Inn under the control of Punch Taverns Plc owned by Ersim AYDIN has been found employing illegal workers. The licence holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises licence application.

Right to work checks should be carried out on all prospective employees prior to their first day, the checks are also irrespective of the length of the engagement or employment contract. Guidance is available online and the Home Office have published “Right to work checks: an employer’s guide” which can be found on the GOV.UK website.

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 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 – Supporting Evidence

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Encounter	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Time	15:07
Created at geolocation	<div>Easting 436150</div> <div>Northing 513520</div>
Creation date	18-12-2024 15:07:06
Chosen Identity	
Identity source/type	Declared
Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	Turkey
Country of birth	
Place of birth	
Languages	
Languages spoken	Turkish
Interpreter used?	Yes
Interpreter details	Big word [REDACTED]
Does the individual understand the interpreter?	Yes
Encounter	
Encountering officer	[REDACTED]
Is this encounter related to a Small Boats event?	No
Is this person the subject of the visit?	No
Prior to Schedule 2 examination, did you suspect an Immigration Offence?	Yes
Why do you suspect the person of an immigration offence?	male tried to run
Where was the person located?	Attempting to run out of rear of kitchen ggarden area

Declared immigration status	I claimed asylum
How and when did the subject last enter the UK?	This year but not sure when
Are there any vulnerabilities/trafficking/safeguarding issues?	No
Are you taking enforcement action?	Yes
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	<p>Systems checked Atlas</p> <p>Result of checks Asylum outstanding</p> <p>Does the person have an open absconder status on Atlas Person Alerts? No</p> <p>Status returned by system checks</p>
Photo of Subject	
Do you want to take a photograph of the subject?	Yes
Powers used	Paragraph 18(2) Schedule 2 Immigration Act 1971

Photo of subject



picture

Identity Documentation

Document 1

Identity



Document type

Document reference

Issuing authority

Document issue date

Document expiry date

Country of issue (if
different from
nationality above)Is the person the
rightful holder of the
document?Is the document
falsified?Is the document in the
possession of the Home
Office?

Suspected fraudulent

	In transit details Photos
Notes	
No notes entered.	
Management Checks Complete	
Date management checks complete	31-12-2024 14:42:51
Reviewer(s)	

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	
Created by	
ProntoID	
Subject CIDPID/CEPR	Unknown
Subject name	
Subject DOB	
Subject gender	Male
Subject nationality	Turkey
Time	15:13
Created at geolocation	<div>Easting 436142</div> <div>Northing 513506</div>
Creation date	18-12-2024 15:13:30

Language of Interview



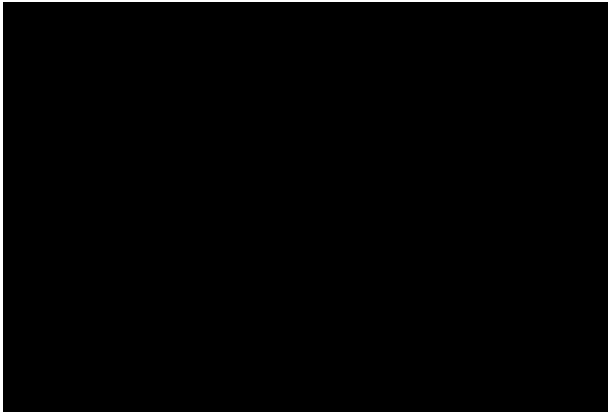
What language is the interview carried out in?	Turkish
Interpreter used?	Yes
Details of interpreter	Big word
Does the individual understand the interpreter?	Yes

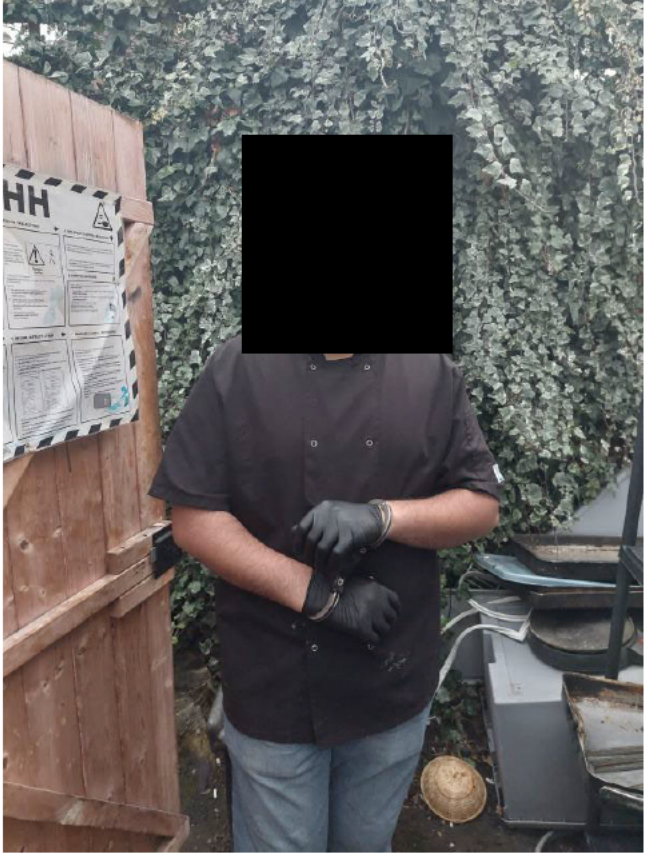
Obligation

How long have you been working at this business?	1 or 2 weeks
What is your job role/ what are your duties?	I work in the kitchen
What days/ hours do you work each week?	6 days a week and mayb 7 or i hours a day

Control

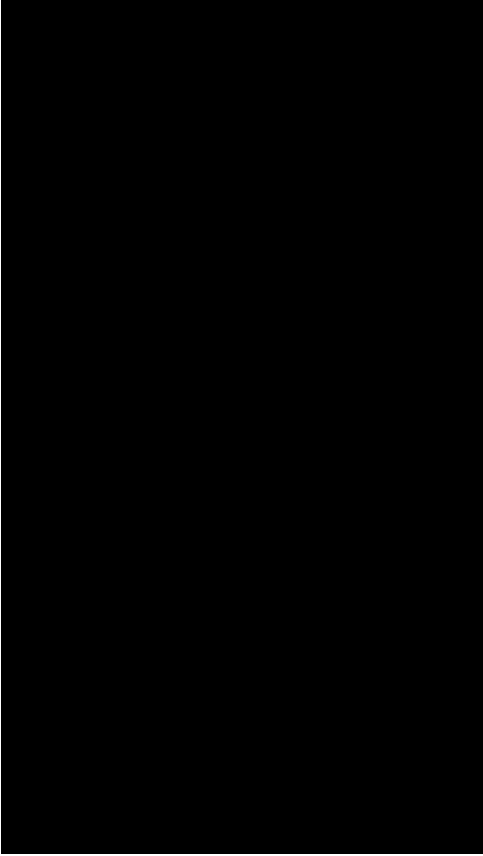

Who gave you this job (name and role in business)?	The owner
Was that the female who was speaking to you?	Yes

Who tells you what days/ hours to work?	The boss
Remuneration	
How are you paid (money, accommodation, food)?	300 pounds a week
is it paid in cash	Cash
do you pay tax or NI	No
Pre-employment Checks	
What name does the employer know you as?	Ad my details yes
Did the employer check your right to work or immigration status before they offered you the job?	Yes
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	I don't have any ID card
Does your employer know you're not allowed to work in the UK?	Yes
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature  	 18-12-2024 15:21:29

Observations	
Observations	Male tried to run out of the rear of the premises when officers entered. He was subsequently arrested. Male wearing chef uniform
Do you suspect this person of illegal working?	Yes
Photo 1	 <p>Caption picture</p>
Management Checks Complete	
Date management checks complete	31-12-2024 14:42:52
Reviewer(s)	[REDACTED]

Encounter	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Time	15:14
Created at geolocation	<div>Easting 436125</div> <div>Northing 513506</div>
Creation date	18-12-2024 15:09:43
Chosen Identity	
Identity source/type	Declared
Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	Turkey
Country of birth	
Place of birth	
Languages	
Languages spoken	Turkish
Interpreter used?	Yes
Interpreter details	Big word
Does the individual understand the interpreter?	Yes
Encounter	
Encountering officer	[REDACTED]
Is this encounter related to a Small Boats event?	No
Is this person the subject of the visit?	No
Prior to Schedule 2 examination, did you suspect an Immigration Offence?	Yes
Why do you suspect the person of an immigration offence?	breach of bail
Where was the person located?	In kitchen making bread

Declared immigration status	Outstanding appeal
How and when did the subject last enter the UK?	2 years ago
CIDPID/CEPR	██████████
Are there any vulnerabilities/trafficking/safeguarding issues?	No
Are you taking enforcement action?	No
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	<p>Systems checked</p> <p>Result of checks</p> <p>Does the person have an open absconder status on Atlas Person Alerts? No</p> <p>Status returned by system checks</p>
Photo of Subject	
Do you want to take a photograph of the subject?	Yes
Powers used	Paragraph 18(2) Schedule 2 Immigration Act 1971

Photo of subject	
Identity Documentation	
No documentation provided.	
Notes	
No notes entered.	
Management Checks Complete	
Date management checks complete	31-12-2024 09:42:27
Reviewer(s)	

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	██████████
Created by	██████████
ProntoID	██
Subject CIDPID/CEPR	██████████
Subject name	████████████████████
Subject DOB	██████████
Subject gender	Male
Subject nationality	Turkey
Time	15:19
Created at geolocation	<div>Easting 436125</div> <div>Northing 513506</div>
Creation date	18-12-2024 15:19:48

Language of Interview

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

Obligation

where do you live	My address is in London
why have you come here in the north east	I came here to visit ██████ sister she is the manager who you spoke to earlier
How long have you been working at this business?	I'm not working I came at 12 o'clock for tea I went into kitchen
the manager has said she wants to see how you perform before employing you	I came to chat in kitchen
other staff have confirmed you are working in the kitchen	I came yesterday to visit a friend
What is your job role/ what are your duties?	Not working

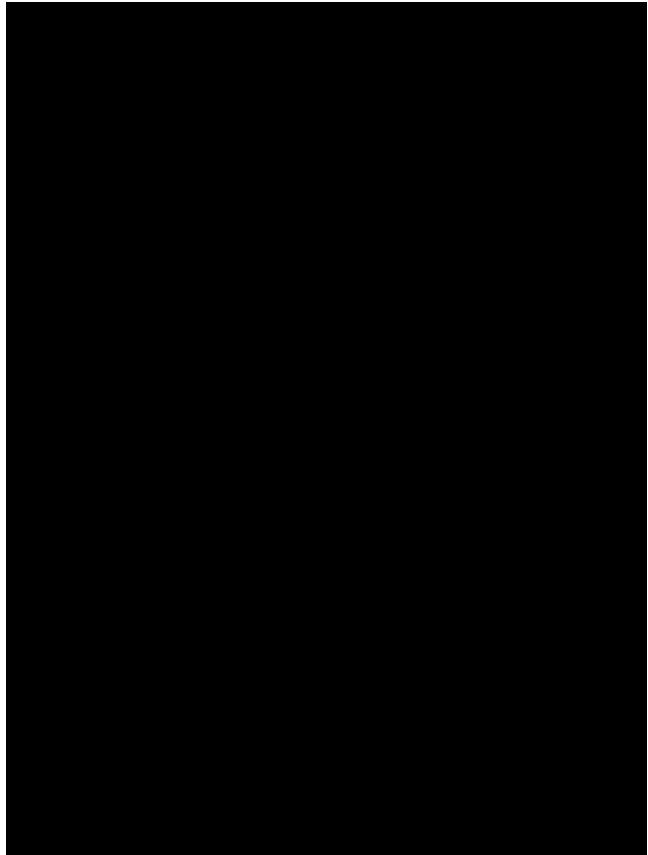
Control	
Why are the manageress and other staff saying you are working	I don't have a uniform how am I working.
Remuneration	
are you going to be paid for being here	No money I just wanted a meal I'm hungry
who allowed you to go into the kitchen to make food	I came here yesterday I didn't come here to work
Pre-employment Checks	
Did the employer check your right to work or immigration status before they offered you the job?	Nobody knows this because I came here to visit not to work
the lady you have come to visit has said your on a work trial	If I was a person to work here I would say I'm working here I'm telling yhe truth. I would be honest if I was working
Additional Questions	
when are you returning to London	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Subject has refused to provide a signature.	
Employee read the contents of the interview themselves	Yes
Contents read back to the employee in the language used during the interview	Yes
Observations	
Observations	Male was encountered in kitchen cooking bread he attempted to leave and sit in staff area. He is adamant he is not working however manageress has advised he is on a work trial and other staff have confirmed he was working in kitchen.
Do you suspect this person of illegal working?	Yes
Management Checks Complete	
Date management checks complete	31-12-2024 09:42:29
Reviewer(s)	

Freetext	
Details	
Type of work	Visit
Visit reference	██████████
Created by	██████████
Address	The Oak Tree, Yarm Road, Middleton St George, Darlington , DL2 1HJ (Visit Address)
Subject CIDPID/CEPR	Unknown
Subject name	██████████
Time	15:30
Created at geolocation	Easting 436127 Northing 513510
Creation date	18-12-2024 15:30:12
Is this entry related to a Critical Incident?	Yes
NCCU reference	
Entry	
Title	Working
Text	The male ██████████ arrested stated that ██████████ has been working in the kitchen for 2-3 days and has been working in the kitchen.
Photographs	
No photographs.	

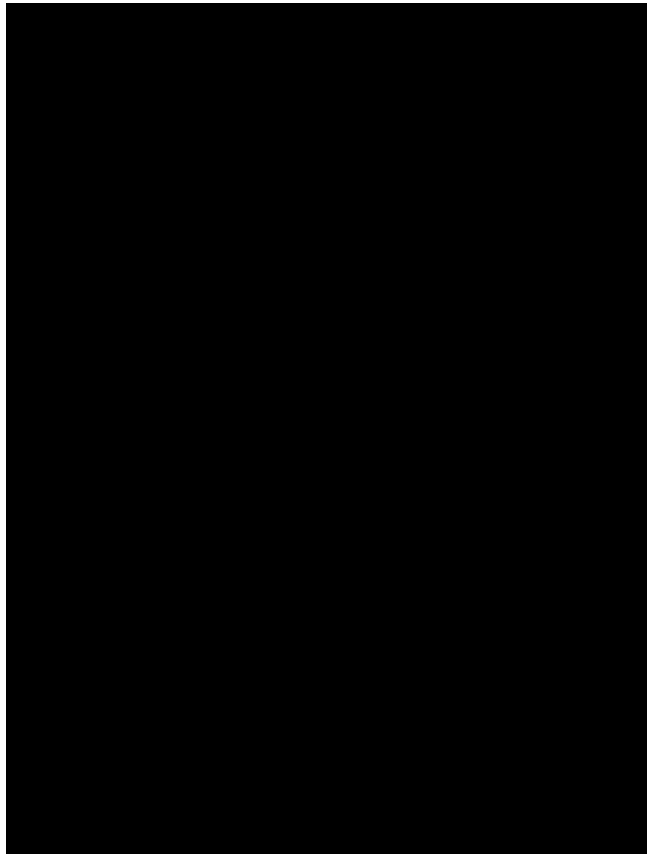
Freetext	
Details	
Type of work	Visit
Visit reference	██████████
Created by	██████████
Address	The Oak Tree, Yarm Road, Middleton St George, Darlington , DL2 1HJ (Visit Address)
Subject CIDPID/CEPR	Unknown
Subject name	██████████
Time	15:54
Created at geolocation	Easting 436151 Northing 513520
Creation date	18-12-2024 15:52:47
Is this entry related to a Critical Incident?	No
Entry	
Title	██████████ _ bedroom
Text	██████████ invited myself and ██████████ to his bedroom to collect his bag. He claims he is not living here but has belongings, a bed, charger and had a toilet bag in the top draw. He claims he got the train from London just to have a chat with the owner and he was planning on travelling back to London today but has no return ticket.

Photographs

1



2



Encounter	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Time	15:14
Created at geolocation	<div>Easting 436155</div> <div>Northing 513517</div>
Creation date	18-12-2024 15:14:29
Chosen Identity	
Identity source/type	Biographic
Name	[REDACTED]
DOB	[REDACTED]
Gender	Female
Nationality	Romania
Country of birth	
Place of birth	
Languages	
Languages spoken	English
Interpreter used?	No
Encounter	
Encountering officer	[REDACTED]
Is this encounter related to a Small Boats event?	No
Is this person the subject of the visit?	No
Prior to Schedule 2 examination, did you suspect an Immigration Offence?	Yes
Why do you suspect the person of an immigration offence?	intelligence of illegal workers, states helps here, observed serving a table
Where was the person located?	Bar area
Declared immigration status	Visitor
How and when did the subject last enter the UK?	Three months ago

Are there any vulnerabilities/trafficking/safeguarding issues?	No
Are you taking enforcement action?	Yes
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	<p>Systems checked Person Check, Atlas, Other</p> <p>Other system(s) Entity</p> <p>Result of checks [REDACTED]</p> <p>Does the person have an open absconder status on Atlas Person Alerts? No</p> <p>Status returned by system checks</p>
Photo of Subject	
Do you want to take a photograph of the subject?	Yes
Powers used	Paragraph 18(2) Schedule 2 Immigration Act 1971
Photo of subject	 <p>photo</p>

Identity Documentation		
Document 1	Identity	[REDACTED] [REDACTED] [REDACTED]
	Document type	National passport
	Document reference	
	Issuing authority	
	Document issue date	
	Document expiry date	
	Country of issue (if different from nationality above)	
	Is the person the rightful holder of the document?	
	Is the document falsified?	
	Is the document in the possession of the Home Office?	
	Suspected fraudulent	No
	In transit details	Photo seen of passport on phone
	Photos	
Notes		
Only trace is of arrival in January 2024. Arrested by [REDACTED] as overstayer.		
Management Checks Complete		
Date management checks complete	31-12-2024 14:43:44	
Reviewer(s)	[REDACTED]	

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	██████████
Created by	██████████
ProntoID	██
Subject CIDPID/CEPR	Unknown
Subject name	██
Subject DOB	██████████
Subject gender	Female
Subject nationality	Romania
Time	15:32
Created at geolocation	<div>Easting 436151</div> <div>Northing 513520</div>
Creation date	18-12-2024 15:32:55

Language of Interview

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

Obligation

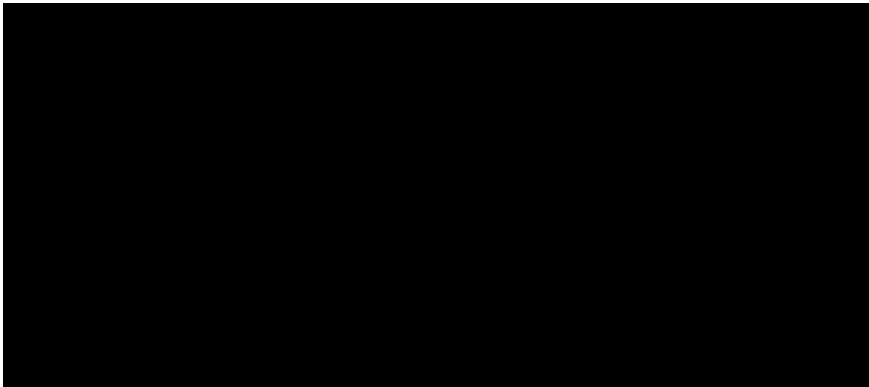
How long have you been working at this business?	About 2-3 weeks
What is your job role/ what are your duties?	Just to help when it is busy. I help serve the customers food and alcohol and answer the phone. I help my cousin who works in the kitchen.
What days/ hours do you work each week?	I come in when they ask they dont pay me. They ask me to come in for an hour or two to help.

Control

Who gave you this job (name and role in business)?	My cousin ██████████ he is in a relationship with the owner Ersim.
Who tells you what days/ hours to work?	Both my cousin ██████ and his partner Ersim

Remuneration

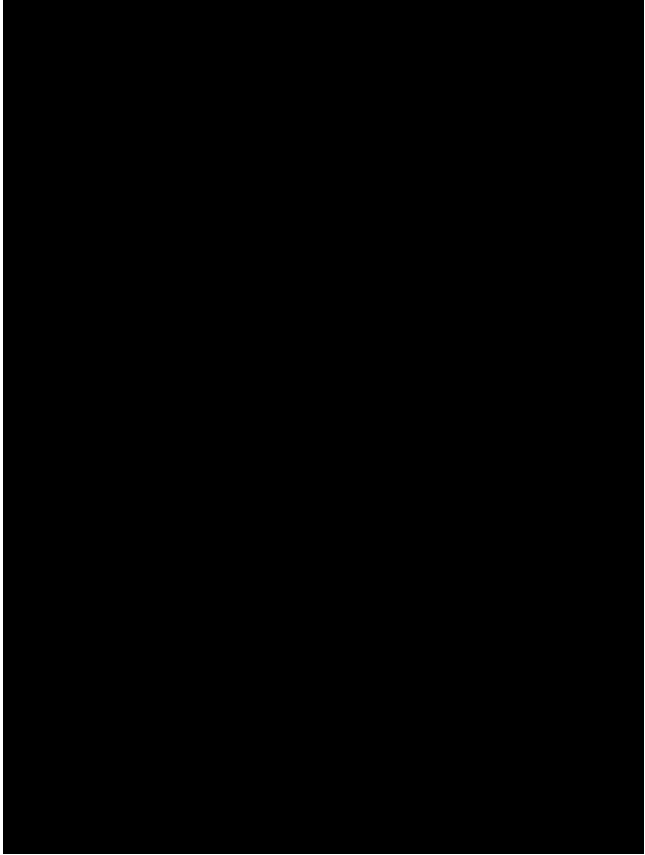
How are you paid (money, accommodation, food)?	I dont get paid but ██████████ give me accomodation and food.
--	---

Do you pay income tax or have a National Insurance number?	I don't know the manager Ersim applied for a national insurance number for me and I don't know whether it has come through yet.
Pre-employment Checks	
What name does the employer know you as?	■■■■
Did the employer check your right to work or immigration status before they offered you the job?	I'm not sure
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	Just when they make the papers the 1st time it was refused and she showed me.
Does your employer know you're not allowed to work in the UK?	Yes. That's why she has helped me with the papers.
Additional Questions	
No details provided.	
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature ■■■■ ■■■■	 18-12-2024 15:45:05
Observations	
Observations	Answered phone and served customers whilst encountered by ■■■■.
Do you suspect this person of illegal working?	Yes

Management Checks Complete	
Date management checks complete	26-12-2024 10:47:14
Reviewer(s)	

Encounter	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Time	15:20
Created at geolocation	<div>Easting 436143</div> <div>Northing 513519</div>
Creation date	18-12-2024 15:20:16
Chosen Identity	
Identity source/type	Biographic
Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	Turkey
Country of birth	
Place of birth	
Languages	
Languages spoken	Turkish
Interpreter used?	Yes
Interpreter details	[REDACTED]
Does the individual understand the interpreter?	Yes
Encounter	
Encountering officer	[REDACTED]
Is this encounter related to a Small Boats event?	No
Is this person the subject of the visit?	No
Prior to Schedule 2 examination, did you suspect an Immigration Offence?	Yes
Why do you suspect the person of an immigration offence?	brp given has expired 17 3 23
Where was the person located?	Stairs of public house

Declared immigration status	Visa still awaiting outcome
How and when did the subject last enter the UK?	Oct 2020
Are there any vulnerabilities/trafficking/safeguarding issues?	No
Are you taking enforcement action?	Yes
References (Person ID, HO Ref, Port Ref, BRP)	██████████
Biographic search results	<p>Systems checked Atlas</p> <p>Result of checks Trace</p> <p>Does the person have an open absconder status on Atlas Person Alerts? No</p> <p>Status returned by system checks</p>
Photo of Subject	
Do you want to take a photograph of the subject?	Yes
Powers used	Paragraph 18(2) Schedule 2 Immigration Act 1971

<p>Photo of subject</p>	
-------------------------	---

Identity Documentation

<p>Document 1</p>	<table> <tr> <td>Identity</td> <td>[Redacted]</td> </tr> <tr> <td>Document type</td> <td>BRP</td> </tr> <tr> <td>Document reference</td> <td>[Redacted]</td> </tr> <tr> <td>Issuing authority</td> <td></td> </tr> <tr> <td>Document issue date</td> <td></td> </tr> <tr> <td>Document expiry date</td> <td>17-03-2023</td> </tr> <tr> <td>Country of issue (if different from nationality above)</td> <td>United Kingdom</td> </tr> <tr> <td>Is the person the rightful holder of the document?</td> <td></td> </tr> <tr> <td>Is the document falsified?</td> <td></td> </tr> <tr> <td>Is the document in the possession of the Home Office?</td> <td></td> </tr> <tr> <td>Suspected fraudulent</td> <td>No</td> </tr> </table>	Identity	[Redacted]	Document type	BRP	Document reference	[Redacted]	Issuing authority		Document issue date		Document expiry date	17-03-2023	Country of issue (if different from nationality above)	United Kingdom	Is the person the rightful holder of the document?		Is the document falsified?		Is the document in the possession of the Home Office?		Suspected fraudulent	No
Identity	[Redacted]																						
Document type	BRP																						
Document reference	[Redacted]																						
Issuing authority																							
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Document expiry date	17-03-2023																						
Country of issue (if different from nationality above)	United Kingdom																						
Is the person the rightful holder of the document?																							
Is the document falsified?																							
Is the document in the possession of the Home Office?																							
Suspected fraudulent	No																						

	In transit details Photos
Notes	
No notes entered.	
Management Checks Complete	
Date management checks complete	21-12-2024 12:38:50
Reviewer(s)	

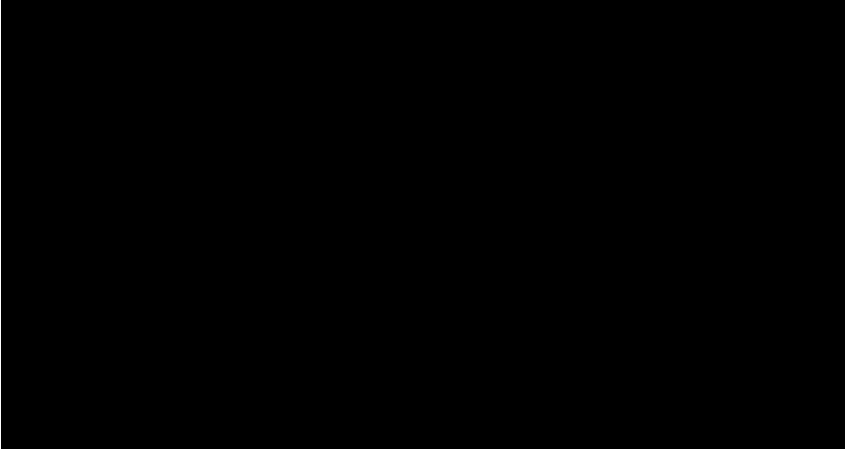
Arrest		
Details		
Type of work	Visit	
Visit reference	[REDACTED]	
Created by	[REDACTED]	
Address	The Oak Tree, Yarm Road, Middleton St George, Darlington , DL2 1HJ (Visit Address)	
Prontold	[REDACTED]	
Subject CIDPID/CEPR	Unknown	
Subject name	[REDACTED]	
Subject DOB	[REDACTED]	
Subject gender	Male	
Subject nationality	Turkey	
Created at geolocation	Easting 436151 Northing 513519	
Creation date	18-12-2024 15:50:27	
Arrest Details		
Time of arrest	15:30	
Power of arrest	Paragraph 17(1) Schedule 2 Immigration Act 1971	
Arresting officer	[REDACTED]	
Reason for arrest	S10 Overstayer	
Grounds for arrest explained to subject?	Yes	
Caution administered	Administrative caution	
Confirm subject understood caution?	Yes	
Notes		
Search of Person		
Subject searched	Yes	
Did you search the subject?	Yes	
Power used for search	Paragraph 25B Schedule 2 Immigration Act 1971	
Justification	Came out of upstairs room unknown what he has on him	
Items found	No	
Outcome After Arrest		
Outcome	Detention	

Details of detention, including family split	Is91 detained thin ford ps iRT to do asylum claim
Detention authorised by	
Notes	
No notes entered.	
Management Checks Complete	
Date management checks complete	21-12-2024 12:38:48
Reviewer(s)	

Q&A	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Subject CIDPID/CEPR	Unknown
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject gender	Male
Subject nationality	Turkey
Time	16:00
Created at geolocation	<div>Easting 436134</div> <div>Northing 513518</div>
Creation date	18-12-2024 16:00:31
Language of Interview	
What language is the interview carried out in?	Turkish
Interpreter used?	Yes
Details of interpreter	Big word
Does the individual understand the interpreter?	Yes
Q&A	
do you have a passport on the premises	My passport is in London I came here for interview
do you have another address in london	I left it at my friends in london a photo of it is on my phone
when was last time entered the UK	2022 or 2023 of October or november
how long was the visa for	Business visa Ankara 1 year I then applied to extend a year but it expired but I had an online solicitor who was a fake.
when did you last try and extend your visa	As soon as possible
where you aware visa had expired	It was expired last year but the fake solicitor took my money
did you live north london	Yes Tottenham south

you say you came for interview here when?	9 or 10 days ago
do you know any of people here	No
how did you find out about job	I am Baker and chef
do you work on these premises	No

Declaration

Interviewee signature 	 18-12-2024 16:15:04
---	---

Illegal Working - Employer

Details


Type of work	Visit
Visit reference	██████████
Created by	██████████
ProntoID	Other
Subject CIDPID/CEPR	Unknown
Employer	Ersim Aydin
Time	15:53
Created at geolocation	<div>Easting 436151</div> <div>Northing 513520</div>
Creation date	18-12-2024 15:53:18

Language of Interview

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

Employer Details

What is the name of the business?	The oak tree
What is your position here?	Owner
who employs the staff	I do
what checks are conducted on new staff members	I don't normally ask for ID, I do ask if theyre OK to work and 9 out of 10 I go with what they say.
we've encountered 3 people who doesn't have permission to work, which is ██████████ ██████████ and ██████████	Yes
so, with ██████████ how long has he worked here for	A few weeks, I felt sad for children and seen him as, well I don't want to go into the details I'm sorry
██████████ how long has he worked here for	He only arrived last night. I didn't question anything or do any checks as he arrived last night
██████████ how long she worked for	I took over about 2 months, and she wasn't here then. I asked then and she didn't have her NI number which is when when I started the process as I knew it.
one thing to point out, having a NI number doesn't give you permission to work	No?

do they have contracts, or is it just paid cash in hand	They don't but they get paid through the business account.
Declaration by Employer	
I confirm that I have understood all the questions and that the details are true and correct.	
Signed by Ersim Aydin	 18-12-2024 16:03:05
Observations	
Observations	
Management Checks Complete	
Date management checks complete	31-12-2024 14:42:54
Reviewer(s)	

Freetext	
Details	
Type of work	Visit
Visit reference	██████████
Created by	Bennett, Phillip
Address	The Oak Tree, Yarm Road, Middleton St George, Darlington , DL2 1HJ (Visit Address)
Subject CIDPID/CEPR	Unknown
Subject name	Owner Of Business
Time	15:18
Created at geolocation	Easting 436145 Northing 513510
Creation date	18-12-2024 15:18:05
Is this entry related to a Critical Incident?	No
Entry	
Title	Workers
Text	While talking to female who id'd herself as owner, stated the male being encountered by ██████████ and the male arrested by ██████████ had arrived yesterday and she hadnt done any checks on them yet. Said she had a load of employees who left recently and thinks they matly have put information in about the business. States she has an accountant who deals with things.
Photographs	
No photographs.	

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**LICENSING ACT 2003
NOTIFICATION OF HEARING
(Regulations 6 and 7)**

Date of Notification: 27 August 2025

Type of Hearing: Application to Review a Premises Licence

Premises: Oak Tree Inn
Middleton St George,
DARLINGTON, DL2 1HN

Hearing Details: 10.00 am, Thursday 11 September 2025

Location: Darlington Borough Council,
Town Hall, Darlington,
DL1 5QT

Copy of notice sent to:

- Punch Taverns Plc (Premises Licence Holder)
- Home Office (Immigration Compliance and Enforcement) (Responsible Authority)

Attendance: All parties may attend this hearing. You may find it useful to be accompanied by your legal representative(s) or any other person who may be able to assist you. Please complete the attached form and return it to the Licensing Section **no later than 4 September 2025**.

Non-attendance: If you notify the Licensing Authority that you will not be attending this hearing and that you will not be legally represented in your absence, the hearing may proceed in your absence. If you do not notify your non-attendance and then do not attend this hearing, the Licensing Sub Committee will decide whether it is in the public interest to adjourn the hearing to enable you to attend or whether to hold the hearing in your absence. If the hearing does proceed in your absence, your representations will still be considered.

Procedure at the Hearing: You will find attached the procedure that will be followed at the Hearing. The Hearing will take place in public unless it is deemed in the public interest to exclude the public or any party to the Hearing from all or part of the Hearing. If a party is excluded from the Hearing (s)he will be able to provide written information to cover any verbal representations (s)he may have made if (s)he had not been so excluded. The Hearing will take the form of a discussion, and each party will be permitted an equal period of time to provide information, make comments, and express their views.

Withdrawal of Representations: Anyone wishing to withdraw representations should do so as soon as possible. Although this can be done at the Hearing, you are requested, where

possible, to give at least 24 hours' notice, as it may no longer be necessary for the Hearing to proceed.

Outcome of Hearing: A decision will be made as soon as possible after the hearing and must be within the period of five working days beginning with the day or the last day on which the hearing was held.



Services Group
Licensing
Town Hall
Darlington DL1 5QT
Tel: 01325 405888
Email: licensing@darlington.gov.uk

NOTICE OF ATTENDANCE
APPLICATION FOR REVIEW OF PREMISE LICENCE

Please complete the following notice and return it to the address detailed below:

DATE OF HEARING: 11 September 2025

NAME OF PREMISES: Oak Tree Inn
Middleton St George,
DARLINGTON DL2 1HN

YOUR NAME:

I will* ☐ will not* ☐ be attending the meeting

I will* ☐ will not* ☐ be legally represented

NAME OF LEGAL REPRESENTATIVE
(IF APPROPRIATE):

(*please ✓ where appropriate)

If you wish to be accompanied by any other person, please provide details of their name and an outline of what they wish to say and how this will assist you:

Name:

Details:

Please return to: **Licensing**
 Darlington Borough Council
 Block D, Town Hall
 Feethams
 DARLINGTON
 DL1 5QT

Or email licensing@darlington.gov.uk

LICENSING SUB COMMITTEES

FULL HEARING PROCEDURE FOR APPLICATIONS FOR REVIEWS OF PREMISES LICENCES/CLUB PREMISES CERTIFICATES WHERE RELEVANT REPRESENTATIONS HAVE BEEN RECEIVED

1. The Chair will welcome all parties who are present and introduce the Members. The Chair will explain to the parties at the beginning of a hearing the procedure that it is proposed to follow. The hearing will take the form of a discussion. Cross-examination will not be permitted without the consent of the Chair.

Any Members who know the Premises Licence holder or any of the objectors will declare this fact and not take part in the hearing of the application. This is in addition to the declaration of any personal or prejudicial interest.

(NB. The Secretariat will endeavour to ensure that Ward Members and Members that are personally known to the applicant are not included on the Sub Committee.)

All hearings will usually be in public. The Sub Committee may however exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

The Licensing Manager will outline the application.

2. **The Application for the Review**

NB: Where the application comes from Interested Parties, i.e. local residents or businesses within the vicinity of the premises, the Sub Committee will expect that wherever possible a spokesperson be elected to speak on behalf of the group. This person will make the application. At the conclusion of the application the Chair will ask the group if there is any information which is additional to the application made by the spokesperson and if so will permit this information to be given.

- [1] The Applicant for the review or their representative will give their reasons for making the application.
- [2] The Applicant for the review or their representative will then call any witnesses and/or give reasons for their objection.
- [3] The Premises Licence Holder or his/her representative may then question the Applicant for the review [if they have given evidence] and any witnesses.
- [4] The Chair or any member of the Licensing Sub Committee, through the Chair, may ask questions of the Applicant for the Review and any witnesses.

If several applications/representations have been received and the Applicants for the Review have not agreed to present the case jointly, this procedure will normally be repeated for each individual Applicant.

3. **The Premise Licence holder's (PLH) Case**

- [1] The PLH or their representative presents their response to the application for review.
- [2] The PLH or their representative will then call any witnesses and/or give evidence in support of his/her response.
- [3] The Applicant(s) for the Review may then question the PLH if they have given evidence and any witnesses.
- [4] The Chair or any Member of the Licensing Sub Committee, through the Chair, will ask questions of the PLH and any witnesses.
- [5] The PLH or their representative will then be given a final opportunity to ask any further questions of any witnesses to clear up any points raised in the earlier questioning.

4. The PLH will be asked by the Chair of the Sub Committee whether, in the light of the information heard in relation to the review, they wish to amend the operating schedule, change the designated premises supervisor (Premises Licences only) or offer additional conditions, as when they retire, Members will consider only the information before them at that time.

If the PLH wishes to amend the operating schedule, change the designated premises supervisor (Premises Licences only), or offer additional conditions, the Applicant(s) for the Review will be given the opportunity to comment on the proposal.

5. **Closing Statement or Summary**

- [1] **By or on behalf of the Applicant(s) for the Review.** The Applicant(s) for the review may summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [2] **By or on behalf of the PLH.** The PLH will be invited to summarise any points they wish to make and comment briefly on the Applicant for the Review's replies to questions. They cannot introduce new issues

6. **Conclusion**

All decisions will be made in private.

The Legal Officer will repeat, in summary form, any legal advice given to Members when the public is re-admitted.

Once a decision has been reached, the press and public will be re-admitted to the meeting together with the Premises Licence Holder, Responsible Authorities, and Other Persons. At this stage, the Chair will announce the Sub Committee's decision, will give reasons for the decision, and advise all parties of their rights of appeal. The decision will subsequently be formally notified to the Applicant(s), Responsible

Authorities, and Other Persons in writing, including their rights of appeal as soon as possible after the Hearing.

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APPENDIX 7

EXTRACTS FROM DARLINGTON COUNCIL'S LICENSING POLICY (EFFECTIVE FROM 07 JANUARY 2022)

1.2 The Licensing Act 2003 supports a number of other key aims and purposes.

These include:

- a) Providing the Police and the Council with powers to effectively manage and police the night-time economy and take action against any premises that are causing problems.
- b) Protecting local residents and visitors to Darlington from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.
- c) Recognising the important role which pubs and other licensed premises play in the local economy by reducing, where possible the regulatory burden on businesses and supporting responsible premises.
- d) Providing a regulatory framework for alcohol which enables the Council to make and enforce appropriate decisions about the most appropriate licensing strategies for the borough of Darlington; and
- e) Encouraging greater involvement in licensing decisions by local residents the opportunity in respect of licensing decisions which may affect them.

1.3 In addition this Policy also aims to:

- promote more responsible attitudes to alcohol and responsible drinking.
- raise awareness of the level of alcohol related health problems.
- protect children and residents from the negative impact of alcohol.
- reduce the rate of alcohol related crime and disorder and anti-social behaviour.
- promote a responsible licensed trade.

6.0 PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

NB This Policy concentrates on premises that provide multiple licensable activities. Further information is provided at Section 12.7 - 12.8 in respect of premises to which many parts of this Policy do not fully apply.

In many cases it may be helpful to all concerned for applicants and/or their advisers to discuss with Licensing Authority Officers the draft operating schedule before it is formally submitted. This will help to ensure it properly addresses all issues of concern to the Licensing Authority (see glossary of terms in respect of "grandfather rights" for current licensees).

6.1 Policy: Applicants for Premises Licences will be expected to address the licensing objectives. It may assist to consider Local Crime Prevention Strategies, Planning and Transportation Policies and Tourism and Cultural Strategies when determining their operating schedule.

The Licensing Authority will expect the operating schedule to have regard to the nature of the area in which the premises are located, the type of premises, the licensable activities to

be provided, the hours of operation, impact on the locality and the needs of the local community.

In this respect the Licensing Authority will expect the applicant to demonstrate how the premises will be a “good neighbour” both to residents and other venues and businesses. The applicant will be required to demonstrate that he/she has satisfactorily addressed each of the licensing objectives as part of any application to vary the operation of the premises.

Reason: To comply with the legislative requirements of the Licensing Act 2003.

7.0 THE IMPACT OF LICENSABLE ACTIVITIES

7.1 Policy: When considering whether a licensable activity should be approved the Licensing Authority will, if relevant representations are received, assess the likelihood of it contributing to unacceptable, adverse impact in terms of crime and disorder and public nuisance, in particular to local residents and businesses.

Applicants should therefore consider the following when making an application:

- a) The proposed hours and days of operation and how often an activity occurs.
- b) The location of the premises, particularly in relation to residential properties and such places as hospitals, hospices and places of worship.
- c) The number and type of current and future customers.
- d) The means of access and egress to the premises which should have public access on principal pedestrian routes.
- e) The availability of public transport for patrons arriving at and leaving the premises compared to the anticipated level of private transport usage.
- f) The likely effect of car parking demand on both principal roads and residential streets and the impact this may have on local residents and emergency access.
- g) The need for provision of portable toilet facilities outside of the premises.
- h) The cumulative impact of licensed premises within the area and the scope for mitigating such impact.
- i) Waste disposal arrangements including bin storage and the collection and containment of litter from the vicinity of the premises.
- j) Public nuisance caused by unauthorised advertising and fly-posting

and, in considering any application from premises which are currently licensed, the Licensing Authority will, if relevant representations are received, take into account any evidence of:

- k) Past demonstrable adverse impact from the activity, particularly on local residents and businesses; or
- l) If adverse impact has been caused, that appropriate measures have been agreed and put into place to address any future adverse impact. If measures are to be put into effect or alternatively if there has been insufficient time to assess their usefulness a licence may be granted for a limited period only.

7.2 **Reason:** To achieve the licensing objective of preventing public nuisance. To promote this objective the Licensing Authority, in considering the likelihood of adverse impact, will take into account, among other matters:

- The precise nature of the activity, particularly in terms of entertainment, as this may impact in terms of the age of patrons and their behaviour.
- Noise levels and type of noise, which may be acceptable during daytime hours but may have greater impact at times when ambient noise levels are much lower.
- The impact of patrons arriving, queuing and exiting which should take place on main pedestrian routes rather than through residential areas.
- The impact of other sources of nuisance from smells, smoke, refuse storage, vermin and other similar causes of nuisance.

NB Where steps can be taken to mitigate adverse impact and such steps are reliable, practical and robust then an activity may be licensed.

7.3 **Additional Information:**

The Licensing Authority will focus on matters within the control of the individual licensee and the steps they can take to achieve the licensing objectives.

In making its decisions the Licensing Authority accepts the difficulties that licence holders face in preventing anti-social behaviour once patrons are beyond the direct control of the licensee. However, the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly behave in an anti-social way which impacts on local residents and/or businesses.

The Licensing Authority recognises a the Council's responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder. The aim of this Policy therefore is to achieve a balanced approach to these difficult issues.

11.3 **Steps to be taken by Licensees to Address Crime and Disorder Issues**

Policy: The Licensing Authority will expect the applicant to indicate in his operating schedule the steps proposed to prevent crime and disorder on and in the vicinity of their premises and/or events

Reason: Prevention of crime and disorder is both an objective of the Licensing Act 2003 and a responsibility of the Licensing Authority under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective in the operating schedule. The factors that impact on crime and disorder may include:

- a) Underage drinking.
- b) Drunkenness on premises.

- c) Public drunkenness.
- d) Drugs.
- e) Violent behaviour.
- f) Anti-social behaviour.

11.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- a) Effective and responsible management of premises.
- b) Training and supervision of staff.
- c) Adoption of best practice guidance (eg Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other Voluntary Codes of Practice, including those relating to drinks promotions eg The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA).
- d) Acceptance of accredited means of age identification eg DVLA photo driving licence or 'proof of age' cards.
- e) Provision of effective digital CCTV in and around premises.
- f) Employment of Security Industry Authority licensed door-staff.
- g) Provision of plastic or shatter resistant glasses.
- h) Provision of secure, deposit boxes for confiscated items.
- i) Procedures for assessing risk associated with promotions and events such as "happy hours" for the potential to cause crime and disorder and plans for minimising such risks.
- j) Measures to prevent the use or supply of illegal drugs.
- k) Employment of licensed door supervisors and other appropriately trained staff.
- l) Installation of non-retrievable bottle bins at exits and ensuring that patrons do not leave with bottles or glasses (on licence sales).
- m) Provision of litterbins and other security measures, such as lighting, outside premises.
- n) Membership of Darlington 'PubWatch' scheme.

11.4 The Licensing Authority will expect the operating plan to include a risk assessment into the use of door-staff, in terms of the actual need for such a service and also the ratio of such personnel to patrons based on capacity of the premises.

11.5 **Policy: The Licensing Authority will normally require a Personal Licence holder to be on the premises at all times when alcohol is being sold.**

Reason: It is important that there is an accountable, responsible person present at all times when alcohol is being sold. This is to ensure that alcohol is not sold to persons who have had too much to drink and to ensure that alcohol is only sold to persons over the age of 18 years. In terms of crime and disorder, there is a need for an identified person with whom the Licensing Authority and Police can discuss any problems/issues arising from the licensable activities offered on the premises.

APPENDIX 8

GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003 (REVISED DECEMBER 2023)

PURPOSE

- 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

Legal status

- 1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives.
- must be precise and enforceable.
- must be unambiguous and clear in what they intend to achieve.
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation.
- must be tailored to the individual type, location, and characteristics of the premises and events concerned.
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case.
- should not replicate offences set out in the 2003 Act or other legislation.
- should be proportionate, justifiable, and capable of being met.
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Other relevant legislation

1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation.

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the **prevention of immigration crime, including the prevention of illegal working in licensed premises**. Licensing authorities should work with Home Office Immigration Enforcement as well as the police, in respect of these matters. **Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed**

premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental

health functions for the area in which the premises are situated to make the application for review.

- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. **Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.**
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
 - suspend the licence for a period not exceeding three months.
 - revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. 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.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 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.
- 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.**

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