

## LICENSING ACT 2003 SUB-COMMITTEE

MONDAY 15 MAY 2023

1.30 PM

Bourges/Viersen - Town Hall

### AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

3. **Application for Tavan Restaurant – 17 Lincoln Road, Peterborough, PE1 2SH** 3 - 70



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Committee Members:

Councillors: Warren, Wiggan (Chairman) and C Harper

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – [karen.dunleavy@peterborough.gov.uk](mailto:karen.dunleavy@peterborough.gov.uk)

<b>LICENSING ACT 2003 SUB COMMITTEE</b>		AGENDA ITEM No 3
15 May 2023		PUBLIC REPORT
Contact Officers:	Gareth Brighton, Licensing and Business Manager Darren Dolby, Licensing Regulatory Officer	Tel. 864103 Tel. 453540

**APPLICATION:** Review of Premises Licence

**PREMISES:** Tavan Restaurant – 17 Lincoln Road, Peterborough, PE1 2SH

**REFERENCE NUMBER:** MAU: 121276

**GLOSSARY OF TERMS:** Attached at **Appendix A** on **Page 6**

**1. PURPOSE OF REPORT**

1.1 To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 served by Home Office Immigration Enforcement in relation to the above premises. The review was bought under the Prevention of Crime and Disorder objective.

**2. BACKGROUND INFORMATION**

2.1 An application for a new premises licence was made by Cocoa Beach Limited on 13<sup>th</sup> September 2019 for Tavan Restaurant. The licence was granted on 11<sup>th</sup> October 2019. On 3<sup>rd</sup> August 2021 the premises licence was transferred to Burgas Sea Limited who are the current licence holders. The current designated premises supervisor is Mr Chavdar Zhelev.

2.2 A copy of the current licence is attached at **Appendix C Page 49**

**3. APPLICATION**

3.1 In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Home Office Immigration Enforcement, a Responsible Authority, the licensing authority must hold a hearing.

3.2 A copy of the application to review was received on 22 March 2023, a copy of this application is attached at **Appendix B – Page 9.**

3.3 A statutory ‘Notice’ was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

3.4 An email in support of the review application was received by Cambridgeshire Constabulary. No other representations have been received from any of the remaining Responsible

Authorities. A representation from an 'other person' was received in support of the licence holder retaining the licence.

#### **4. SUMMARY OF ISSUES RAISED BY RESPONSIBLE AUTHORITIES**

- On 18 May 2022, The Home Office East of England Immigration, Compliance and Enforcement Team visited Tavan Restaurant where they arrested a male at the premises who had no legal basis to be in the United Kingdom.
- On 23 November 2022 the same team revisited Tavan Restaurant where they found the same male, who had been arrested on the previous visit, on site. The male was found to be working at the premises and was arrested.
- Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommends that revocation of the licence even in the first instance, should be seriously considered where reviews arise and the licensing authority determines, that the crime prevention objective is being undermined through the premises being used to further crimes.

#### **5. POLICY & GUIDANCE IMPLICATIONS**

5.1 The following sections/paragraphs are applicable to this application:

##### **5.2 Council's Statement of Licensing Policy**

- Objectives: *section 4 on Pages 6 and 7*
- Other Legislation : *section 8 on Page 9*
- Reviews: *section 17 on Page 20*
- Delegation / Decision Making / Administration: *Section 18 page 20 and 21*

##### **5.3 Guidance Issued under Section 182 of the Licensing Act 2003 (Dec 2022)**

- Reviews: *Section 11 pages 94 to 100*
- Determining applications: *Section 9 pages 73 to 81*

#### **6. LEGAL OFFICER'S COMMENTS**

6.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a review of a premises licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

6.2 In this case, the application was received at these offices on 22 March 2023.

6.3 The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

6.4 The committee will take such of the steps as it considers that action is appropriate for the promotion of the licensing objectives. The steps are –

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

6.5 In addition the guidance issued under section 182 of the Licensing Act 2003 states:

'The licensing authority may decide that the review does not require it to take any further steps appropriate to promote 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. 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 concerns, licensing authorities should not merely repeat that approach and should take this in to account when considering what further action is appropriate.'

## LICENSING ACT 2003 GLOSSARY OF TERMS

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

### **'Child'**

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

**DCMS:** Department for Culture Media and Sport

**'Designated Premises Supervisor'** means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

### **'Other Persons':**

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

**'Late Night Refreshment'** means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

**'Licensable Activities'** means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

**'Licensing Authority':** - is the licensing function of Peterborough City Council

'Licensed Premises' **includes club premises and events unless the context otherwise requires.**

### **'Licensing Objectives'**

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

**'Operating Schedule'** means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

**'Challenge 25'** means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

**'Rateable Value'**: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

**'Regulated Entertainment'** (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

**'Relevant Licensing Authority'**: is the Authority in the area the premises are situated.

**'Responsible Authority'** means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children's Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

**'Supply of alcohol'**:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

**'Temporary Event Notice'** means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

**'the Act'**: means the Licensing Act 2003



*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**Licensing Authority: Peterborough City Council**

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form, please read the guidance notes at the end of the form.

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

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

**I Home Office Immigration Enforcement**

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

**Part 1 – Premises or club premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description	
Tavan Restaurant, 77 Lincoln Road	
Post town Peterborough	Post code (if known) PE1 2SH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Burgas Sea Limited

<b>Number of premises licence or club premises certificate (if known)</b>
071160

**Part 2 - Applicant details**

I am

Please tick ✓ yes

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

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

3) a member of the club to which this application relates

(please complete (A) below)

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

Please tick ✓ yes

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

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

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

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

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

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

Grounds for review:

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

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

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

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

On 18 May 2022, the East of England ICE team visited Tavan Restaurant, 77 Lincoln Road, Peterborough, PE12SH after intelligence was received that the business was employing illegal workers. Entry to the premises was gained under Section 179 of the Licensing Act 2003.

One [redacted] male was arrested who had no legal basis to live or work in the UK. He was identified as [redacted].

Further intelligence was received that Tavan Restaurant was employing illegal workers. On 23 November 2022, the same team conducted a re-visit to Tavan Restaurant using Section 179 power to gain entry. [redacted] was encountered working and was subsequently arrested for a second time.

A civil penalty of £15,000 was issued on 11 January 2023 to Burgas Sea Limited. An objection has been received and is being considered.

According to Companies House, Burgas Sea Limited was incorporated on 05 May 2021, it lists the manager to be Chavdar Georgiev Zhelev.

Chavdar Zhelev was questioned by Immigration Officers about his position within the company. He confirmed that he is the manager and business owner.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

This is in relation to the prevention of crime and disorder objective.

We are thereby submitting this application for a review of the license.

**Please refer to accompanied review pack for detailed information.**

Please tick ✓ yes

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

If yes, please state the date of that application

Day	Month	Year

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

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

- I understand that if I do not comply with the above requirements my application will be rejected

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

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

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

Signature R Hundal  
.....

Date 20<sup>th</sup> March 2023  
.....

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

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

**Notes for Guidance**

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

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Home Office

## Premises Licence Review

Tavan Restaurant  
77 Lincoln Road  
Peterborough  
PE1 2SH

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## Case Summary

On 18 May 2022, the East of England ICE team visited Tavan Restaurant, 77 Lincoln Road, Peterborough, PE12SH after intelligence was received that the business was employing illegal workers. Entry to the premises was gained under Section 179 of the Licensing Act 2003. One [REDACTED] male was arrested who had no legal basis to live or work in the UK. He was identified as [REDACTED], [REDACTED].

Further intelligence was received that Tavan Restaurant was employing illegal workers. On 23 November 2022, the same team conducted a re-visit to Tavan Restaurant using Section 179 power to gain entry. [REDACTED] was encountered working and was subsequently arrested for a second time.

A civil penalty of £15,000 was issued on 11 January 2023 to Burgas Sea Limited. An objection has been received and is being considered.

## Licensed Premises History

The premises license number is 071160 and is held by:

Burgas Sea Limited  
Ground Floor  
77 Lincoln Road  
Peterborough  
PE1 2SH

The DPS is Mr Chavdar Zhelev, 22 St Michaels Gate, Parnwell, Peterborough, PE1 4YJ.

According to Companies House, Burgas Sea Limited was incorporated on 05 May 2021, it lists the manager to be Chavdar Georgiev Zhelev.

Chavdar Zhelev was questioned by Immigration Officers about his position within the company. He confirmed that he is the manager and business owner.

## Enforcement Visit dated: 18 May 2022

Upon entering the premises, Immigration Officers spoke to Chavdar Zhelev and a female worker who had settled status in the UK. As officers conducted a sweep of the premises, a male was encountered leaving the kitchen and running towards the toilets. He was identified as [REDACTED].

[REDACTED]

[REDACTED] was questioned to why he was leaving the prep kitchen. He replied that he frequented the restaurant one or twice a week for a drink. He had lost his way while looking for the toilet as he had approached it from a different angle. He denied working at the restaurant. When asked where he worked he stated that he did odd jobs for cash in hand.

He admitted to entering the UK illegally in 2007 in the back of a lorry. At the time of the interview, he stated that he had claimed asylum and was rejected in 2008/9. [REDACTED] was served with immigration paperwork including a RED.0001 (notice as a person who is liable for removal) and a Bail201. [REDACTED] was arrested by Immigration Officers.

Home Office records show that [REDACTED] had managed to abscond since his arrival in the UK and had never made any applications. [REDACTED] made [REDACTED] claim on 14 June 2022.

## Chavdar Zhelev

Chavdar Zhelev was questioned by Immigration Officer about his restaurant. He confirmed the Companies House registration number and that he employed 5 or 6 waiters/bar staff and 3 kitchen staff. He confirmed that he conducted status checks on all employees and keeps records of documents.

When asked about [REDACTED], Zhelev stated that he was a customer who comes in for drinks once a week. When asked why he was in the kitchen, Zhelev denied employing him and stated [REDACTED] made friends with Lucila in the kitchen.

At the time of the visit, Immigration Officers witnessed [REDACTED] hastily exiting the kitchen and he had admitted to being an illegal entrant. [REDACTED] was wearing civilian clothing and profusely denied working there. The owner/manager had demonstrated a sound knowledge and awareness of the right to work checks and assured officers that he kept records of the checks. On balance, Immigration Officers gave Zhelev the benefit of the doubt and did not refer him for a civil penalty.

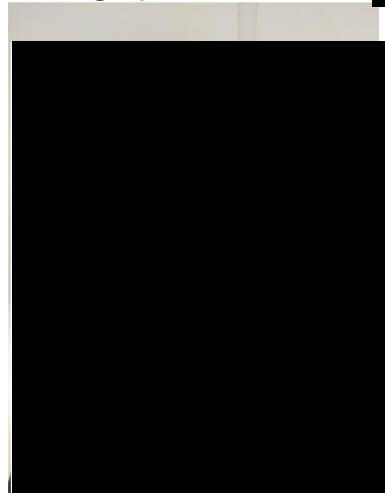
## Enforcement Visit dated: 23 November 2022

Immigration Officers re-visited Tavan Restaurant 27 weeks later following further intelligence of illegal working. The visit was accompanied by Darren Dolby (Peterborough Licencing Officer) and PC Paul Hawkins (Police Licencing Officer). Entry was made at approx. 19:16 and officers encountered [REDACTED] for a second time.

[REDACTED]

On this occasion, [REDACTED] was encountered in the kitchen working over a hot grill whilst wearing a chef's uniform. Upon seeing Immigration Officers, [REDACTED] removed his black chef's hat, scrunched it up in his left hand and attempted to conceal it in his left pocket.

Photograph below shows [REDACTED] wearing his chef's uniform:



[REDACTED] admitted that he gets called to work as a grill chef but wouldn't confirm the number of days per week. He confirmed that Zhelev, "the boss", asked him to work and stipulated when he should work. [REDACTED] admitted that Zhelev pays him "40 pounds sometimes maybe a little more", cash in hand. He did not pay income tax or have a national insurance number.

[REDACTED] admitted that his employer was aware of him having no right to work in the UK and the [REDACTED]. It is important to note that by the second visit, [REDACTED] had claimed asylum. However, this does not give him the right to work in the UK while his claim is being considered.

## Chavdar Zhelev

Zhelev was present at both visits. On the second occasion he was questioned about [REDACTED] working at the restaurant. Zhelev claimed that [REDACTED] was once a customer,

however a couple of hours earlier (from 16:50) ██████ had started working as a trial. Zhelev confirmed that ██████ was the only chef in the kitchen and was working on the grill. Zhelev demonstrated a clear knowledge of the right to work checks and explained he had not conducted them today as ██████ was there on a trial.

Zhelev claimed he was not aware of ██████ circumstances from the previous visit (where he was arrested) and didn't know that he was working illegally.

On this occasion, it was clear that Zhelev was employing an illegal worker and a referral for a civil penalty was made.

It must be noted that Zhelev claimed that ██████ was conveniently on a trial as a grill chef, on his own in the kitchen without the supervision of another trained chef. ██████ later admitted to working upon Zhelev's request. It is clear that Zhelev had attempted to conceal his behaviour by attempting to mislead Immigration Officers.

Considering the evidence laid out above, it is clear that Chavdar Zhelev knows his responsibilities as an employer and license holder. It is clear that he was aware of ██████ immigration status, whether this was known at the first visit is still unclear, however Zhelev was witness to ██████ being arrested as an illegal entrant in May 2022. Knowing this, he still employed him as a grill chef.

## 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.

In this case, the business owner had demonstrated an awareness and understanding of the processes and responsibilities to conduct checks on the people they employ. The business owner was given the benefit of the doubt in May 2022 and should have taken the opportunity to prevent this type of crime and disorder from occurring. 27 weeks later, it was clear that the business had been employing the same illegal entrant who was encountered and arrested on the premises. Chavdar Zhelev has deliberately overlooked the rules and laws in place to prevent crime and disorder.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case. The license holder knew that [REDACTED] did not hold any documentation that would enable him to work legally in the UK.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed an illegal worker and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded straight to review.

## Outcome Sought

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

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

The licensing objectives are:

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

Tavak under the control of Chavdar Zhelev has been found employing an illegal worker, 27 weeks after the premises was first visited and the same individual was arrested for being an illegal entrant. This business has clearly failed to meet the prevention of crime and disorder objective.

The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application, ie. the right to work checks and keeping records for audit purposes.

A civil penalty of £15,000 was issued on 11 January 2023 to Burgas Sea Limited. An objection has been received and is being considered.

Immigration Enforcement has submitted that the license holder clearly knew the rules and responsibilities of employing people. Right to work checks and documents were kept for workers who had the right to work, however the license holder knowingly broke these rules to employ [REDACTED] and then attempted to mislead Immigration Officers. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally. Immigration Enforcement asks that the premises licence is revoked.

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

## Appendix A – Officer witness statements

Interview with employer Chavdar Zhelev – Visit 18-05-2022

Interview with employee [REDACTED] – Visit 18-05-2022

Interview with employer Chavdar Zhelev – Visit 23-11-2022

Interview with employee [REDACTED] – Visit 23-11-2022



**OFFICIAL SENSITIVE**

Visit Report: [REDACTED] Enforcement 18/5/2022

Do you suspect an immigration offence?	No
Are there any vulnerabilities/trafficking/safeguarding issues?	No
Is the subject considered a 'rough sleeper'?	No
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	Systems checked Result of checks Status returned by system checks
<b>Identity Documentation</b>	
Document 1	Document type Name in document (if different from above) Document reference Document expiry date Country of issue (if different from nationality above) Suspected fraudulent Notes Photos
<b>Notes</b>	
No notes entered.	
<b>Management Checks Complete</b>	
Date management checks complete	27-05-2022 14:30:42
Reviewer(s)	[REDACTED]

**Illegal Working - Employer****Details**

Type of work	Visit
Visit reference	[REDACTED]

**OFFICIAL SENSITIVE**

Visit Report: [REDACTED] Enforcement 18/5/2022

Created by	[REDACTED]
ProntoID	[REDACTED]
Subject CID Person ID	Unknown
Employer	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	BGR Bulgaria
Subject gender	Male
Time	19:19
Created at geolocation	<b>Easting</b> 519143 <b>Northing</b> 299330
Creation date	18-05-2022 19:18:59

**Language of Interview**

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

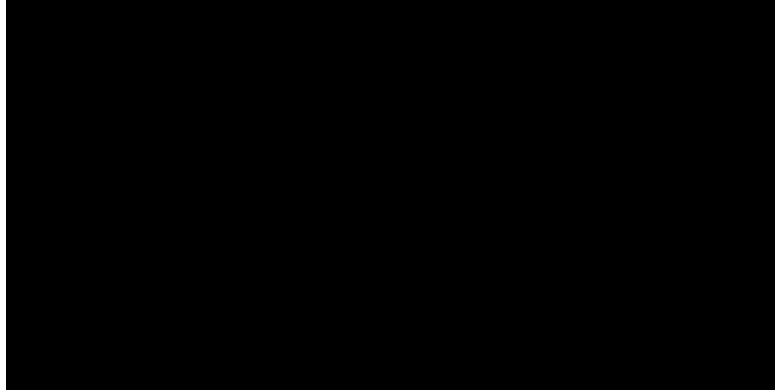
**Employer Details**

What is the name of the business?	Burgas sea limited.
What are the Companies House and VAT numbers of the business?	13376729 Companies House.
What is your position here?	Owner
Do you employ all of the workers?	Yes
how many workers do you have here at the moment	5 or 6. Spread between waiters bar and kitchen. 3 in the kitchen.
Do you do status checks on all of your employees?	Yes I check all of them when I come. I ask for papers passports proof of permissions to work. Aware of online checks too.
Do you know [REDACTED]?	He comes in for a drink sometimes.
how often does [REDACTED] come in? hwre	Maybe once a week he comes in and goes
does [REDACTED] pay for the drinks	Yes he pays for the drinks.
Was there a reason [REDACTED] was in the kitchen?	No idea. He never has worked for me. He does make friends with [REDACTED] in the kitchen.
The papers and passports you take from your employees do you take copies of them and retain them?	Yes yes. I keep them here.
How long have you been working here?	I have been the owner/manager since September 2021. I do all the checks by myself.

**Declaration by Employer**

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

Signed by [REDACTED]



18-05-2022 19:34:27

**Observations**

Observations

**Entry to Premises**

**Details**

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	Tavan Restaurant, 77 Lincoln Road, Peterborough, Cambridgeshire, PE1 2SH (Visit Address)
Created at geolocation	<b>Easting</b> 519155 <b>Northing</b> 299326
Creation date	18-05-2022 19:39:52

**Power of Entry**

Entry gained	Yes
Time of entry	18:25
Are you the officer who gained entry?	No

**Declaration**

Interviewee signature ([REDACTED]) [REDACTED])	 18-05-2022 19:03:39
---	---

**Management Checks Complete**

Date management checks complete	22-05-2022 12:25:34
Reviewer(s)	[REDACTED]

**Illegal Working - Employee**

**Details**

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	EGY Egypt
Subject gender	Male
Time	19:35
Created at geolocation	<b>Easting</b> 518842 <b>Northing</b> 299033
Creation date	18-05-2022 19:58:07

**Language of Interview**

What language is the interview carried out in?	English
--	---------

Interpreter used?	No
-------------------	----

**Obligation**

What days/ hours do you work each week?	I don't work here I went looking for the toilet
---	---

What is your job role/ what are your duties?	As.i.said.i.come here for a.coke some days , and went the wrong wY to the toilet
--	--

**Control**

Who gave you this job (name and role in business)?	Look as I said I.do.work obviously but not here
--	---

So where do you work	Just around doing odd jobs for cash in hand
----------------------	---

**Remuneration**

do you live here	No.
------------------	-----

**Pre-employment Checks**

No details provided.

**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 ([REDACTED])	 18-05-2022 20:04:57
------------------------------------	---

**Observations**

Observations	I did.not see this individual working or with work clothing on
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## OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 23/11/2022

## Illegal Working - Employer

## Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED]				
Subject CID Person ID	Unknown				
Employer	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	BGR Bulgaria				
Subject gender	Male				
Time	19:27				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>519152</td> </tr> <tr> <td><b>Northing</b></td> <td>299325</td> </tr> </table>	<b>Easting</b>	519152	<b>Northing</b>	299325
<b>Easting</b>	519152				
<b>Northing</b>	299325				
Creation date	23-11-2022 19:27:45				

## Language of Interview

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

## Employer Details

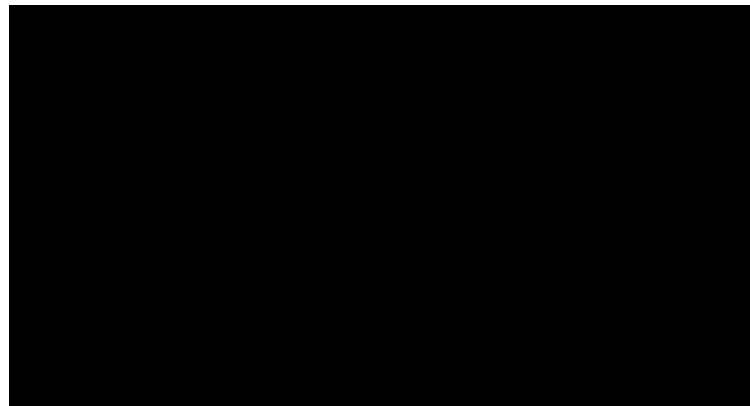
What is the name of the business?	Burgasea Ltd
What are the Companies House and VAT numbers of the business?	I'm registered on companies House the number is 13376729. Not registered with vat.
What is your position here?	I am the sole owner since when August 2021 when I bought the business.
Do you act in the capacity of manager also when you're here?	Yes
Who is responsible for the hiring and firing?	Me
Have you employed everyone here?	No, the guy from Egypt, [REDACTED]. He was a customer here. He has now come for a trial today. I've met him before but only as a customer.
Is he receiving payment today?	No
is he receiving food today?	No
What time did he say start?	16:50 today.
What duties has he been doing today?	He is on the grill.

Is he the only the chef today?	Yes the other one is off today.
Have you seen [REDACTED] documents?	No because it's just a trail, I would have done checks before employing him.
Are you aware of right to work checks?	Yes I've done them before.
Do you know if the gentleman is allowed to work in the UK?	No
Do you provide him with accommodation?	No
When does his shift finish?	Tonight at 10pm.
Do you know where he lives?	No
Has he asked for a job here?	Yes.
What's the best contact number for yourself?	[REDACTED]
Do you keep records of all your staff?	Yes I do, the file is in my house where my office is.
What checks do you do?	I go to the gov website when I get the code from the employee, I put this on file. I'm aware of the checks i need to do.
Why haven't you checked [REDACTED] ?	Because he's not working, its a trial day.
We have encountered [REDACTED] before here when you was in charge, what has changed in his circumstances?	I don't know, I wasn't aware he was working illegally. I am not aware of this last time. As far as i know last time he was only a customer. He was drinking at the bar.
What are your opening hours?	12-14:30 and then 17:00-23:00

**Declaration by Employer**

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

Signed by [REDACTED]



23-11-2022 19:45:13

**Observations**

Observations



Notes	
No notes entered.	
Management Checks Complete	
Date management checks complete	26-11-2022 12:08:10
Reviewer(s)	[REDACTED]

**Illegal Working - Employee**

**Details**

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	EGY Egypt
Subject gender	Male
Time	19:33
Created at geolocation	No geolocation available
Creation date	23-11-2022 19:33:05

**Language of Interview**

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

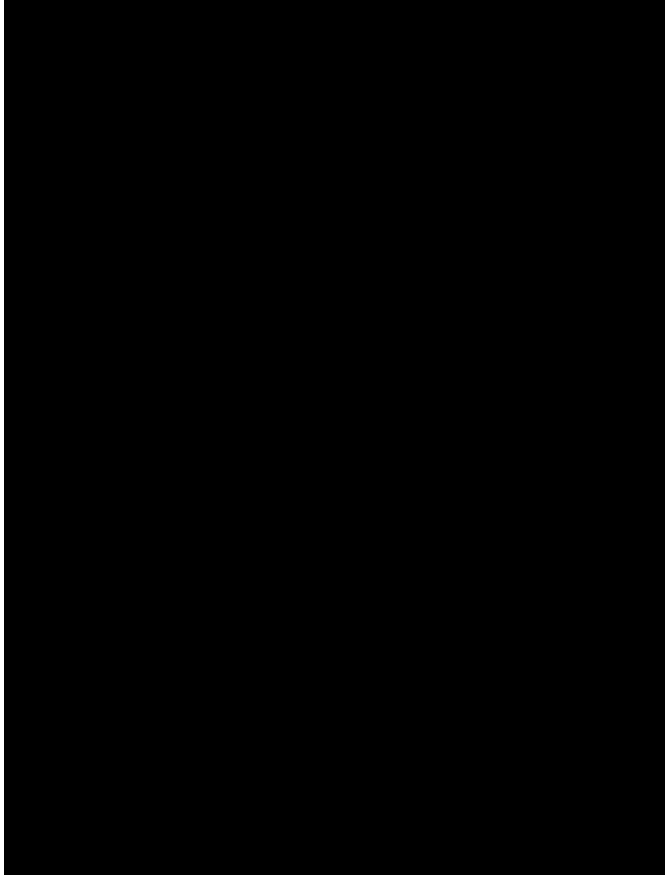
**Obligation**

How long have you been working here?	Sometimes the call me Sometime the don't
so on average how many days do you help out	Same as I said I don't know just when they ask me to work
What is your job role/ what are your duties?	I work on the grill as the chef,.I do all the cooking

<b>Control</b>	
Who gave you this job (name and role in business)?	The boss asked me
Who tells you what days/ hours to work?	The same man tell me when to help out [REDACTED] is his name 1
Who tells you what tasks/ duties to do each day? And what uniform to wear	Yes the Boss tells me
<b>Remuneration</b>	
How are you paid (money, accommodation, food)?	40 pounds sometime maybe a little more
If money, how much and how do you receive it?	Cash in hand
Who pays you?	The boss pays me
Do you pay income tax or have a National Insurance number?	No
do you get food	Yes as much as I want
will you get food to take home for your family as well	Yes
<b>Pre-employment Checks</b>	
What name does the employer know you as?	My name he know me
Did you show documents before being offered the job? If so, what?	No
Does your employer know you're not allowed to work in the UK?	Yes he does
bear in mind I found you working here a year ago	Yes I know I don't know what to say
and what did he say when you told him you were not allowed to work due to your Asylum	He knows and so do you as you found me here year ago
<b>Additional Questions</b>	
Who else works here?	No one just me
so you do know your not allowed	Yes I do.but I have to live
so you were found yet again working in the kitchen of the premises I found you in last time and you were told then you were not allowed to work	I know.but I need to live

**Photographs**

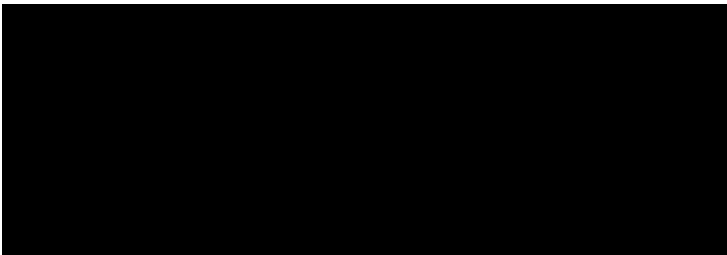
subject



**Declaration**

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

Interviewee signature ([REDACTED])



23-11-2022 19:47:20

**Observations**

Observations

Found working for the second time in the same kitchen in over a year , subject found working as the chef over the hot grill on Entering the kitchen in full xhefs clothing

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**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9 MC Act 1980, ss 5A(3) (a) and 5B; MC Rules 1981, r.70)

URN 

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Statement of: [REDACTED] .....

Age if under 18: **OVER 18** . (If over 18 insert "over 18") Occupation: **CHIEF IMMIGRATION OFFICER**

This statement (consisting of 3 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature ..... Date: 22 March 2023

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

I am a Chief Immigration Officer of the Home Office Immigration Compliance & Enforcement Team for the East of England, based at Custom House, Viewpoint Road, Felixstowe, Suffolk IP11 3RF. I have been an Immigration Officer since April 1991 and have worked at several ports of entry to the UK, although my main work has been in the areas of enforcement and crime investigation. My current role is as a senior officer of the Immigration Enforcement arrest team for the East of England, responding to intelligence relating to alleged immigration offences in this area, liaising with local police and other law enforcement agencies and supporting other government departments, local authorities and relevant other organisations in enquiries or investigations relating to non-British nationals. As part of my duties, I have responsibility for the compilation and custody of Home Office records in both written and electronic form. These records are compiled by officers and members of staff during their duties, from information which they have particular and specific knowledge of at the time of compiling, considering the volume of records compiled and the length of time that has elapsed, they cannot reasonably be expected to have any recollection of the matters dealt with in relation to a specific record.

I have examined Home Office records relating to two separate immigration enforcement visits that were undertaken to the premises of Tavan Restaurant located at 77 Lincoln Road, Peterborough PE1 2SH. These records are in electronic form and are automatically created

Signature [REDACTED] .....

Signature Witnessed by: .....

**RESTRICTED (when complete)**

Continuation of Statement of: [REDACTED] .....

and time & date stamped from the individual officers own electronic notebooks or computers.

On 18 May 2022 following receipt of an allegation of employing illegal workers and paying them off-the-books, Immigration Officers from this team conducted an enforcement visit to these premises. On arrival at the premises, they spoke to a man who gave his details as "[REDACTED]", who stated that he was the owner of the Tavan Restaurant. [REDACTED] stated that there was only one other employee present, a female who was working at the bar. On conducting a search of the premises, officers encountered a man who was exiting the kitchen area of the premises and was subsequently arrested as an immigration offender. Subsequent enquiries established that the man who had been arrested was an Egyptian national by the name of [REDACTED]. The Home Office had no records relating to [REDACTED] and as an Egyptian national he required both a visa to travel to the United Kingdom and a grant of leave to enter upon arrival, for those purposes he would also be fingerprinted. His fingerprints returned no trace on any government system and the absence of any record showing him to have lawfully entered the country led to him being served with notice that he was an illegal entrant to the United Kingdom. However, because of him making an application to remain, he was granted bail subject to a restriction of not undertaking any employment.

Records additionally show that on 23 November 2022 Immigration Officers from this team conducted an enforcement visit to these premises, this time following receipt of information that the business was again employing staff illegally. Officers were accompanied on this occasion by the local authority licensing officer and a police licensing officer. In the rear kitchen, Immigration Officer (IO) [REDACTED] encountered the man who had been arrested on the previous occasion – [REDACTED] and interviewed him, recording this in Q&A format on his electronic notebook. I produce a printed record of the interview as my exhibit JD/1 which consists of four pages. In summary, [REDACTED] stated that he was the main chef in the restaurant, working on an ad-hoc basis and that he is paid cash-in-hand by the boss, who he names a "[REDACTED]". He also admits that he had shown no documents to get his employment and that his boss knew he was not allowed to work.

[REDACTED]

Signature: [REDACTED]  
2004/05(1)

Signature Witnessed by: .....

**RESTRICTED (when complete)**

Continuation of Statement of: [REDACTED] .....

Page 3

IO [REDACTED] spoke to the manager at the premises the same day and recorded his interview with him in Q&A format on his electronic notebook. The manager's details were recorded as [REDACTED] and I produce a printed record of the interview as my exhibit JD/2 which consists of three pages. In summary, [REDACTED] stated that he was the owner of the business, that he is responsible for the hiring of staff and that the man from Egypt who he named as [REDACTED] was a customer who had come for a trial working today and the other chef was off for the day. He stated that he was aware of right to work checks for employees but did not know if this man was allowed to work in the United Kingdom. [REDACTED] signed the electronic notebook to confirm that the recorded questions and answers were accurate.

I make this statement of my own free will from records that I have seen and accessed today, 22 March 2023. I am willing to attend court or any other judicial or review hearing if necessary.

[REDACTED SIGNATURE]

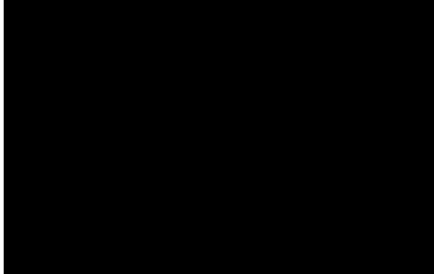
Signature  
2004/05(1)

Signature Witnessed by: .....

**Exhibit JD/1.**

Print out of electronic notebook entry for interview of [REDACTED]  
[REDACTED] dated 23 November 2022 and timed at 19:33hours.

This exhibit consists of four single sheet pages.



Signed:

[REDACTED]  
Chief Immigration Officer 353  
23 March 2023



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

Type of work	Visit
Visit reference	██████████
Created by	██████████
ProntoID	██
Subject CID Person ID	██████████
Subject name	████████████████████
Subject DOB	██████████
Subject nationality	EGY Egypt
Subject gender	Male
Time	19:33
Created at geolocation	No geolocation available
Creation date	23-11-2022 19:33:05

**Language of Interview**

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

**Obligation**

How long have you been working here?	Sometimes the call me Sometime the don't
so on average how many days do you help out	Same as I said I don't know just when they ask me to work
What is your job role/ what are your duties?	I work on the grill as the chef,,I do all the cooking

**Control**

Who gave you this job (name and role in business)?	The boss asked me
Who tells you what days/ hours to work?	The same man tell me when to help out ██████████ is his name 1
Who tells you what tasks/ duties to do each day? And what uniform to wear	Yes the Boss tells me

**Remuneration**

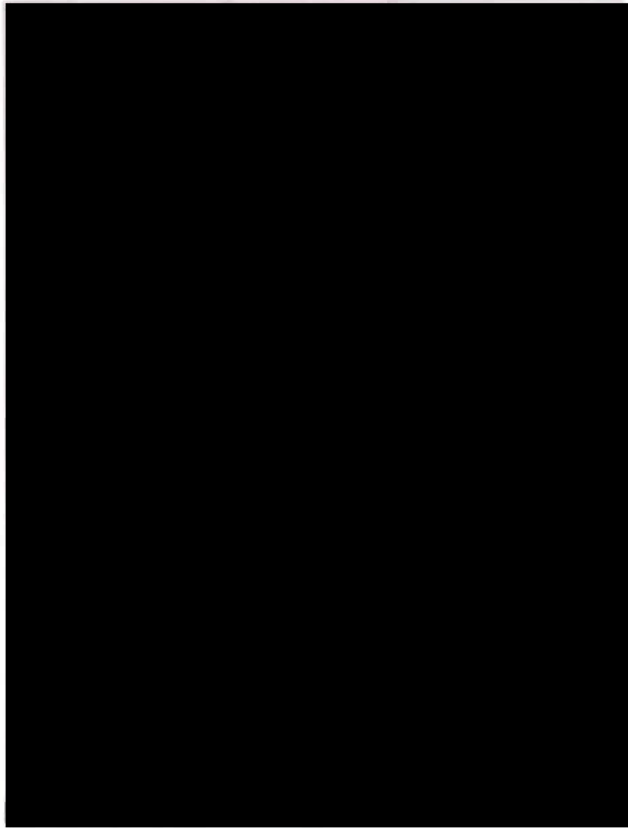
How are you paid (money, accommodation, food)?	40 pounds sometime maybe a little more
--	--

OFFICIAL SENSITIVE

If money, how much and how do you receive it?	Cash in hand
Who pays you?	The boss pays me
Do you pay income tax or have a National Insurance number?	No
do you get food	Yes as much as I want
will you get food to take home for your family as well	Yes
<b>Pre-employment Checks</b>	
What name does the employer know you as?	My name he know me
Did you show documents before being offered the job? If so, what?	No
Does your employer know you're not allowed to work in the UK?	Yes he does
bear in mind I found you working here a year ago	Yes I know I don't know what to say
and what did he say when you told him you were not allowed to work due to your Asylum	He knows and so do you as you found me here year ago
<b>Additional Questions</b>	
Who else works here?	No one just me
so you do know your not allowed	Yes I do.but I have to live
so you were found yet again working in the kitchen of the premises I found you in last time and you were told then you were not allowed to work	I know.but I need to live

**Photographs**

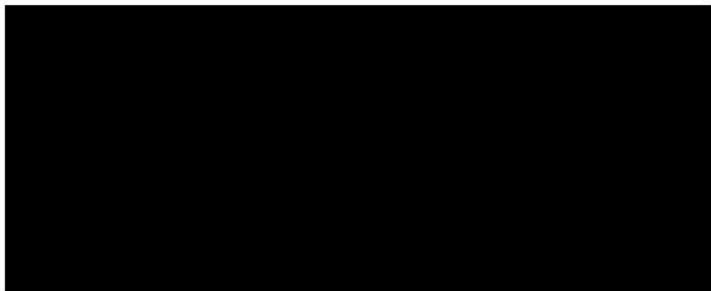
subject



**Declaration**

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

Interviewee signature



23-11-2022 19:47:20

**Observations**

Observations

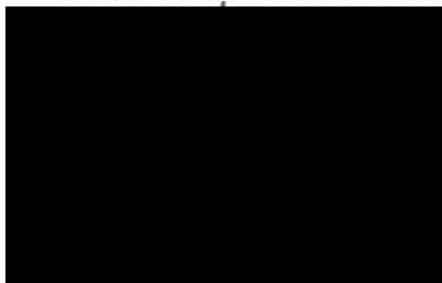
Found working for the second time in the same kitchen in over a year , subject found working as the chef over the hot grill on Entering the kitchen in full xhefs clothing

Do you suspect this person of illegal working?	Yes
<b>Management Checks Complete</b>	
Date management checks complete	26-11-2022 12:09:12
Reviewer(s)	[REDACTED]

**Exhibit JD/2.**

Print out of electronic notebook entry for interview of [REDACTED]  
[REDACTED] dated 23 November 2022 and timed at 19:27hours.

This exhibit consists of three single sheet pages.



Signed: 

[REDACTED]  
Chief Immigration Officer 353  
23 March 2023

## Illegal Working - Employer

### Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED]				
Subject CID Person ID	Unknown				
Employer	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	BGR Bulgaria				
Subject gender	Male				
Time	19:27				
Created at geolocation	<table border="1"> <tr> <td>Easting</td> <td>519152</td> </tr> <tr> <td>Northing</td> <td>299325</td> </tr> </table>	Easting	519152	Northing	299325
Easting	519152				
Northing	299325				
Creation date	23-11-2022 19:27:45				

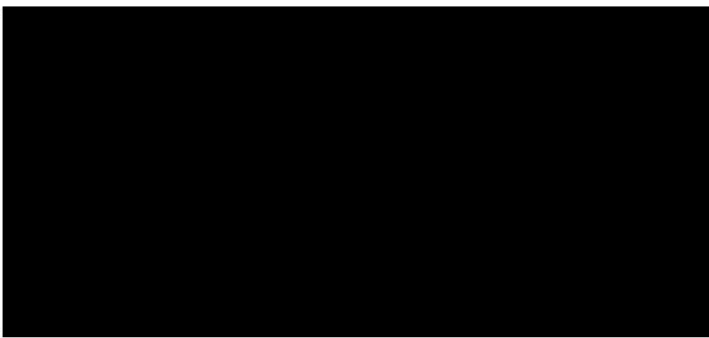
### Language of Interview

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

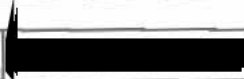
### Employer Details

What is the name of the business?	Burgasea Ltd
What are the Companies House and VAT numbers of the business?	I'm registered on companies House the number is 13376729. Not registered with vat.
What is your position here?	I am the sole owner since when August 2021 when I bought the business.
Do you act in the capacity of manager also when you're here?	Yes
Who is responsible for the hiring and firing?	Me
Have you employed everyone here?	No, the guy from Egypt, [REDACTED]. He was a customer here. He has now come for a trial today. I've met him before but only as a customer.
Is he receiving payment today?	No
is he receiving food today?	No
What time did he say start?	16:50 today.
What duties has he been doing today?	He is on the grill.
Is he the only the chef today?	Yes the other one is off today.

**OFFICIAL SENSITIVE**

Have you seen [REDACTED] documents?	No because it's just a trail, I would have done checks before employing him.
Are you aware of right to work checks?	Yes I've done them before.
Do you know if the gentleman is allowed to work in the UK?	No
Do you provide him with accommodation?	No
When does his shift finish?	Tonight at 10pm.
Do you know where he lives?	No
Has he asked for a job here?	Yes.
What's the best contact number for yourself?	[REDACTED]
Do you keep records of all your staff?	Yes I do, the file is in my house where my office is.
What checks do you do?	I go to the gov website when I get the code from the employee, I put this on file. I'm aware of the checks i need to do.
Why haven't you checked [REDACTED]?	Because he's not working, its a trial day.
We have encountered [REDACTED] before here when you was in charge, what has changed in his circumstances?	I don't know, I wasn't aware he was working illegally. I am not aware of this last time. As far as i know last time he was only a customer. He was drinking at the bar.
What are your opening hours?	12-14:30 and then 17:00-23:00
<b>Declaration by Employer</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
Signed by [REDACTED]	  23-11-2022 19:45:13
<b>Observations</b>	
Observations	
<b>Management Checks Complete</b>	
Date management checks complete	29-11-2022 15:17:01

Reviewer(s)





**PART A****Premises Licence**

Peterborough City Council, Sand Martin House  
Bittern Way, Fletton Quays, Peterborough, PE2 8TY

**Premises Licence Number**

114810

**Part 1 - Premises Details****Postal address of premises, or if none, ordnance survey map reference or description**

Tavan Restaurant  
Ground Floor  
77 Lincoln Road

**Post Town** Peterborough**Post Code** PE1 2SH**Telephone Number** N/a**Where the licence is time limited the dates**

Start Date N/a

End Date N/a

**Licensable activities authorised by the licence****Live Music**

The live music will take place indoors

**Recorded Music**

The recorded music will take place indoors

**Performances of Dance**

The performance of dance will take place indoors

**Provision of late night refreshment**

The provision of late night refreshment will take place indoors

**Sale by retail of alcohol**

The supply of alcohol will be for consumption both on and off the premises.

**The times the licence authorises the carrying out of licensable activities**

**Live Music**

Monday – Sunday            Between 23:00hrs and 01:00hrs  
Non-standard timings        Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**Recorded Music**

Monday – Sunday            Between 23:00hrs and 01:00hrs  
Non-standard timings        Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**Performances of Dance**

Monday – Sunday            Between 23:00hrs and 01:00hrs  
Non-standard timings        Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**Provision of late night refreshment**

Monday – Sunday            Between 23:00hrs and 01:00hrs  
Non-standard timings        Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**Sale by Retail of Alcohol**

Monday – Sunday            Between 10:00hrs and 01:00hrs  
Non-standard timings        Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**The opening hours of the premises**

Monday – Sunday            Between 10:00hrs and 01:00hrs  
Non-standard timings        Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

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

The supply of alcohol will be for consumption both on and off the premises.

## Part 2

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

Burgas Sea Limited  
Ground Floor  
77 Lincoln Road  
Peterborough  
PE1 2SH

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

13376729

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

Mr Chavdar Zhelev  
48 Martinsbridge  
Parnwell  
Peterborough  
PE1 4YB

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

Licence Number  
071160  
Issuing Authority  
Peterborough City Council

## **Annex 1 - Mandatory conditions**

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

### **Exhibition of films**

This registration authorises the exhibition of films subject to the following conditions:

1. I will not exhibit any film unless –
  - (a) it has received a "U", "PG", "12", "12A", "15" or "18" certificate from the British Board of Film Classification; or
  - (b) it is a current newsreel which has not been submitted to the British Board of Film Classification.

Where films are classified by the film classification body, (British Board of Film Classification) I will make sure that children (persons under 18) are only admitted in accordance with the classification of the film:

U – Universal – suitable for audiences aged 4 years and over;  
PG – Parental Guidance – some scenes may be unsuitable for young children;  
12 – viewing by persons aged 12 years and over;  
12A – viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult;  
15 – viewing by persons aged 15 years and over;  
18 – viewing by persons aged 18 years and over.

Where the Licensing Authority has made a recommendation on the restriction of admission of children to a film, I will make sure that notices are displayed both inside and outside the premises so that persons are aware of the classification.

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

## Supply of alcohol (Premises Licence)

This registration authorises the supply of alcohol subject to the following conditions:

1. No supply of alcohol may be made at a time when
  - (a) there is no designated premises supervisor in respect of the premises licence, or
  - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
  
3.
  - (a) 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.
  - (b) 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—

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);
    - (c) 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.
    - (d) 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;
    - (e) 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.
    - (f) 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 a disability).
  
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  
5.
  - (a) 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.
  - (b) 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.
  - (c) 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-

- (i) a holographic mark or
- (ii) an ultraviolet feature.

6. The responsible person shall 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.”

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

2. For the purposes of the condition set out in paragraph 1—

7. (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula—  
$$P = D + (D \times V)$$
where—
- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Door Supervision (where supervisors are engaged this condition applies)**

2. All door supervisors will be Security Industry Authority registered.

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

### **All Licensing Objectives**

#### **Crime and Disorder**

1. The premises licence holder will ensure that a digital CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises.
2. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of at least 2 hours afterwards.
3. A digital CCTV system shall cover all areas of the premises to which the public have access including any outside areas.
4. Digital CCTV images shall be retained for a minimum of 28 days and should be produced to an Authorised Officer immediately upon demand.
5. The CCTV system shall be capable of downloading images to a recognizable viewable format.
6. At all times the premises are open for business a member of staff shall be present who is capable of operating the digital CCTV system and downloading images at the request of an Authorised Officer.
7. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders of every person entering or leaving the premises.
8. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
9. All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers.
10. The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build up of empties in and around the premises.
11. The premises licence holder shall be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.
12. Lighting shall be provided outside the premises (and in the private car park) during the hours of darkness when any licensable activity takes place on the premises.



## **Public Safety**

13. A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.
14. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
15. Valid public liability insurance shall be kept in force and a copy of the schedule will be displayed at the venue and made available for inspection by an Authorised Officer.

## **Public Nuisance**

16. The outside dining/drinking area must not be used by customers after 23:00hrs.
17. The holder of the premises licence shall ensure that noise caused by persons using, arriving at or departing from the premises shall not cause nuisance or unreasonable disturbance to the occupiers of residential properties or hotel bedrooms.
18. The holder of the premises licence shall ensure that no music or amplified speech originating from the premises shall be audible inside any residential property or hotel bedroom at any time.

Note: For the purposes of this condition noise may be considered inaudible when it is at a low enough level that it is not recognisable as emanating from the source in question and/or it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.

19. No fireworks or other pyrotechnics shall be used other than with the prior written consent of the licensing authority. Consent shall be sought at least 28 days prior to any event.
20. Disposal of waste bottles into external receptacles where noise will be audible to neighbouring properties must not occur between 23:00hrs and 07:00hrs.
21. All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease, smoke or noise to persons in neighbouring or nearby properties.

## **Protection of Children from Harm**

22. The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises & signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative.

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

**Annex 4 – Plans**

**PART B**

**Premises licence summary**

Peterborough City Council, Sand Martin House  
 Bittern Way, Fletton Quays, Peterborough, PE2 8TY

**Premises Licence Number**

114810

**Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Tavan Restaurant  
 Ground Floor  
 77 Lincoln Road

**Post Town** Peterborough

**Post Code** PE1 2SH

**Telephone Number**

**Where the licence is time limited the dates**

Start Date N/a  
 End Date N/a

**Licensable activities authorised by the licence**

**Live Music**

The live music will take place indoors

**Recorded Music**

The recorded music will take place indoors

**Performances of Dance**

The performance of dance will take place indoors

**Provision of late night refreshment**

The provision of late night refreshment will take place indoors

**Sale by retail of alcohol**

The supply of alcohol will be for consumption both on and off the premises.

**The times the licence authorises the carrying out of licensable activities**

**Live Music**

Monday – Sunday            Between 23:00hrs and 01:00hrs  
Non-standard timings      Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**Recorded Music**

Monday – Sunday            Between 23:00hrs and 01:00hrs  
Non-standard timings      Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**Performances of Dance**

Monday – Sunday            Between 23:00hrs and 01:00hrs  
Non-standard timings      Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**Provision of late night refreshment**

Monday – Sunday            Between 23:00hrs and 01:00hrs  
Non-standard timings      Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**Sale by Retail of Alcohol**

Monday – Sunday            Between 10:00hrs and 01:00hrs  
Non-standard timings      Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

**The opening hours of the premises**

Monday – Sunday            Between 10:00hrs and 01:00hrs  
Non-standard timings      Licensable activities will take place until 3am on Good Friday, Easter Saturday, Christmas Eve, Boxing Day and New Years Eve.

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

The supply of alcohol will be for consumption both on and off the premises.

**Name, (registered) address of holder of premises licence**

Burgas Sea Limited  
Ground Floor  
77 Lincoln Road  
Peterborough  
PE1 2SH

**Registered number of holder, for example company number, charity number (where applicable)**  
13376729

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**  
Mr Chavdar Zhelev

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

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## Licensing Act 2003 - Premise Licence Review - 121276

Licensing North <LicensingNorth@cambs.police.uk>

Tue 28/03/2023 10:24

To: Licensing <eh.licensing@peterborough.gov.uk>

Cc: Darren Dolby <darren.dolby@peterborough.gov.uk>

**CAUTION:** This email originates outside of Peterborough City Council's network. Do **NOT** click on links or open attachments unless you recognise the sender and know the content is safe. Please report any concerns or issues to ICT

To Whom it may concern

I write on behalf of Cambridgeshire Constabulary in relation to the Home Office, Immigration Enforcement, Alcohol Licensing Team, request to review the Premises Licence of **Tavan Restaurant, 77 Lincoln Road, Peterborough, PE1 2SH** – 121276 refers.

Cambridgeshire Constabulary as a responsible authority, supports the Home Office recommendation to revoke the premises licence due to the seriousness of criminal activity identified within the review documentation.

I also would also like to make you aware of The High Court decision of East Lindsey District Council v Abu Hanif (t/a Zara's restaurant and takeaway) it is a stark reminder that there can be consequences for employers who employ illegal workers, even if they are not convicted of an offence.

[Employing illegal workers? You could lose your alcohol licence, even if you are not convicted - Lexology.](#)

The Home Office recommendation is supported by guidance issued under section 182 of the Licensing Act 2003

11.24 “...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.”

11.26 “...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 a certain criminal activity that may arise in connection with licensed premises, which should be treated particularly seriously.....”

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

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

Other articles of interest

The Government offers advice regarding checking a job applicant's right to work via [Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](#)

<https://www.hospitalitylaw.co.uk/authorities-crack-illegal-workers/>

*“... Illegal working both undercuts British workers and may cause dishonest employers to take advantage by paying poorly and ignoring health and safety measures...”*

Respectfully

Paul

**PC 2094 Paul HAWKINS**

Licensing Officer | Thorpe Wood Police Station

Ext:7111790 Mobile: 07921 938073

[Cambridgeshire Constabulary](#)

Hinchingbrooke Park,

Huntingdon, PE29 6NP

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PETERBOROUGH CITY COUNCIL DELIVERS THE LICENSING SERVICE

ON BEHALF OF  
RUTLAND COUNTY COUNCIL



Address: Licensing Team, Peterborough City Council, Sand Martin House, Bittern Way  
Fletton Quays, Peterborough, PE2 8TY

Email: [RCCLicensing@peterborough.gov.uk](mailto:RCCLicensing@peterborough.gov.uk)

Tel: 01572 758366

## LICENSING ACT 2003 – REPRESENTATION IN RESPECT OF PREMISES LICENCE

Once completed, please email the form to [RCCLicensing@peterborough.gov.uk](mailto:RCCLicensing@peterborough.gov.uk)

<b>Section A: Details of person or body making representation</b>	
Your Name:	Matthew Dear
Your Address:	Scotney Street, Peterborough, PE1 3NF

<b>Section B: Details of premises representation is about</b>	
Name of Premises:	Tavan Restaurant
Address of premises:	77 Lincoln Road, Peterborough, PE1 2SH
Application No. (if known)	121276

<b>Section C: Licensing objectives</b>	
Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/> <input type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

## Section D: Your concerns

Please summarise your concerns about this application:

In my opinion, this application is a vexatious abuse of process. I hold this view on three grounds:

- 1) The immigration status of employees has no direct or proven relationship to public safety issues around the service of alcohol or any regulated activity.
- 2) The immigration offence has been separately punished, and punished appropriately. The applicant is seeking a double-punishment in a manner which could be construed as vindictive as runs contrary to the principles of both English common law and natural law.
- 3) The matter which the application seeks to deal with is remote from, and not germane to, the offence in question.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

Allowing this application, and revoking the premises licence, would have a negative effect on other innocent employees and on the wider Peterborough community who enjoy a hygienic, high-quality, and well-run restaurant with few comparators in the local area.

It would also implicate Peterborough City Council in contentious matters of national policy which are not within their purview. It is disrespectful and abusive of the Home Office to try to coerce the Council into cooperating in their pursuit of the current national Government's immigration policies.

## **How to make a representation**

The statutory representation period begins the day after a valid application is received by the licensing authority and lasts for 28 consecutive days. During this time there must be at least one public notice in a local paper and a blue A4 public notice displayed on site for 28 consecutive days. The application will also appear on the public register.

Any representations must relate to one of the four licensing objectives below:

### **Prevention of crime and disorder**

This relates to any crime, disorder or anti-social behavior in connection with the management of the premises. The licence holder cannot be responsible for the conduct of individuals once they leave the premises.

### **Public safety**

This relates to the safety of the public on the premises - such as fire safety, lighting and first aid.

### **The prevention of public nuisance**

This can relate to hours of operation, noise and vibration, noxious smells, light pollution and litter.

### **The protection of children from harm**

This relates to protecting children from the activities carried out on the premises whilst they are on the premises. The law already provides special protections for children, such as making it illegal for children under 18 to buy alcohol. We recommend that if you wish to object to an application for a premises licence, you use the representation form.

**Representations (objections) may not be made anonymously. Any representations that are received will be included in a report to the hearings panel. This report will be a public document and will be circulated to the parties involved prior to the hearing.**

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