

## LICENSING CONSULTATION INTERNAL MEMO

To : **Lorna Mckenna**

From : **Adrian Overton**

Date : **18<sup>th</sup> July 2023**

Premises : **Woody Grill, 1 – 3 Uxbridge Road, W12 8LJ**

CAPS Ref : **2023/00966/LAPRR**

Application : **Premises Licence Review**

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I am the Licensing Team Manager for the London Borough of Hammersmith and Fulham. I am also able to act as the responsible authority for the Licensing Authority of the London Borough of Hammersmith and Fulham.

I have considered the above application and wish to make comments in support of the review on the basis of past adverse enforcement history at this premises which has been outlined below.

### **The application**

On 20<sup>th</sup> June 2023 the Central London Immigration Complaint and Enforcement Team submitted a review, asking for revocation of the premises licence in place at Woody Grill, 1-3 Uxbridge Road, London, W12 8LJ.

The review has been submitted after a number visits to the premises where illegal workers have been found on the premises.

### **Supporting Information - Enforcement summary**

An Immigration Enforcement visit was conducted on the 17/03/2022 at 14:00 with Licensing Officers present, following intelligence received that the business was employing workers with no right to work. The premises licence was not active at the time of visit. Four individuals were found to be working illegally on the premises during the visit. The workers were all escorted from the premises and the premises was served with an illegal working referral notice for a civil penalty for employing the 4 workers. The premises subsequently received at £30,000 fine from the Home Office.

Following on from this immigration enforcement visit, the Licensing Team made contact with the licence holder and asked that they consider adding a number of conditions to their licence to try and prevent any further immigration offences in the

future. The business agreed to this proposal and on the 14/06/22 a minor variation was submitted, adding CCTV and right to work check conditions to the premises licence. All of the conditions added to the licence by this application are included in Annex 1 of this representation.

A second visit was conducted by Immigration Enforcement officers on 02/02/2023, following further intelligence received by the Home Office. During this visit Ali Haydar Gumus (director) was reluctant to give informed consent for the Immigration Enforcement officers to conduct an inspection, and frustrated the process, leading to four staff members escaping through a ceiling window at the back of the kitchen. Officers obtained authority to enter the premises through alternative powers at 12:57, which led to two individuals being found illegally working on the premises. Both illegal workers were escorted off premises and the business was served with another illegal working referral notice for a civil penalty. The premises license was not active at the time of visit.

A third visit was conducted by Immigration Enforcement officers on 19/05/2023 at 23:34. Licensing Officers were also present on this occasion. Entry was gained by means of a warrant and the visit was conducted during licensable hours. During this visit two individuals were found working illegally on the premises. The premises was issued with another illegal working referral notice for a civil penalty.

A licensing inspection was conducted at the same time this visit took place and it was found that all but one of conditions added by way of a minor variation in June 2022 (and outlined in Annex 1 below) were being breached. Condition 6, which was not breached, concerned workers being paid a minimum wage and it could not be established at the time if this was being complied with.

## **Conclusion**

Given the seriousness of the offences which have occurred at this premises the Licensing Authority wishes to support this review, as we have concerns that without revocation of the licence there will be a similar pattern of non-compliance at the premises in the future.

As outlined in the enforcement summary, the Licensing Team has tried to work with the licence holder to offer advice and gain compliance. In March 2022 we gave extensive advice and guidance on the issue of illegal workers, and after these discussions extra conditions were added to the licence. The licence holder has shown a disregard for the law and the licensing objectives by agreeing to these conditions, and then breaching them a few months later.

We would respectfully ask that if the committee does not decide to revoke the licence, that they would consider either a suspension of the licence, or a significant reduction in the hours for late night refreshment.



**Adrian Overton**  
**Licensing Team Manager**  
**London Borough of Hammersmith and Fulham**

## ANNEX 1 – Minor Variation Conditions

1. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities or customers are on the premises and;
  - shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to the Police or authorised Council officers on request.
  - at least one camera will show a close-up of the entrance/entrances to the premises, to capture a clear, full length image of anyone entering.
  - shall cover any internal or external area of the premises where licensable activities take place.
  - recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.
  - footage shall be provided free of charge to the Police or authorised Council officer within 24 hours of a request.
  - a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show Police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.
2. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.
3. No person shall be allowed to work at the Premises unless they have and are able to demonstrate the right to work in the United Kingdom.
4. Right to work checks shall be carried out by or on behalf of the licensee on all persons that are carrying out work within the Premises, whether paid or otherwise, temporary or permanent, before those persons commence work. The documentation for each employee shall include: date stamped colour copies of all documents produced, the name of the person who has checked the original documents and confirmation that the said person has seen the original documents, any enquiries made and a right to work checklist with the relevant box (es) ticked. This information shall be retained in each case (whether they have carried out or are still carrying out work within the Premises) for a minimum of 3 years. Such copies shall be kept on the Premises and made available for inspection by police, licensing or immigration officers on request.
5. Right to work audits of all persons working at the Premises shall be carried out once a year, with records of the said audits to be retained for a period of at least 3 years. Records of said audits shall be kept at the premises and made available for inspection by police, licensing or immigration officers on request.
6. No worker within the Premises shall be paid less than the prevailing statutory minimum wage.
7. A written contemporaneous record shall be maintained on the Premises, detailing the hours worked by all persons (paid or unpaid). Such record shall

as a minimum cover the previous 8 working weeks. Said records shall be kept at the premises and made available for inspection by police, licensing or immigration officers on request.