

# SONY SADAF HAROON

## SOLICITORS

Our Ref: ab/lit/2082/pennycraftpltd

Your Ref: WK/215048309

Date: 23/11/2015

Licensing Team

Dear Sirs,

**Re: Tandoori Nights, 27 Station Parade, Cockfosters Road, Barnet, EN4 ODW**

We would like the following to be considered in respect of the application for the review of the premises licence under the Licensing Act 2003.

We have taken instructions from our client and make the following observations. Whilst visits were made to the Tandoori Nights restaurant on the dates suggested, our client categorically denies any offences having taken place. The fact of the matter is that there were no sanctions imposed. The enforcement team was of course visiting a number of premises in the borough to carry out checks for immigration offences, as stipulated in the application, in order to ensure that only those with staff legally entitled to work in UK were being employed at the premises. Despite this being the case, on those dates stated in the application, no civil penalty or other sanctions were imposed on the premises by the Home Office or anyone on their behalf, as a result of which, there have been no findings of any non-compliance with immigration regulations, nor were there any breaches of any legislation whatsoever.

With regard to 05 June 2015, whilst it is fair to say that a visit had been undertaken on the premises, please note that the fine is the subject of a challenge in the St Albans County Court under claim number 80081292 because it is the premises licence holder's case that the obligations imposed upon them by law have been complied with, and pending the outcome of this matter we would suggest that the application is premature as there has been no finding with respect to knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on the person's leave to enter pursuant to the revised guidance of section 182 Licensing Act 2003 (October 2014) section 11.27.

Our client complied with what is required of them as an employer, ensuring they made appropriate right to work checks, kept copies and noted down important details. It cannot be the fault of the employer if an individual produces what appears to be a genuine document confirming their status and their right to work. If the employer has ensured they have made a copy of the document and noted the relevant details. That constitutes a statutory exemption discharging any burden placed on them. They do not have the expertise to verify the authenticity of a passport for example.

We reserve the right to submit further evidence or written information at least five working days prior to the hearing.

Kindly note that we shall be seeking costs against the local authority on behalf of our client for what is clearly an ill-conceived or at best a premature application.

Yours faithfully

**SONY SADAF HAROON SOLICITORS**

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