City of Westminster

Licensing Sub-Committee Report

Item No: 

Licensing Ref No: 18/12982/LIREVP

Date: 19 February 2019

Classification: For General Release

Title of Report: Sushi Eatery
40 Frith Street
London
W1D 5LN

Report of: Director of Public Protection and Licensing

Policy context: City of Westminster Statement of Licensing Policy

Financial summary: None

Report Author: Mrs Angela Seaward
Senior Licensing Officer

Contact Details: Telephone: 0207 641 8116
E-mail: aseaward@westminster.gov.uk
1. APPLICATION DETAILS

<table>
<thead>
<tr>
<th>Application Type:</th>
<th>A review of premises licence application under the Licensing Act 2003.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Home Office (Immigration Enforcement)</td>
</tr>
<tr>
<td>Date Application Received:</td>
<td>26 October 2018</td>
</tr>
<tr>
<td>Premises Name and Address:</td>
<td>Sushi Eatery</td>
</tr>
<tr>
<td></td>
<td>40 Frith Street</td>
</tr>
<tr>
<td></td>
<td>London W1D 5LN</td>
</tr>
<tr>
<td>Ward Name:</td>
<td>West End</td>
</tr>
<tr>
<td>Cumulative Impact Area:</td>
<td>West End</td>
</tr>
<tr>
<td>Description of Premises:</td>
<td>The premises currently operates as a restaurant.</td>
</tr>
<tr>
<td>Preliminary Note:</td>
<td>None</td>
</tr>
</tbody>
</table>

2. SUMMARY OF APPLICATION

2.1 An application has been submitted by Home Office (Immigration Enforcement), a Responsible Authority, for a review of the premises licence for Sushi Eatery, 40 Frith Street, London, W1D 5LN. This application was received on 26 October 2018 on the grounds of prevention of crime and disorder. A full copy of the application can be found at Appendix 1.

2.2 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.

2.3 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations. The requirement to hold a hearing is mandatory in nature.
2.4 The premises currently benefits from a premises licence that permits:

**Playing of Recorded Music**
- Sunday to Wednesday: 11:00 to 23:00
- Thursday to Saturday: 11:00 to 23:30

**Late Night Refreshment**
- Monday to Saturday: 23:00 to 00:30
- Sunday: 23:00 to 00:00

**Sale by Retail of Alcohol**
- Monday to Thursday: 10:00 to 23:30
- Friday to Saturday: 10:00 to 00:00
- Sunday: 12:00 to 22:30

2.5 These review proceedings are brought under the licensing objectives on the grounds of prevention of crime and disorder.

2.6 The applicant states that, following a visit to the premises on 25 June 2018, 5 subjects were found working illegally at the premises.

2.7 On submission of this application, the applicant provided an in-depth description of the issues relating to the premises which stated the following:

- Officers from Immigration Enforcement visited Sushi Eatery – 40 Frith Street, London W1 5LN on Monday 25\textsuperscript{th} June 2018. Five members of staff were found to be working with no right to work in the UK. A notice of potential liability was issued for the employment of 5 illegal workers.

2.8 A copy of the existing Premises Licence (13/04050/LIPDPS) is attached at Appendix 2.

2.9 Additional submissions received from the premises licence holder can be found at Appendix 4.

3. OPTIONS:

3.1 The applicant is seeking revocation of the premises licence.

3.2 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

(a) to modify the conditions of the licence;
(b) to exclude a licensable activity from the scope of the licence;
(c) to remove the designated premises supervisor;
(d) to suspend the licence for a period not exceeding three months;
(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 added.
3.3 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

3.4 The licensing authority’s determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

4. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

4.1 Any applications under the Licensing Act 2003 are set out in Appendix 3.

<table>
<thead>
<tr>
<th>List of Appendices</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix 1 – Review Application form</td>
<td></td>
</tr>
<tr>
<td>Appendix 2 – Current Premises Licence</td>
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<td>Appendix 3 – Premises History</td>
<td></td>
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<tr>
<td>Appendix 4 – Submissions on behalf of the premises</td>
<td></td>
</tr>
</tbody>
</table>

Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2018)
Licensing Authority: City of Westminster

Reference: AL18948

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Home Office Immigration Enforcement apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

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

Sushi Eater

40, Frith Street

<table>
<thead>
<tr>
<th>Post town</th>
<th>Post code (if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>London</td>
<td>W1D 5LN</td>
</tr>
</tbody>
</table>

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

Mr Foooh Moon Chan trading as DOZO

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


Part 2 - Applicant details

I am Please tick ✓ yes

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

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

Version 1.0
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.gsi.gov.uk

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

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

Please tick one or more boxes ✓
Please state the ground(s) for review (please read guidance note 2)

We have grounds to believe the license holder will fail 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)


Five members of staff were found to be working with no right to work in the UK.

A notice of potential liability was issued for the employment of 5 illegal workers.

In light of the 5 subjects found working illegally, Home Office Immigration Enforcement wish to seek revocation of the licence.
Have you made an application for review relating to the premises before

Please tick yes

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
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: P. Thomas

Date: 26/10/2018

Capacity: Responsible Authority

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

Alcohol Licensing Team
Lunar House
40 Wellesley Road

<table>
<thead>
<tr>
<th>Post town</th>
<th>Post Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Croydon</td>
<td>CR9 2BY</td>
</tr>
</tbody>
</table>

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional): Alcoholreviews@homeoffice.gsi.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.
## Premises licence

<table>
<thead>
<tr>
<th>Premises licence number:</th>
<th>13/04050/LIPDPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Reference:</td>
<td>12/09709/LIPN</td>
</tr>
</tbody>
</table>

## Part 1 – Premises details

**Postal address of premises:**

Dozo  
Basement And Ground Floor  
40 Frith Street  
London  
W1D 5LN

**Telephone Number:** Not supplied

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

Not applicable

**Licensable activities authorised by the licence:**

- Playing of Recorded Music  
- Late Night Refreshment  
- Sale by Retail of Alcohol
The times the licence authorises the carrying out of licensable activities:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Hours</th>
</tr>
</thead>
</table>
| **Playing of Recorded Music**   | Sunday to Wednesday: 11:00 to 23:00  
                               | Thursday to Saturday: 11:00 to 23:30 |
| **Late Night Refreshment**      | Monday to Saturday: 23:00 to 00:30  
                               | Sunday: 23:00 to 00:00 |
| **Sale by Retail of Alcohol**   | Monday to Thursday: 10:00 to 23:30  
                               | Friday to Saturday: 10:00 to 00:00  
                               | Sunday: 12:00 to 22:30 |

The opening hours of the premises:

<table>
<thead>
<tr>
<th>Days</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday to Saturday</td>
<td>10:00 to 00:30</td>
</tr>
<tr>
<td>Sunday</td>
<td>12:00 to 00:00</td>
</tr>
</tbody>
</table>

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Mr Fook Moon Chan  
40 Frith Street  
Basement And Ground Floor  
London  
W1D 5LN

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

N/A
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Fook Moon Chan

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

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: PERS-LIC /2644  
Licensing Authority: London Borough Of Camden

Date: 22nd July 2013

Signed: pp

Operational Director - Premises Management
Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.

2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.

3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

   (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;

   (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

   (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
   (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

   (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

   (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

   (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

   (i) the outcome of a race, competition or other event or process, or
   (ii) the likelihood of anything occurring or not occurring;

   (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.

5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. 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; and

(b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating Schedule

9. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

11. The supply of alcohol shall be by waiter or waitress service only.

12. There shall be no hot food or hot drinks provided for takeaway service after 23:00 hours.

13. There shall be no draught sales of alcohol.

14. The sale of alcohol for consumption 'off' the premises shall only be supplied with and ancillary to a take-away meal.
15. All sales of alcohol for consumption 'off' the premises shall be in sealed containers only, and shall not be consumed on the premises.

16. Patron's temporarily leaving the premises shall not be permitted to take drinks outside with them.

17. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed:

   Basement - 40 Persons
   Ground Floor - 10 Persons

18. All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection time.

19. No rubbish, including bottles, shall be moved, removed or placed in the outside areas between 2300 hours and 0800 hours.

20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.

21. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and leave the area quietly.

22. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

23. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

24. The entrance door shall be kept closed after 22:00 hours or at anytime that regulated entertainment is provided, except for the immediate access and egress of persons.

25. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

26. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
28. The premises shall only operate as a restaurant:

(i) In which customers are shown to their table,
(ii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
(iii) which do not provide any take away service of food, hot drinks or alcohol for immediate consumption after 23.30hrs Monday to Thursday, and after midnight on Fridays and Saturdays and after 22.30hrs on Sundays.
(iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.

29. The supply of alcohol shall be by waiter or waitress service only.

30. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall only be supplied ancillary to take away food

31. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
Annex 3 – Conditions attached after a hearing by the licensing authority

None
Annex 4 – Plans
Below is the premises licence history for Hi Sushi, 40 Frith Street, London, W1D 5LN

<table>
<thead>
<tr>
<th>Application reference</th>
<th>Application details</th>
<th>Date of determination</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/04735/LIPC</td>
<td>Conversion licence application form</td>
<td>6 August 2005</td>
<td>Granted under Delegated Authority</td>
</tr>
<tr>
<td>06/06368/WCCMAP</td>
<td>Master Premises Licence</td>
<td>30 June 2006</td>
<td>Granted under Delegated Authority</td>
</tr>
<tr>
<td>06/05470/LIPDPS</td>
<td></td>
<td>30 June 2006</td>
<td>Granted under Delegated Authority</td>
</tr>
<tr>
<td>10/08147/LIPDPS</td>
<td></td>
<td></td>
<td>Granted under Delegated Authority</td>
</tr>
<tr>
<td>12/09709/LIPN</td>
<td>New Premises Application</td>
<td>14 January 2013</td>
<td>Granted under Delegated Authority</td>
</tr>
<tr>
<td>13/01296/LIPT</td>
<td>Application to transfer the licence from Dewsbell Ltd to Mr Frook Moon Chan</td>
<td>18 April 2013</td>
<td>Granted under Delegated Authority</td>
</tr>
<tr>
<td>13/04050/LIPDPS</td>
<td></td>
<td>22 July 2013</td>
<td>Granted under Delegated Authority</td>
</tr>
</tbody>
</table>
Submissions on behalf of the premises

Public Protection and Licensing
Licensing Service
Westminster City Council
22 Floor Portland House
Bressenden Place
Victoria
SW1E 5RS

Ref 18/12982/LIREVP

By email: Licensing@westminster.gov.uk

22 November 2018

Dear Sir/Madam

Re Appeal: Response of Sushi-Eatery to the proposed review of the premises license number 13/04/050/LIPDPS
Premises:
Sushi-Eatery,
Basement and ground floor,
40 Frith Street, London W1D 5LN

Holder of premises license and designated premises supervisor for the supply of alcohol
Mr Fook Moon Chan
40 Frith Street, London W1D 5LN

Background to the Appeal

This appeal is made in response to notification from City of Westminster that the Home Office Immigration Service have requested a review of the premises licence. That review has been triggered by an inspection on 25 June 2018 that resulted in five illegal members of staff being found on the restaurant premises. The review was sought on the basis that the Sushi Eatery was in breach of its duty, pursuant to its license and the Licensed Premises Act 2003 to prevent crime and disorder. The facts presented by the immigration service namely that five illegals were found on the premises are not disputed. The ground
for review, namely that the restaurant is in dereliction of its duty to prevent crime and disorder is addressed below.

Investigation and Remedial Action

Enquiries by the restaurant's management have confirmed the fact findings of the Home Office Immigration Service and further that those five illegal members of staff were offered positions of employment by the chef and designated premises supervisor ("DPS") Mr Fook Moon Chan and premises head waiter. It transpired that they had employed the five illegal members of staff in a rogue operation that was unknown to the company such that the management were unaware that these illegal members of staff were working when they had no entitlement to do so. The trust and responsibility placed in Mr Fook Moon Chan who by virtue of the DPS role had significant influence and head waiter was abused. The motives are still being investigated but it is apparent that proper checks were not undertaken and the requisite documentation was not required, seen, copied or retained in the document safe at the premises. An inspection of the pay roll revealed that these five illegals were not included or declared so that the company was unaware of their "employment" and payment appears to have been by way of a private cash arrangement. Again the company was not aware of this or complicit in any way.

In terms of remedial steps a new company Fintap Limited was incorporated on 2 July 2018; that company will now replace Monlite Limited. In terms of practical measures both Fook Moon Chan and have been given letters terminating their employment on the basis of gross misconduct in that there was a dereliction of duty.

There has also been a review of the arrangements at the restaurant and stringent policies and governance will now be put in place to include a system of recruitment that places the responsibility in the hands of central management rather than allowing staff at the restaurant to have any involvement in this area. There will also be centralised checks and inspections by company management and all personnel records and staff documents will be held centrally by Fintap Limited. They will no longer be stored in a safe at the restaurant as was formerly the case. Fintap Limited will also be instructing Penningtons Manches LLP to conduct a thorough consideration of all its financial hygiene and recruitment policies and procedures with a view to ensuring a full set of policies are implemented and adhered to by all staff.

It is accepted that the premises licence can no longer be held by Mr Fook Moon Chan and that, in addition, he cannot be the DPS; another suitable candidate has been identified for those roles and applications for transfer and variation shall be made in the prescribed form.

It should be emphasised that the restaurant has had an unblemished history to date; it has never had any prior complaint, review or adverse finding against it. There are currently four full time and five part time members of staff though the dismissal of the head chef and head

be possible if the premises licence remains in place. The premises licence is essential to the survival of the business as, without it, the business will be unable to compete with other restaurants in the area and the restaurant business is a highly competitive industry.

The internal fraud, namely members of staff responsible for acting in this rogue manner and employing illegal Chinese workers was not foreseen and both Mr Fook Moon Chan and joined with experience from another restaurant and gave every outward indication of being reliable and trustworthy members of staff. The business is subject to annual audits by its accountants and no irregularities had been identified previously such that management was unaware of the position. It was the reliance on Mr Fook Moon Chan and to ensure hires were properly carried out together with the correct paperwork that led to this position. That will not be repeated given the new
measures and that these functions and documents will no longer be at the local restaurant level.

The intention is to do all that is possible to include cooperating with the Home Office Immigration Service and Westminster City Council to ensure every possible step is taken to prevent crime and disorder or any other breach ever occurring in future.

Yours faithfully,

Penningtons Manches LLP.

Solicitors to Sushi-Eatery.