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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Licensing Sub Committee
Date: Friday 5 June 2020
Time: 10.00 am
Venue: Remote meeting, details will be available ahead of the meeting

Membership

Councillor Douglas Webb (Chairman)

Councillor Colin Clarke

Councillor Surinder Dhesi

AGENDA

1. Reconvening of Sub-Committee

The Chairman to reconvene the meeting that was adjourned at 10:33am on 17 March 2020.

2. Premises Licence Review Hearing (Pages 3 - 172)

The original report and appendices published for the 17 March 2020 meeting are attached.

Additional information received since the adjournment of the hearing, from the Responsible Authority and the Solicitor acting on behalf of the premises, is included from page 139.

Report of Environmental Health & Licensing Manager

Purpose of report

To consider an application for a review of a Licensing Act 2003 premises Licence for Jaflong Restaurant, Bicester.

Recommendations

- 1.1 There is no recommendation, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are outlined in paragraph 6.2.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 227956 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Aaron Hetherington, Democratic and Elections
democracy@cherwellandsouthnorthants.gov.uk, 01295 227956

Yvonne Rees
Chief Executive

Published on Thursday 28 May 2020

Cherwell District Council

Licensing Sub-Committee

Tuesday 17 March 2020

Premises Licence Review Hearing
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Report of Environmental Health & Licensing Manager

This report is public

Purpose of report

To consider an application for a review of a Licensing Act 2003 premises Licence for Jaflong Restaurant, Bicester.

1.0 Recommendations

- 1.1 There is no recommendation, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are outlined in paragraph 6.2.

2.0 Introduction

- 2.1 To consider an application for a review of the premises licence for Jaflong Restaurant, Bicester submitted by the Home Office.

3.0 Report Details

- 3.1 Jaflong Restaurant is situated in the market square in Bicester town centre.
- 3.2 An application for a Licensing Act 2003 review of the premises licence was submitted to Cherwell District Council on 5 February 2020 (Appendix 1). The application was made on the grounds that the licence holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at the premises.
- 3.3 On 19 February 2020 the Licensing Authority submitted a representation regarding concerns of non-compliance with the licensing objectives. (Appendix 2).

4.0 Conclusion and Reasons for Recommendations

4.1 There is no recommendation.

5.0 Consultation

5.1 When an application for a review of a premises licence is submitted the applicant must display a blue notice at or near the relevant premises. The consultation period runs for 28 days from the day after the application is received. This gives interested parties and responsible authorities the opportunity to make representations in relation to the application.

5.2 The responses from responsible authorities were as follows:

- Police – No comments
- Fire Service – No response
- Child Protection – No response
- Trading Standards – No response
- Health & Safety Executive – No response
- Environmental Protection – No comments
- Health Protection – Satisfactory
- Planning – No comments
- Licensing Authority - Objection

5.4 The applicant and all interested parties submitting representations have been invited to attend this hearing.

6.0 Alternative Options and Reasons for Rejection

6.1 At the end of the consultation period the licensing authority must hold a hearing if relevant representations are received. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

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

6.2 The steps the Sub-Committee can take are to:

- issue the licence as applied for;
- issue the licence with amended hours or licensable activities
- reject the application if it is considered necessary in order to promote the licensing objectives

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by Kelly Wheeler, Principal Accountant, 01295 225170,
kelly.wheeler@cherwell-dc.gov.uk

7.2 Legal Implications

The decision must comply with the Licensing Act 2003, the statutory guidance issued pursuant to section 182 of the Licensing Act and the council's Statement of Licensing Policy.

The applicant or 'other persons' who have submitted 'relevant representations' may appeal to the magistrates' court a decision of the Sub-Committee.

Comments checked by Nick Graham Solicitor, 0300 003 0106,
nick.graham@cherwell-dc.gov.uk

8.0 Decision Information

Wards Affected

Bicester East

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Councillor Andrew McHugh

Document Information

Appendix No	Title
Appendix 1	Premises Licence Review Application & Supporting Documents
Appendix 2	Licensing Authority Representation
Background Papers	
None	
Report Author	Michael Sands, Licensing Enforcement Officer
Contact Information	01295 753744 licensing@cherwell-dc.gov.uk

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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 Jaflong 51, Market Square Bicester OX26 6AJ	
Post town Bicester	Post code (if known) OX26 6AJ

Name of premises licence holder or club holding club premises certificate (if known) Jaflong Mr Shakur Ali - Since 2005.

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)

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)

- 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 that the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at these 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.

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

ENTRY: S179 OF THE LICENSING ACT 2003.

Address: JAFLONG 521 MARKET SQUARE, BICESTER, OX26 6AJ.

On 11/10/2019 at 18:35 hours Officers from the Home Office and Licensing Officer visited the above address as information received that there were immigration offenders present.

As officers were getting out of the vans at the rear of the premises a waiter appeared and saw officers and then disappeared into the premises and another male ran from the premises who was caught by officers.

Immigration Enforcement officers gained entry by speaking to the person in charge (the son of the owner). She introduced herself, showed her warrant ID card and explained the reason for the visit. There were 7 members of staff on site, 5 were suspected of working illegally and two of the encountered males were arrested for immigration offences.

The premises was in bad condition and there were 8 bed spaces found upstairs over the 1st and 2nd floors. The Fire Doors had had the handles removed and there were no obvious working smoke alarms. In the cellar the walls had been knocked through and it appeared they had also gone through the neighboring property walls also. There was food stored on the floor in the cellar around the rubble. Also the back door in the kitchen area opened out into a small courtyard which was filled with pigeons, mess and feathers, no protection to stop them entering into the kitchen area and definitely a health risk. The carpets need replacing as offices boots had stuck to them.

The Fire Service was called to attend to ensure the premises was safe to remain open. At the time of this report I am awaiting the Fire Service update.

Full details and review pack will be sent shortly.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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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 Home Office Immigration Enforcement
.....

Date 04/03/2020
.....

CapacityResponsible 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	
Post town Croydon	Post Code CR9 2BY
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk	

Notes for Guidance

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

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Home Office

Premises Licence Review

**Mr Shakur Ali
Jaflong Restaurant
51 Market Square
Bicester
OX26 6AJ**

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Outline of the Circumstances leading to the Review Application

Summary

- 1.1 Intelligence was received stating that illegal workers had been employed at Jaflong, 521 Market Square, Bicester OX26 6AJ. Further to the allegation, it was also claimed that the owner was earning more profit than he was declaring for tax purposes.
- 1.2 On 11 October 2019 at approximately 18:35hrs, an Immigration Enforcement operation was carried out with a colleague from Cherwell District Council Licensing Authority under Section 179 of the Licensing Act 2003.
- 1.3 At the time of the visit, four people were found to be working illegally at the premises; three individuals were arrested for being in the UK with no valid leave.
- 1.4 At the time of the operation the premises were operating under a premises licence issued to Mr Shakur Ali. This has been the case since 2005.
- 1.5 The premises and its management were already known to the immigration authorities because of previous intelligence received stating that ALI was employing illegal workers.
- 1.6 A visit was conducted in November 2011 where four immigration offenders were discovered who had no right to remain in the UK or work here and were arrested.
- 1.7 On 19 September 2013 an intelligence led operation to the premises was conducted following further intelligence that an individual, [REDACTED] was working illegally at the premises. Although [REDACTED] was not encountered at the premises in 2013, he was encountered at the premises in 2019 and subsequently arrested for not having a right to live or work in the UK.
- 1.8 Furthermore, during the most recent visit, one of the illegal workers encountered at the premises admitted to Immigration Officers that ALI was aware that he was in the UK illegally. ALI has shown total disregard for Immigration law and lack of employment judgement on how to conduct the correct right to work checks.
- 1.9 During the visit, Immigration Officers noticed that the premises was in very bad condition; there were 8 bed spaces found upstairs over the 1st and 2nd floors. The Fire Doors had had the handles removed and there were

no obvious working smoke alarms. The Fire Service was called to attend to ensure the premises was safe to remain open.

- 1.10 ICE officers noticed that the cellar walls had been knocked through and it appeared they had also gone through the neighbouring property walls also. There was food stored on the floor in the cellar around the rubble.
- 1.11 In addition to this, the back door in the kitchen area opened out into a small courtyard which was filled with pigeons, mess and feathers with no protection to stop them entering the kitchen area. The carpets also required replacing as officers' boots had stuck to them.
- 1.12 Mr ALI has been issued with a £20,000 Civil Penalty fine which currently remains outstanding to date.
- 1.13 Succeeding parts of this application explore relevant legislation and the statutory guidance and Home Office (Immigration Enforcement) ask the sub-committee to revoke the premises licence as a deterrent to others and the management/owner of this premises in particular.
- 1.14 Copies of all the witness statements or pocket notebook (PNB) entries made by relevant immigration officers are appended; should the sub-committee wish to read these.
- 1.15 Home Office (Immigration Enforcement) ask the subcommittee to consider the flagrant disregard for the legalities of employing responsibly, the failure to heed prior warnings and advice and ask that the subcommittee revoke the premises licence as a deterrent to others and the management/owner of this premises in particular.

Occurrence

- 1.16 At approximately 18:35 hours on 11 October 2019 an immigration enforcement operation took place at Jaflong Restaurant situated at 521 Market Square, Bicester OX26 6AJ.
- 1.17 At the time of the operation the premises were operating under a premises licence issued to Mr Shakur ALI. This had been the case since 2005.
- 1.18 The operation was conducted by [REDACTED] Immigration Compliance & Enforcement (ICE) officers and was accompanied by Licensing Officer [REDACTED]. The team was led by Officer in Charge (OIC) Immigration Officer (IO) [REDACTED] in company with IOs [REDACTED], [REDACTED], [REDACTED] and [REDACTED].
- 1.19 An anonymous allegation had been received stating that Jaflong was employing illegal workers and had done for a number of years. Further to

that, it was also claimed that the owner was earning more profit than he was declaring for tax purposes.

- 1.20 The operation was undertaken under Section 179 of the Licensing Act 2003 as amended by the Immigration Act 2016.
- 1.21 Officers identified four males in total who were of interest to the Home Office, two were detained and three were instructed that they had no permission to work and were escorted off the premises.
- 1.22 The premises and its management were already well known to the immigration authorities because of previous visits where illegal workers were discovered:
 - 02/11/2011 – Four immigration offender discovered.
 - 19/09/2013 – Intelligence received that one named individual was working at the premises, [REDACTED]. No immigration offenders discovered during the visit at the time however [REDACTED] was discovered by ICE officers during the visit on 11/10/2019 and was subsequently arrested.
- 1.23 Anticipating that immigration offenders may attempt to escape detention, the uniformed ICE officers deployed to enter the main entrance of the restaurant building. When OIC [REDACTED] attempted to park at the rear to remain covert, she identified a male who walked out of the kitchen area and saw officers preparing to conduct the visit. This male quickly turned, went back in to the premises and moments later ran back out and down the road.
- 1.24 IO [REDACTED] observed the man run out of the building and IO [REDACTED] pursued on foot as he considered this to be an adverse reaction to the presence of Immigration Enforcement. IO [REDACTED] apprehended the male and effected an arrest under Section 17(1) of the Immigration Act 1971, as amended. IO [REDACTED] believed him to be a person who may be subject to further immigration control, based on his reaction. IO [REDACTED] escorted the male back to the premises to speak with him further.
- 1.25 Home Office checks confirmed the male to be [REDACTED], a [REDACTED] national born on [REDACTED]. [REDACTED] was wearing a pale blue shirt with no tie, black trousers and black shoes.
- 1.26 [REDACTED] had an application under consideration with the Home Office but did not have any permission to work. When IO [REDACTED] questioned [REDACTED] further, [REDACTED] stated that he was not working at the premises and was only there for one night to help out his friend.
- 1.27 [REDACTED] took IO [REDACTED] upstairs to the living accommodation to show IO [REDACTED] a Home Office letter which confirmed that [REDACTED] did have an outstanding application.

- 1.28 IO [REDACTED] confirmed that [REDACTED] had an outstanding application however was not permitted to work while waiting for a decision to be reached on his case. IO [REDACTED] then escorted [REDACTED] off the premises.
- 1.29 IO [REDACTED] proceeded to the kitchen area at the back of the premises to assist his colleagues as a number of individuals had been encountered.
- 1.30 OIC [REDACTED] entered the premises at 18:35 hours, introduced herself to a male and showed her warrant card. OIC [REDACTED] explained the reasons for the visit and introduced Licensing Officer [REDACTED] to the male who identified himself at [REDACTED], a [REDACTED] male born [REDACTED] and the Premise Licence Holders son. [REDACTED] confirmed to OIC [REDACTED] that he was working at the premises while his father recovers from health issues.
- 1.31 OIC [REDACTED] conducted a Health and Safety sweep of the premises and identified bedrooms upstairs and fire hazards. On the first floor, OIC [REDACTED] identified a male sitting in the dark. The male was wearing a shirt and pyjama bottoms and a waiter's uniform was found on a table nearby.
- 1.32 OIC [REDACTED] conducted Home Office checks which confirmed the male to be [REDACTED] who had an outstanding claim with the Home Office. [REDACTED] denied working and could not explain to OIC [REDACTED] the reasons for him sitting in the dark.
- 1.33 OIC [REDACTED] conducted a thorough walk through of the premises and accommodation above with the Licensing Officer [REDACTED] and they established food hygiene issues, fire risk issues and brickwork issues were bricks had been removed from cellar walls.
- 1.34 During the visit, Immigration Officers noticed that the premises was in very bad condition; there were 8 bed spaces found upstairs over the 1st and 2nd floors. The Fire Doors had had the handles removed and there were no obvious working smoke alarms. The Fire Service was called to attend to ensure the premises was safe to remain open.
- 1.35 ICE officers noticed that the cellar walls had been knocked through and it appeared they had also gone through the neighbouring property walls also. There was food stored on the floor in the cellar around the rubble. In addition to this, the back door in the kitchen area opened out into a small courtyard which was filled with pigeons, mess and feathers with no protection to stop them entering the kitchen area. The carpets also required replacing as officers' boots had stuck to them.
- 1.36 Licensing Officer [REDACTED] agreed to contact Public Protection relating to the food health issues. It was decided that, due to building safety issues that included no working fire alarms in the bedrooms, blocked fire doors and issues with the cellar walls, the Fire Service were called to conduct

further enquiries. It was agreed by the Fire Service that they would attend on the evening of 11/10/2019 after ICE officers had left.

- 1.37 The ICE officers subsequently identified that three persons had been encountered working at the premises with no right to remain in the UK or work here, these were:
- [REDACTED], a national of [REDACTED] who is an immigration overstayer with no right to work in the UK.
 - [REDACTED], a national of [REDACTED] who entered the UK illegally and has no right to remain in the UK or work here.
 - [REDACTED], a national of [REDACTED] who is an immigration overstayer with no right to work in the UK.
- 1.38 All three immigration offenders were arrested and detained as a result of the immigration enforcement visit to Jaflong Restaurant. The situation regarding each of the illegal workers is described below.
- [REDACTED]
- 1.39 IO [REDACTED] took up the rear cover to the restaurant with another Immigration Officer and entered the premises under Section 179 of the Licensing Act 2003.
- 1.40 IO [REDACTED] identified a male in the kitchen area and with the assistance of a Home Office approved interpreter, confirmed that the individual's name was [REDACTED], a [REDACTED] national born [REDACTED].
- 1.41 Home Office checks confirmed that [REDACTED] had overstayed his period of leave in the UK after his visit visa expired on 07/02/2013.
- 1.42 IO [REDACTED] arrested [REDACTED] under Schedule 2, Section 17(1) of the Immigration Act 1971 (as amended) as a person liable to be detained.
- 1.43 It was confirmed that [REDACTED] had no right to work in the UK, so IO [REDACTED] decided to conduct an illegal working interview with [REDACTED].
- 1.44 IO [REDACTED] asked [REDACTED] how long he has been working at Jaflong and [REDACTED] replied that he had been working at the premises for six months. [REDACTED] confirmed that he works six days per week and gets Monday's off. IO [REDACTED] asked [REDACTED] how many hours he works per day and [REDACTED] stated that he works 9 hours per day.
- 1.45 IO [REDACTED] asked [REDACTED] if he gets paid and how much is he paid. [REDACTED] stated that he gets paid cash in hand every Sunday and earns £120 per week.

- 1.46 IO [REDACTED] asked [REDACTED] to confirm who the boss is, and [REDACTED] confirmed that SHOKOR (SHAKUR) ALI is the boss and he is the person who pays [REDACTED] his wages and tells him what days/hours to work.
- 1.47 IO [REDACTED] asked [REDACTED] what his job role is and what his duties are. [REDACTED] stated that he was a chef.
- 1.48 When questioned by IO [REDACTED] on how he is paid, [REDACTED] stated that he gets food and free accommodation with the job.
- 1.49 [REDACTED] informed IO [REDACTED] that he showed SHAKUR ALI a copy of his passport when he was offered the job.
- 1.50 [REDACTED] was then removed from the premises and taken into immigration detention as a person liable to be removed from the UK.

[REDACTED]

1.51 IO [REDACTED] encountered [REDACTED], a [REDACTED] male in the kitchen area of the premises. [REDACTED] was wearing dirty chef whites and black trousers.

1.52 When questioned by IO [REDACTED], [REDACTED] admitted that he had last entered the United Kingdom in 2007, concealed in the rear of a lorry.

1.53 Home Office checks confirmed that there was no previous record of [REDACTED] and no indication that he had applied for, nor been granted, any permissions to be residing and working in the UK.

1.54 IO [REDACTED] arrested [REDACTED] under Section 17(1) of the Immigration Act 1971 as amended.

1.55 IO [REDACTED] asked [REDACTED] questions relating to his employment; [REDACTED] stated that he works as a kitchen porter and gets paid £10 per day alongside accommodation and meals.

1.56 [REDACTED] also admitted to IO [REDACTED] that his employer, SHAKUR ALI was fully aware that [REDACTED] was unlawfully present in the UK.

1.57 The facts of the case were referred to Chief Immigration Officer (CIO) [REDACTED] who authorised the service of a Removal Notice to [REDACTED]

1.58 IO [REDACTED] then escorted [REDACTED] to an Immigration Enforcement vehicle and transported him to a custody suite.

- ██████████
- 1.59 IO ██████████ encountered a male attempting to run out of the kitchen. Home Office checks confirm the person to be ██████████, a ██████████ national born on ██████████ with no right to work in the UK.
- 1.60 IO ██████████ conducted an illegal working interview with ██████████.
- 1.61 IO ██████████ asked ██████████ how long he had been working at Jaflong and ██████████ replied that he had been working at the premises for 12 weeks.
- 1.62 ██████████ stated to IO ██████████ that he works at Jaflong five days per week, working 6 hours per shift and works the same hours every week.
- 1.63 IO ██████████ asked ██████████ what his job role was, ██████████ stated that he is a Chef and cooks all of the food. ██████████ also confirmed with IO ██████████ that SHAKUR ALI gave him the job and tells him what days/hours to work.
- 1.64 IO ██████████ then asked ██████████ to confirm how he is paid. ██████████ confirmed that he is paid £25 per shift in cash and SHAKUR ALI pays ██████████ his wages.
- 1.65 When IO ██████████ asked ██████████ if he pays income tax or if ██████████ has a National Insurance number, ██████████ replied that he did not and that he did not show any documents before being offered the job as SHAKUR ALI knows that ██████████ is illegal

Reasons for Review

- 2.1 Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises on three separate occasions, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.
- 2.2 The case of East Lindsey District Council v Hanif (see 8.11) determined that in such circumstances, even without a prosecution, the crime prevention objective is engaged. The statutory Guidance issued under the Licensing Act provides that certain criminal activity employing illegal workers should be treated particularly seriously and it is envisaged that the police will use the review procedures effectively to deter such activities and crime.

- 2.3 Home Office (Immigration Enforcement) submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of are view is in appropriate; therefore, Home Office (Immigration Enforcement) has proceeded straight to review.

Outcome Sought

- 3.1 Home Office (Immigration Enforcement) asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally.
- 3.2 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.
- 3.3 It is in such circumstances as this review application that a respondent may suggest that conditions are imposed which would prevent a reoccurrence of the employment of illegal workers in the future; an argument that the subcommittee should take remedial and not punitive action.
- 3.4 However, since 2006 (with the introduction of the Immigration, Asylum and Nationality Act 2006) employers have had a duty to conduct checks to ensure employees and potential employees are not disqualified from working. Only by completing the required checks and maintaining records of such checks can an employer demonstrate a 'statutory excuse' and evade liability for a civil penalty issued by Home Office (Immigration Enforcement). In order to protect themselves, reputable employers have been conducting these checks since 1996 when it first became a criminal offence to employ illegal workers.
- 3.5 The 2006 Act already imposes duties and responsibilities on a company or individual seeking to employ a person—whether in the licensed trade or otherwise - to conduct right to work checks
- 3.6 In seeking revocation, Home Office (Immigration Enforcement) has considered and rejected conditions as an alternative, in part because this is specifically addressed paragraph 1.16 of the Guidance, viz: "(...) Licence conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the employer (my emphasis) by other legislation".

- 3.7 Conditions requiring an employer (or its agent) to undertake checks that are already mandated and where advice is readily available and clearly set out for employers, keep copies of documentation and to restrict employment until these checks are made etc. replicate the requirements of the 2006 Act and should be discounted.
- 3.8 Home Office (Immigration Enforcement) contends that a licence holder who has himself or through his agents negligently or deliberately failed to conduct right to work checks which have been a requirement since 2006 should not be afforded an opportunity to do so until caught and then merely be asked to do what they should have been doing already. Deterrence and not mere remedy is appropriate and is supported by case law (as set out within section 8 of this submission).
- 3.9 Respondents who fail to convince a subcommittee that the imposition of conditions to undertake proper right to work checks is a suitable alternative to a deterrent outcome often point to the option of suspension of a licence; pointing out that this may be a suitable punitive response instead which will deter others.
- 3.10 Often this will include claims that the business has 'learnt its lesson' and that since its criminal activity has been discovered it has reconsidered its position, brought in new procedures, 'parachuted in' consultants and new managers etc. On occasion it is hinted that the respondent will 'accept' a suspension as an alternative to revocation, assuaging an authority's concern that an appeal may otherwise be launched. This is not a deterrent - a suspension merely warns other potential perpetrators that they may trade illegally until caught and then suffer only a brief hiatus in carrying out licensable activity before continuing with it. The risk of being caught is low so the consequence of being caught must be stiff in order to qualify as deterrence.
- 3.11 Home Office (Immigration Enforcement) would counter such claims and point to the continuing changes made to both immigration law and the Guidance (paragraphs 11 .26 — 11 .28) which point to a requirement to send a clear message to potential illegal immigrants that UK authorities will do all they can to prevent them finding illegal employment and a similar message to employers that those employing illegal workers will face severe disruption and penalties. There are simple processes (set out in section 5 of this submission) to avoid the hire of illegal workers and the legislative thrust is in avoiding the occurrence in the first place—not remedying the situation once discovered.
- 3.12 If it were not for criminally minded or complicit employers; illegal workers would not be able to obtain a settled lifestyle and deprive legitimate workers of employment. The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and

National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.

- 3.13 A firm response to this criminal behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and (unlawfully) inflate their profits to the expense of others.

Immigration Offences

- 3.14 Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or their revocation/suspension of their premises licence.
- 3.15 Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document checks, i.e. that they were duped by fake or forged documents.
- 3.16 The Immigration Act 2016 came into force in July 2016 and its explanatory notes state that *"these offences were broadened to capture, in particular, employers who deliberately did not undertake right to work checks in order that they could not have the specific intent required to 'knowingly' employ an illegal worker"*.
- 3.17 Since 2016 an employer may be prosecuted not only if they knew their employee was disqualified from working but also if they had reasonable cause to believe that an employee did not have the right to work: what might be described as wilful ignorance where either no documents are requested, or none are presented despite a request. This means an offence is committed when an employer 'ought to have known' the person did not have the right to work.
- 3.18 Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant

employer, an illegal worker cannot work. Such an employer facilitates a criminal offence and Home Office (Immigration Enforcement) highlights this as relevant irrespective of whether a civil penalty is imposed, or a prosecution launched for employing an illegal worker.

- 3.19 In this context, under section 3(1)(C)(i) Immigration Act 1971 (as amended by the 2016 Act) restrictions are not limited simply to employment (i.e. paid work) but now includes all work.
- 3.20 Thus, an individual with no right to work in the UK commits offences if they undertake paid or unpaid work, paid or unpaid work placements undertaken as part of a course etc. are self-employed or engage in business or professional activity. For instance, undertaking an unpaid work trial or working in exchange for a nonmonetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the 'employer'.

Steps to Avoid the Employment of an Illegal Worker

- 3.21 It is a straightforward process for any employer, no matter how small, to prevent themselves employing an illegal worker. If an employer has failed to take even the most basic steps then Home Office (Immigration Enforcement) contends they have chosen to remain ignorant of the immigration status of their workforce and no amount of potential imposed conditions is sufficient, in our opinion, to avoid the legitimacy of revocation in proving a deterrent to others to the employment of illegal workers.
- 3.22 The Home Office has made checklists widely available which set out what a responsible employer should ask for ahead of employing any person in order to demonstrate 'due diligence' and avoid liability for inadvertently employing an illegal worker.
- 3.23 Since April 2017 these checklists have been embedded in the statutory applications for personal licences and premises licences, the transfer of premises licences and designated premises supervisor variations.
- 3.24 The first 4 'hits' on a Google search for "right to work" are links to employer checklists and information on the GOV.UK website.
- 3.25 The first link (<https://www.gov.uk/check-job-applicant-right-to-work>) details general advice, checking the documents, taking a copy of the documents, what if the job applicant can't show their documents and provides details of an employers' telephone helpline. This page has a direct link to what documents are acceptable proofs of a right to work in the UK and also allows an employer to fill out an online enquiry about a named individual they are considering offering employment to.

3.26 Appendix A sets the above out in some detail.

Relevance/Irrelevance of a Civil Penalty or Prosecution

- 3.27 An employer found to have 'employed' an illegal worker may, dependent on culpability and the evidence available, be issued with a civil penalty or prosecuted or indeed neither.
- 3.28 Where an illegal worker is detected a civil penalty maybe issued against the employer in accordance with the Home Office Code of Practice on Preventing Illegal Working (May 2014). In the case of a civil penalty the balance of probabilities test applies where as a prosecution requires a higher burden of proof.
- 3.29 However, to issue a civil penalty under section 15 Immigration, Asylum and Nationality Act 2006 the Home Office Code of Practice requires some proof that not only was an illegal worker working at the premises, but they were 'employed'. Usually this is taken as meaning the illegal worker was under a contract of service or apprenticeship, whether express or implied and whether oral or written.
- 3.30 But where an employee has not bothered with the basics of return to work checks, placed an employee on 'the books', paid the minimum wage or paid employer national insurance contributions - it becomes difficult to 'prove' the employment statement where the only evidence maybe the word of an illegal worker who has since been detained or who has 'moved on'.
- 3.31 In such cases where paid employment cannot be demonstrated, a civil penalty may not be issued even where the premises licence holder or his agent has facilitated a disqualified person committing an offence under section 24B Immigration Act 1971 (as amended by Immigration Act 2016) of working illegally.
- 3.32 This does not however prevent the crime prevention objective being engaged with as the premises licence holder has none the less facilitated a criminal offence taking place and the lack of checks suggests that in the past (and is likely in the future) has employed illegal workers. In drawing its conclusion, the subcommittee is entitled to exercise common sense and its own judgment based on the life experience so fits members. The East Lindsey case (see section 8) provides that action (revocation) to prevent what is likely to happen in the future is legitimate.

Appendix A – Right to Work checks

The first 4 'hits' on a Google search for "right to work" are links to employer check lists and information on the GOV.UK website.

The second link is to the Home Office document; "An Employer's Guide to Right to Work Checks" (published 16th May 2014 last updated 16th August 2017).

Another link provides a site (<https://www.gov.uk/employee-immigration-employment-status>) which guides an employer through the process AND allows an employer to make an online submission to the Home Office to check if the proposed employee is prohibited from working as well as providing a telephone helpline.

Specifically, the first link (<https://www.gov.uk/check-job-applicant-right-to-work>) provides as follows:

General Advice

- You must see the applicant's original documents;
- You must check that the documents are valid with the applicant present; and
- You must make and keep copies of the documents and record the date you made the check.

Checking the Documents

In relation to checking the documents it also adds that an employer needs to check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you;
- The dates for the applicant's right to work in the UK haven't expired;
- Photos are the same across all documents and look like the applicant;
- Dates of birth are the same across all documents;
- The applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work);
- For students you see evidence of their study and vacation times; and
- If 2 documents give different names, the applicant has supporting documents showing why they're different, e.g. a marriage certificate or divorce decree

Taking a copy of the documents

When you copy the documents:

- Make a copy that can't be changed, e.g. a photocopy

- for passports, copy any page with the expiry date and applicant's details (e.g. nationality, date of birth and photograph) including endorsements, e.g. a work visa
- for biometric residence permits and residence cards (biometric format), copy both sides
- for all other documents you must make a complete copy
- keep copies during the applicant's employment and for 2 years after they stop working for you
- record the date the check was made

If the job applicant can't show their documents

You must ask the Home Office to check your employee or potential employee's immigration employment status if one of the following applies:

- you're reasonably satisfied that they can't show you their documents because of an outstanding appeal, administrative review or application with the Home Office;
 - they have an Application Registration Card; or
 - they have a Certificate of Application that is less than 6 months old
- Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents don't allow the person to work.

The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

Acceptable Documents

A list of acceptable documents can be found via the link to

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441957/employers_guide_to_acceptable_right_to_work_documents_v5.pdf

Appendix B – Statutory Guidance & Caselaw

Statutory Guidance (s182 LA 2003) and the Authority's Licensing Policy

- 3.33 In order to avoid punitive action, respondents to review hearings sometimes refer to both the statutory guidance issued under section 182 Licensing Act 2003 and those parts of the Authority's own policy which replicate paragraph 11.10 of that Guidance, viz:

Where authorised persons and responsible authorities have concerns about problems identified at premises, it/s good practice for them to give licence holder's early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns.

- 3.34 Home Office (Immigration Enforcement) submits that in the particular circumstances of cases where Immigration Compliance and Enforcement receive intelligence concerning the employment of illegal workers and act upon it; such warnings are inappropriate.
- 3.35 Not only would advance warning of enforcement activity prevent the detention of persons committing crimes and the securing of evidence; a warning after the event to comply with immigration legislation serves as no deterrent.
- 3.36 In particular; Home Office (Immigration Enforcement) submits that paragraph 11.10 of the Guidance must be read in conjunction with the more specific paragraphs relating to reviews arising in connection with crime (paras. 11.24 — 11.29).
- 3.37 Paragraph 77.26

Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. (...). 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.

3.38 Thus the financial hardship occasioned by the suspension or revocation of the premises licence should not sway the sub-committee but instead it should look at what is appropriate to promote the objective within the wider business and local community given "illegal labour exploits workers, denies work to UK citizens and legal migrants and drives down wages" (Rt. Hon James Brokenshire, Immigration Minister on the introduction of the 2016 Act).

3.39 In particular; the sub-committee are asked to consider (below) the cases of R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D)

350 and East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway), [2076] EWHC1265 (Admin) where in both cases the High Court stated remedy of the harm or potential harm is not the only consideration and that deterrence is an appropriate consideration in dealing with reviews where there has been activity in connection with crime.

3.40 Paragraph 11.27 of the Guidance states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises(...)for employing a person who is disqualified from that work by reason of their immigration status in the UK.

Home Office (Immigration Enforcement) would draw the sub-committee's attention to the change in wording of this paragraph following the April 2017 revision of the guidance, where the previous reference to 'knowingly employing' was removed.

3.41 Paragraph 11.28 of the Guidance states:

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.

Home Office (Immigration Enforcement) considers this paragraph self-explanatory; where an enterprise employs illegal workers, it is the duty of Home Office (Immigration Enforcement) to bring forward reviews and for the authority to consider revocation in the first instance.

- 3.42 In support of this statement; Home Office (Immigration Enforcement) would draw the subcommittee's attention to the "Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England and Wales" (Home Office) [April 2017] where at section 4.1 it states;

"It is envisaged that licensing authorities, the police, Home Office (Immigration Enforcement) and other law enforcement agencies will use the review procedures effectively to deter illegal working".

- 3.43 Since the main draw for illegal migration is work, and since low-skilled migrants are increasingly vulnerable to exploitation at the hand of criminal enterprises, the government has strengthened enforcement measures and the statutory Guidance to deter illegal workers and those that employ them.
- 3.44 Deterrence is a key element of the UK government's strategy to reduce illegal working and is supported by both the Guidance and Case Law.

Case Law

- 3.45 Deterrence as a legitimate consideration by a licensing sub-committee has been considered before the High Court where remedial measures (such as the imposition of additional conditions) were distinguished from legitimate deterrent (punitive) measures such as revocation.
- 3.46 *R (Bassetlaw District Council) v Worksop Magistrates' Court*; [2008] WLR (D) 350.

This was a case where a premises had sold alcohol to under age persons and subsequently the licensing authority suspended the licence. This was overturned on appeal to the Magistrates' Court and subsequently appealed to the High Court by the authority. The premises licence holder argued that they had a policy in place for checking the age of customers but this was not a perfect policy and had not been adhered to and that rather than revoke the licence, instead stringent conditions on proof of age should instead be imposed on the licence.

- 3.47 Issues relevant to the case before today's sub-committee which were considered in the *Bassetlaw* judgement included whether a licensing authority was restricted to remedial action (as opposed to punitive action such as revocation); and the precedence of wider considerations than those relating to an individual holder of a premises licence when certain criminal activities (as specified in the Guidance) took place.

- 3.48 It specifically examined (and set aside in the case of ‘certain activities’) those parts of the Guidance now contained within paragraph 11 .20 and 11 .23, viz:

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. However, it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises.

- 3.49 In her judgement, Mrs Justice Slade stated (at 32.1 & 33.1 of the citation):

“Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State.(...) However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable.”

- 3.50 Having confirmed the legitimacy of punitive measures (suspension/revocation) for offences listed in what is now contained within paragraph 11.27 of the Guidance, Mrs Justice Slade concerned herself with another aspect of the appeal—namely the imposition of conditions which were already present but not properly implemented (paragraph 34.1). In this case the appellant was suggesting that proof of age conditions (rather than revocation) could be imposed to ensure that the legal requirement not to sell alcohol to those under 18 years of age was met by him and his staff.

- 3.51 This has some similarity with any argument that may be put forward in the case before the subcommittee today that the imposition of conditions to check immigration status either directly or through an agency (*essentially a requirement since 2006 under the Immigration, Asylum and Immigration Act 2006*) would serve as sufficient remedy for the employment of illegal workers and negate a deterrent (suspension/revocation) being imposed by the subcommittee despite the wording of the Guidance at paragraph 11.28.

- 3.52 Mrs Justice Slade stated: *“The sixth new provision was acceptable identification to establish the age of a purchaser shall be a driving licence with photographs, passport or proof of age scheme card recognised by or acceptable by the licensing authority. I am told these provisions were*

already in place, but not properly implemented. No doubt those are perfectly sensible and appropriate provisions to be included on a licence. However it is said that the action taken on appeal being confined in effect to reiterating existing practice with a minimal addition was entirely inappropriate to meet the situation where there have been sales of alcohol to 14 year old girls”.

- 3.53 Home Office (Immigration Enforcement) contends that in the case before the subcommittee the facts are similar. In the cited case straight forward, sensible enquiries could have been made as to the age of the children and the imposition of additional conditions as a form of remedy was considered in appropriate by Mrs Justice Slade for ‘those serious cases’ set out in the Guidance.
- 3.54 In the case before the subcommittee, simple steps (set out at Appendix A) were available to prevent the employment of illegal workers -none were taken; the imposition of conditions to remedy this situation is inconsistent with the section 182 Guidance and this case citation. A negligent employer should expect revocation in the first instance.
- 3.55 *East Lindsey District Council v Abu Hanif (Trading as Zara’s Restaurant and Takeaway), [2016]EWHC 7265 (Admin)*
This is a recent High Court decision (published April 2016) which has similarities with the one before the sub-committee in that it related to the employment of an illegal worker and where a prosecution for such had not been instigated.
Amongst other matters it had been argued for the premises licence holder that the crime prevention objective was not engaged where a prosecution or conviction for the employment of an illegal worker was not in place. Whilst the initial hearing may have suggested several illegal workers being employed, the High Court appeal and decision related to the employment of one individual and is therefore, Home Office (Immigration Enforcement) would argue, indistinguishable from the matter before the subcommittee today.
- 3.56 The case reaffirms the principle that responsible authorities need not wait for the licensing objectives to actually be undermined; that crucially in considering whether the crime prevention objective has been engaged a prospective consideration (i.e. what is likely to happen in the future) of what is warranted is a key factor. It also reaffirmed the case of Bassetlaw in concluding that deterrence is a legitimate consideration of a sub-committee. Mr Justice Jay stated: *“The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin*

considerations of prevention and deterrence. In any event, I agree with Mr Kolvin that criminal convictions are not required." (Paragraph 18)
Mr Justice Jay added: "Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked." (Paragraph 23)

Appendix C – Supporting Evidence

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Report Parameters

Date created	14/10/2019
Created by officer	[REDACTED]
Reason for generating report	cpct referral

Contents

Document	Count
Arrivals	4
Departures	3
Briefing Acceptances	4
Additional Addresses	0
Entry to Premises	4
Encounters	7
Offers of Voluntary Departure	2
Search of Premises	0
Cash Seizure	0
Illegal Working - Employee	4
Illegal Working - Employer	1
Compliant Environment	0
Method of Entry	0
Right to Rent - Tenant	0
Right to Rent - Landlord	0
Arrests	3
Freertext notes	1
Biometric Searches	1
Use of Force	0
Documents Served	1
Q&A	0
Post Visit Work	0
Critical Incident	0
Mitigating Circumstances	2
Bio Data	0
Contact Details	0

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Visit	
Details	
Visit type	Enforcement
Visit reference	[REDACTED]
Tier	Low
Planned date	11-10-2019
Planned time	14:00
Intended power of entry	Section 179 Licensing Act 2003
Name of authorising officer	[REDACTED]
Grade of authorising officer	AD
Partner agency invited on Licensing Visit	No
Source	Immigration Intelligence
Operation	
Visit category	Restaurants and Takeaways
Multi-agency operation	No
Overview of intel	<p>Jaflong Restaurant located at 51 Market Square OX266AJ, telephone number t01869323210 is employing illegal workers. The owner/manager is Shakur ALI. The business makes around 7000-8000GBP per week, but for tax purposes ALI shows less money than that, and tax related to other people. All cash money is taken away. Source: 2 Information: D Handling: P Research shows: Jaflong Restaurant, 51 Market Square, Bicester, Oxfordshire OX266AJ.</p>
Intel source type	Allegation
Intel source subtype	via E-form
Visit status	Closed Closed
Assigned team	[REDACTED] ICE
Assigned location	[REDACTED] ICE
NOD reference	
Police reference (e.g. FWIN, CAD)	[REDACTED]

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Additional information	licensing officer [REDACTED] has been invited to the visits - see supporting visit documentation for email - warning markers returned and no issues - see email attached to pronto.																												
Is there a named offender on this visit?	No																												
Is this operation part of the Controlling Migration Fund?	Yes																												
Location	<table border="0"> <tr> <td>Type of address</td> <td>Commercial</td> </tr> <tr> <td>Name of business</td> <td>Jaflong Restaurant</td> </tr> <tr> <td>Address line 1</td> <td>51 Market Square</td> </tr> <tr> <td>Address line 2</td> <td></td> </tr> <tr> <td>Town or city</td> <td>Oxford</td> </tr> <tr> <td>County</td> <td>Oxfordshire</td> </tr> <tr> <td>Postcode</td> <td>OX26 6AJ</td> </tr> <tr> <td>Police force</td> <td>[REDACTED] Police</td> </tr> <tr> <td>Sub area (e.g. police area, local authority, borough)</td> <td></td> </tr> <tr> <td>Notes</td> <td></td> </tr> <tr> <td>Location research</td> <td>Attachment 1 jaflong google maps.docx</td> </tr> <tr> <td>Address system checks</td> <td></td> </tr> <tr> <td>Date police address deconfliction check completed</td> <td>08-10-2019</td> </tr> <tr> <td>Address system checks notes</td> <td>warning marker checks and log have been requested on 04/10/2019 - warning amrkers attached to pronto - no issues. Licensing also will be attending - Licinsing Officer [REDACTED]</td> </tr> </table>	Type of address	Commercial	Name of business	Jaflong Restaurant	Address line 1	51 Market Square	Address line 2		Town or city	Oxford	County	Oxfordshire	Postcode	OX26 6AJ	Police force	[REDACTED] Police	Sub area (e.g. police area, local authority, borough)		Notes		Location research	Attachment 1 jaflong google maps.docx	Address system checks		Date police address deconfliction check completed	08-10-2019	Address system checks notes	warning marker checks and log have been requested on 04/10/2019 - warning amrkers attached to pronto - no issues. Licensing also will be attending - Licinsing Officer [REDACTED]
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Address system checks notes	warning marker checks and log have been requested on 04/10/2019 - warning amrkers attached to pronto - no issues. Licensing also will be attending - Licinsing Officer [REDACTED]																												
Supporting documentation	<table border="0"> <tr> <td>Attachment 1</td> <td>11102019 Warning Marker Checks and invite to licensing officer.msg</td> </tr> <tr> <td>Attachment 2</td> <td>11102019 warning marker check results.msg</td> </tr> </table>	Attachment 1	11102019 Warning Marker Checks and invite to licensing officer.msg	Attachment 2	11102019 warning marker check results.msg																								
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Attachment 2	11102019 warning marker check results.msg																												

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

<p>PLAN</p>	<p>Proportionate</p>	<p>Gender make up of team comprises of 5 male officers and 1 female officer to deal with any persons present at premises.</p> <ul style="list-style-type: none">• The visit will take place in the evening, roughly 19.00 hours, the time of the visit is proportionate to ensure the premises is open.• In view of the location, size of the premises and in conjunction with a risk assessment a team size of 6 persons is proportionate to safely conduct the visit. Officer numbers will be reviewed by the OIC and stood down when it is appropriate to do so.
	<p>Lawful</p>	<ul style="list-style-type: none">• The visit is lawful as Home Office Immigration Enforcement Officers are carrying out a legal function to arrest under appropriate powers of Para 17(1) Sch 2 Immigration Act as amended any subject who is liable to be detained and as a person whom removal directions may be given, is liable to be detained in accordance with the provision of Para 16(2) of Sch 2 of the Immigration Act as amended. The visit is to be conducted by arrest trained officers acting on intelligence and entry will be obtained under S179 of the Licensing Act as confirmation that they hold a license received. Also Licensing Officers to attend on the visit
	<p>Auditable</p>	<ul style="list-style-type: none">• The visit is accountable as the visit package, applicable PRONTO entries of individual officers recording their actions and, along with visit notifications to Gold and Silver will be stored for scrutiny at a later date. The visit was discussed at the TCG and authorised by the AD and the authorisation is recorded in the TGC minutes. All documentation associated with the visit will remain auditable for 7 years. All actions are in accordance with requirements under the Immigration Act 1971, including subsequent amendments, and the European Convention of Human Rights legislation 1998.
	<p>Necessary</p>	<ul style="list-style-type: none">• This visit is considered necessary to maintain an effective immigration control. This visit has the primary objective of identifying and apprehending an immigration offender whilst ensuring there are no safeguarding issues. HOIE are tasked with enforcing immigration law and decisions. HOIE have received information that an offender is at the address and enforcement visit is required to pursue potential removal from the United Kingdom of any suspect found to be an immigration offender. All actions will be completed

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Subjects

There are no subjects

Roles

OIC (Officer in Charge) / Bronze Commander	[REDACTED]
Gold Commander	[REDACTED]
Silver Commander	[REDACTED]
On-Duty AD	[REDACTED]
Arrest Officer	[REDACTED]
Arrest Officer	[REDACTED]
Arrest Officer	[REDACTED]
Cover Officer	[REDACTED]
Cover Officer	[REDACTED]
Checks Officer / CCU	[REDACTED]

Authorisation

Name of authorising officer	[REDACTED]
Authorised on	08-10-2019
Send to officer(s) now?	No
When?	10-10-2019 07:00:00

Notes

Note 1	Author	[REDACTED]
	Created	08-10-2019 14:35:48
	Text	referred to CIO [REDACTED] for authorisation
Note 2	Author	[REDACTED]
	Created	08-10-2019 20:35:12
	Text	Visit authorised for OIC [REDACTED] on 11/10

Debrief (Include details of partner agencies in attendance)

1. PRONT Ref: [REDACTED]
2. ENTRY: S179 OF THE LICENSING ACT 2003.
3. Address: JAF LONG 521 MARKET SQUARE, BICESTER, OX26 6AJ.
4. On 11/10/2019 at 18:35 hours Officers from the [REDACTED] ICE Team and Licensing Office [REDACTED] visited the above address as information received that there were immigration offenders present.

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

5. As officers were getting out of the vans at the rear of the premises a waiter appeared and saw officers and then disappeared into the premises (it is suspected this was [REDACTED] and another male ran from the premises [REDACTED] who was caught by IO [REDACTED])
6. OIC [REDACTED] gained entry by speaking to the person in charge (the son of the owner [REDACTED]). She introduced herself, showed her warrant ID card and explained the reason for the visit.
7. There were 7 members of staff on site, they were:
8. [REDACTED], A [REDACTED] MALE BORN [REDACTED] - cleared, son of owner (owner had just had a Kidney operation) and was running the premises until his father was well enough to return to work.
9. [REDACTED] A [REDACTED] MALE BORN [REDACTED] - PID [REDACTED] Cleared
10. [REDACTED] A [REDACTED] MALE BORN [REDACTED] - PID [REDACTED] attempted to evade officers. Not seen working. Checks show he has outstanding submissions and is currently abiding by his reporting restrictions so not suitable for detention. Instructed he is not to work and escorted from the premises. His Home Office record has been updated with the visit information.
11. [REDACTED] A [REDACTED] MALE BORN [REDACTED] - PID [REDACTED] he has an outstanding asylum claim and is also abiding with his reporting restrictions so not suitable for detention. His Home Office records have been updated with the visit information.
12. [REDACTED] A [REDACTED] MALE BORN [REDACTED] - PID [REDACTED] - Appearance was similar to the male waiter originally seen when officers parked the vehicle. He was encountered sitting in the dark in a store room on the first floor wearing pajama bottoms, a Ralph Lauren checked shirt and fit flops. A waiters uniform was seen on the table nearby. As officers did not see him working and [REDACTED] said he is just sitting upstairs he was not put on the CPCT referral. Checks show the subject has an outstanding asylum claim and therefore not suitable for detention. His Home Office record has been updated with the visit information.
13. [REDACTED] A [REDACTED] MALE BORN [REDACTED] - PID [REDACTED] - He is an Overstayer and has been detained for Emergency Travel Documentation and removal from the UK. He is currently held at [REDACTED] Immigration Removal Centre [REDACTED]
14. [REDACTED] A [REDACTED] MALE BORN [REDACTED] - PID [REDACTED] subject stated he entered the UK hidden in a lorry 2 years ago. He was arrested and detained for Emergency Travel Documentation and removal from the UK. He is currently held at [REDACTED] Immigration Removal Centre [REDACTED].
15. The premises was in bad condition and there were 8 bed spaces found upstairs over the 1st and 2nd floors. The Fire Doors had had the handles removed and there were no obvious working smoke alarms. In the cellar the walls had been knocked through and it appeared they had also gone through the neighboring property walls also. There was food stored on the floor in the cellar around the rubble. Also the back door in the kitchen area opened out into a small courtyard which was filled with pigeons, mess and feathers, no protection to stop them entering into the kitchen area and definitely a health risk. The carpets need replacing as officers boots had stuck to them.
16. The Fire Service was called to attend to ensure the premises was safe to remain open. At the time of this report I am awaiting the Fire Service update.
17. All officers left at 19.30 hours.

Actions:

Update pronto, de-brief to Thames Valley Police

[REDACTED]
14/10/2019

Have you provided the CID Person ID on all Encounters and Arrests where necessary?	Yes
--	-----

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Public disorder issue	No
Family encountered	No
Closing Details	
Date closed	14-10-2019 12:29:45
Closed by officer	[REDACTED]

Forms created by: [REDACTED]

Briefing Acceptance	
Officer	[REDACTED]
Date/Time	11-10-2019 18:36:19
Geolocation	No geolocation available
Visit reference	[REDACTED]

Arrival	
Officer	[REDACTED]
Date/Time	11-10-2019 18:30:19
Geolocation	No geolocation available
Visit reference	[REDACTED]

Encounter	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED] - [REDACTED] - [REDACTED]
Time	18:38
Created at geolocation	No geolocation available
Creation date	11-10-2019 18:38:29
Chosen Identity	
Identity source/type	Declared
Name	[REDACTED]

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

DOB	[REDACTED]						
Gender	[REDACTED]						
Nationality	[REDACTED]						
Languages							
Languages spoken	None specified						
Interpreter used?							
Encounter							
Type of encounter	Subject						
Encountering officer	[REDACTED] Officer						
Declared immigration status	No visa						
How and when did the subject last enter the UK?							
Is this person the subject of the visit?	No						
Justification for questioning someone who is not the subject of the visit	Tried to run out the kitchen						
Where in the premises was the subject located?	Kitchen						
Do you know the subject's CID Person ID?	Yes						
CID Person ID	[REDACTED]						
Details of vulnerabilities/ safeguarding issues							
Section 55 issues?	No						
Referral to social services?	No						
Referral to NRM (National Referral Mechanism)?	No						
Duty to Notify/MS1 referral made?	No						
References (Person ID, HO Ref, Port Ref, BRP)							
Biographic search results	<table border="0"> <tr> <td>Systems checked</td> <td>CID</td> </tr> <tr> <td>Result of checks</td> <td></td> </tr> <tr> <td>Status returned by system checks</td> <td>Section 10: Overstayer</td> </tr> </table>	Systems checked	CID	Result of checks		Status returned by system checks	Section 10: Overstayer
Systems checked	CID						
Result of checks							
Status returned by system checks	Section 10: Overstayer						

Identity Documentation	
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
Notes	
No notes entered.	

Arrest	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Created at geolocation	No geolocation available
Creation date	11-10-2019 18:47:34
Arrest Details	
Time of arrest	18:38
Power of arrest	17(1) Immigration Act 1971
Arresting officer	[REDACTED] Officer
Reason for arrest	S10 Overstayer

Grounds for arrest explained to subject?	Yes
Caution administered	Administrative caution
Confirm subject understood caution?	Yes
Notes	
Search of Person	
Subject searched	No
Reason for not carrying out search	Emptied pockets
Outcome After Arrest	
Outcome	Bail
Details of bail restrictions, including address	Currently reporting
Bail authorised by	
Notes	
No notes entered.	

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntID	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Time	18:49
Created at geolocation	No geolocation available
Creation date	11-10-2019 18:48:55

Language of Interview

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

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Interpreter used?	No
Obligation	
How long have you been working here?	12 weeks
What is your job role/ what are your duties?	Chef
What days/ hours do you work each week?	5 days a week 6 hours per shift
Do you work the same hours/ days every week?	Yes
Control	
Who gave you this job (name and role in business)?	Shakur Ali
Who tells you what days/ hours to work?	Shakur ali
Who tells you what tasks/ duties to do each day?	I cook the food
Remuneration	
How are you paid (money, accommodation, food)?	£25 per shift
If money, how much and how do you receive it?	Cash
Who pays you?	Shakur ali
Do you pay income tax or have a National Insurance number?	No
Pre-employment Checks	
What name does the employer know you as?	[REDACTED]
Did you show documents before being offered the job? If so, what?	None he knows I'm illegal
Does your employer know you're not allowed to work in the UK?	Yes

Additional Questions

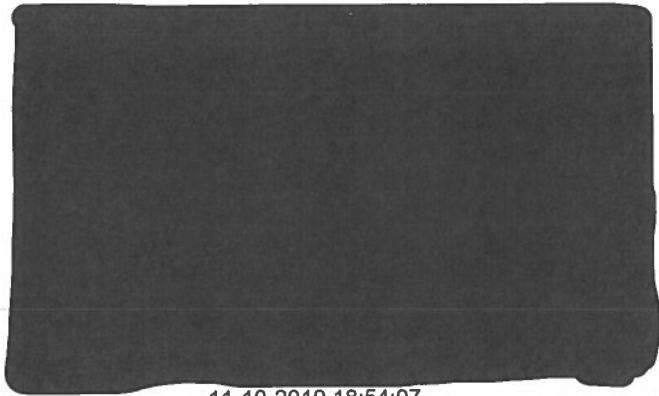
No details provided.

Photographs

No photographs.

Declaration

Interviewee signature [REDACTED]
[REDACTED]



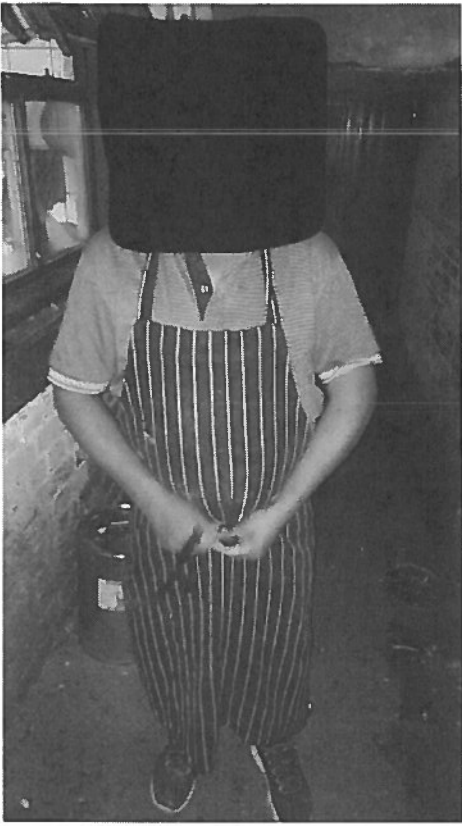
11-10-2019 18:54:07

Observations

Observations

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Photo 1	
	Caption [REDACTED] chef

Entry to Premises					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	Jaflong Restaurant, 51 Market Square, Oxford, Oxfordshire, OX26 6AJ (Visit Address)				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>448626</td> </tr> <tr> <td>Northing</td> <td>197039</td> </tr> </table>	Easting	448626	Northing	197039
Easting	448626				
Northing	197039				
Creation date	11-10-2019 20:42:33				
Power of Entry					
Entry gained	Yes				
Time of entry	18:30				
Are you the officer who gained entry?	No				

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Name of officer who gained entry	[REDACTED] Officer
Power of entry used	Section 179 Licensing Act 2003
Subject Declaration	
I confirm that I give consent for Immigration Enforcement to enter the premises. My rights have been explained to me and I understand that I may withdraw the consent.	
No signature provided	
Notice to Occupier	
Are you the officer that served the Notice to Occupier?	No
Notes	
No notes entered.	

Departure		
Officer	[REDACTED]	
Date/Time	11-10-2019 20:44:36	
Geolocation	Easting	448600
	Northing	197090
Visit reference	[REDACTED]	

Forms created by: [REDACTED]

Briefing Acceptance		
Officer	[REDACTED]	
Date/Time	11-10-2019 17:55:10	
Geolocation	Easting	444582
	Northing	241081
Visit reference	[REDACTED]	

Arrival	
Officer	[REDACTED]
Date/Time	11-10-2019 18:33:21

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Geolocation	Easting	458539
	Northing	222354
Visit reference	[REDACTED]	

Entry to Premises

Details

Type of work	Visit	
Visit reference	[REDACTED]	
Created by	[REDACTED]	
Address	Jafiong Restaurant, 51 Market Square, Oxford, Oxfordshire, OX26 6AJ (Visit Address)	
Created at geolocation	Easting	458512
	Northing	222337
Creation date	11-10-2019 18:34:11	

Power of Entry

Entry gained	Yes
Time of entry	18:34
Are you the officer who gained entry?	Yes
Power of entry used	Section 179 Licensing Act 2003
Is this different to the planned power?	No
Force used to gain entry?	No

Subject Declaration

I confirm that I give consent for Immigration Enforcement to enter the premises. My rights have been explained to me and I understand that I may withdraw the consent.

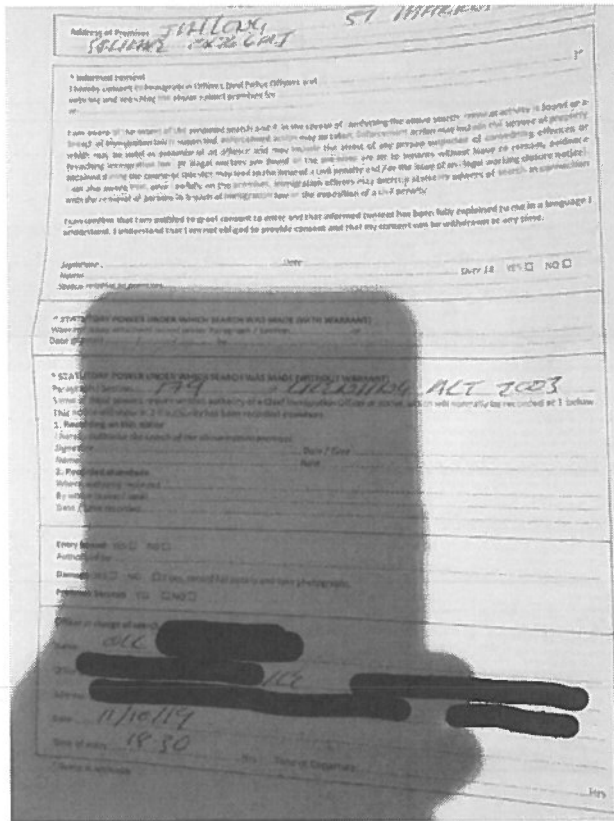
No signature provided

Notice to Occupier

Are you the officer that served the Notice to Occupier?	Yes
Notice to occupier served in line with guidance?	Yes
Details (name / place left)	[REDACTED]

OFFICIAL SENSITIVE
Visit Report: [REDACTED] Enforcement 11/10/2019

Image of Notice to Occupier



nto

Notes

No notes entered.

Encounter

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED]
Time	18:36
Created at geolocation	Easting 458539
	Northing 222441
Creation date	11-10-2019 18:36:31

Chosen Identity

Identity source/type	Declared
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OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	[REDACTED]
Languages	
Languages spoken	None specified
Interpreter used?	
Encounter	
Type of encounter	Person present - non-suspect
Encountering officer	[REDACTED] Officer
Where in the premises was the subject located?	
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	<p>Systems checked</p> <p>Result of checks</p> <p>Status returned by system checks</p>
Identity Documentation	
Document 1	<p>Document type</p> <p>Name in document (if different from above)</p> <p>Document reference</p> <p>Document expiry date</p> <p>Country of issue (if different from nationality above)</p> <p>Suspected fraudulent</p> <p>Notes</p> <p>Photos</p>
Notes	
Cleared on credibility due to questioning	

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Encounter					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Prontold	[REDACTED] [REDACTED] [REDACTED]				
Time	18:47				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>458528</td> </tr> <tr> <td>Northing</td> <td>222386</td> </tr> </table>	Easting	458528	Northing	222386
Easting	458528				
Northing	222386				
Creation date	11-10-2019 18:42:03				
Chosen Identity					
Identity source/type	Biometric				
Name	[REDACTED]				
DOB	[REDACTED]				
Gender	Male				
Nationality	[REDACTED]				
Languages					
Languages spoken	None specified				
Interpreter used?					
Encounter					
Type of encounter	Subject				
Encountering officer	[REDACTED] - Officer				
Declared immigration status	Asylum				
How and when did the subject last enter the UK?					
Is this person the subject of the visit?	No				
Justification for questioning someone who is not the subject of the visit	Hiding in dark				
Where in the premises was the subject located?	Store room upstairs in Panama bottoms				
Do you know the subject's CID Person ID?	Yes				
CID Person ID	[REDACTED]				

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Details of vulnerabilities/ safeguarding issues	
Section 55 issues?	No
Referral to social services?	No
Referral to NRM (National Referral Mechanism)?	No
Duty to Notify/MS1 referral made?	No
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	Systems checked CID Result of checks Status returned by system checks Asylum O/S

Identity Documentation

<p>Document 1</p>	<p>Document type Other</p> <p>If other, details Arc</p> <p>Name in document (if different from above)</p> <p>Document reference</p> <p>Document expiry date</p> <p>Country of issue (if different from nationality above)</p> <p>Suspected fraudulent</p> <p>Notes</p> <p>Photos</p> <div data-bbox="933 851 1444 1500" style="text-align: right;"> </div> <p style="text-align: right;">arc card</p>
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Notes

No notes entered.

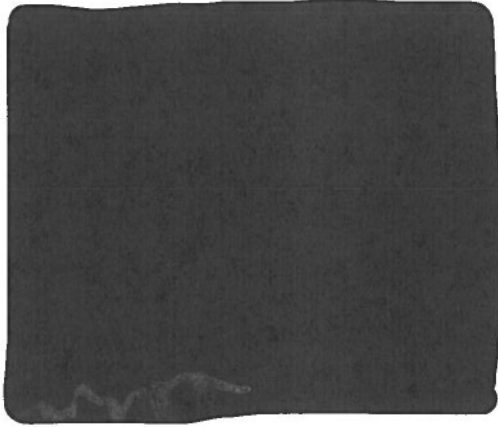
Illegal Working - Employer

Details

<p>Type of work</p>	<p>Visit</p>
<p>Visit reference</p>	<p>[REDACTED]</p>

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Created by	[REDACTED]
ProntoID	[REDACTED]
Subject CID Person ID	Unknown
Employer	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Time	19:15
Created at geolocation	Easting 458629 Northing 222310
Creation date	11-10-2019 19:14:57
Language of Interview	
What language is the interview carried out in?	
Interpreter used?	No
Employer Details	
What is the name of the business?	Jaflong
What is your position here?	Dad is owner and hes not well - just helping out
who employs staff	My dad
do you have any information on employing 3 males	No my dad does it all but hes just had a kidney transplant and I'm helping out. Don't know any details
Declaration by Employer	
I confirm that I have understood all the questions and that the details are true and correct.	
Signed by [REDACTED]	 11-10-2019 19:18:38

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Observations	
Observations	

Documents Served

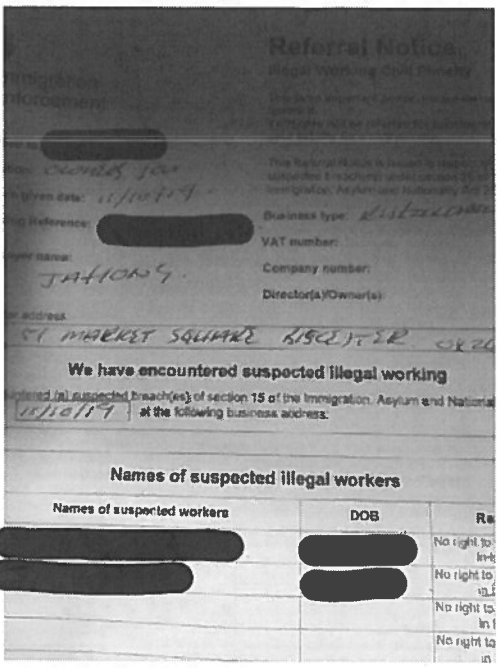
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	Jaflong Restaurant, 51 Market Square, Oxford, Oxfordshire, OX26 6AJ (Visit Address)
ProntID	[REDACTED]
Subject CID Person ID	Unknown
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Created at geolocation	Easting 458608 Northing 222644
Creation date	11-10-2019 19:23:18

Document Served

Document type	Person
Document served to	Subject
Time document served	19:23
Document issued by	[REDACTED] Officer
Document served	Referral Notice Employer

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

<p>Photos</p>	 <p>cpct referral</p>
<p>Comments</p>	

Departure					
Officer	[REDACTED]				
Date/Time	11-10-2019 19:29:25				
Geolocation	<table border="0"> <tr> <td>Easting</td> <td>458577</td> </tr> <tr> <td>Northing</td> <td>222392</td> </tr> </table>	Easting	458577	Northing	222392
Easting	458577				
Northing	222392				
Visit reference	[REDACTED]				

Forms created by: [REDACTED]

Briefing Acceptance					
Officer	[REDACTED]				
Date/Time	11-10-2019 17:55:15				
Geolocation	<table border="0"> <tr> <td>Easting</td> <td>444587</td> </tr> <tr> <td>Northing</td> <td>241065</td> </tr> </table>	Easting	444587	Northing	241065
Easting	444587				
Northing	241065				
Visit reference	[REDACTED]				

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Arrival					
Officer	[REDACTED]				
Date/Time	11-10-2019 18:30:44				
Geolocation	<table border="0"> <tr> <td>Easting</td> <td>458537</td> </tr> <tr> <td>Northing</td> <td>222312</td> </tr> </table>	Easting	458537	Northing	222312
Easting	458537				
Northing	222312				
Visit reference	[REDACTED]				

Entry to Premises					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	Jaflong Restaurant, 51 Market Square, Oxford, Oxfordshire, OX26 6AJ (Visit Address)				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>458553</td> </tr> <tr> <td>Northing</td> <td>222312</td> </tr> </table>	Easting	458553	Northing	222312
Easting	458553				
Northing	222312				
Creation date	11-10-2019 18:37:57				
Power of Entry					
Entry gained	Yes				
Time of entry	18:30				
Are you the officer who gained entry?	No				
Name of officer who gained entry	[REDACTED] Officer				
Power of entry used	Section 179 Licensing Act 2003				
Subject Declaration					
I confirm that I give consent for Immigration Enforcement to enter the premises. My rights have been explained to me and I understand that I may withdraw the consent.					
No signature provided					
Notice to Occupier					
Are you the officer that served the Notice to Occupier?	No				

Notes
No notes entered.

Encounter

Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Prontold	[REDACTED] - [REDACTED]				
Time	18:32				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>458526</td> </tr> <tr> <td>Northing</td> <td>222373</td> </tr> </table>	Easting	458526	Northing	222373
Easting	458526				
Northing	222373				
Creation date	11-10-2019 18:38:41				

Chosen Identity

Identity source/type	Biographic
Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	[REDACTED]

Languages

Languages spoken	None specified
Interpreter used?	No

Encounter

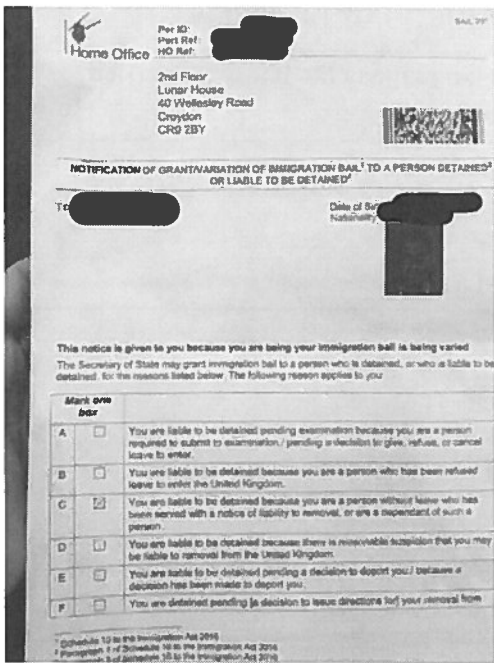
Type of encounter	Subject
Encountering officer	[REDACTED] Officer
Declared immigration status	Illegal
How and when did the subject last enter the UK?	November 2011
Is this person the subject of the visit?	Yes
Where in the premises was the subject located?	Running from premises
Do you know the subject's CID Person ID?	Yes

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

CID Person ID	[REDACTED]						
Details of vulnerabilities/ safeguarding issues							
Section 55 issues?	No						
Referral to social services?	No						
Referral to NRM (National Referral Mechanism)?	No						
Duty to Notify/MS1 referral made?	No						
References (Person ID, HO Ref, Port Ref, BRP)	[REDACTED]						
Biographic search results	<table><tr><td>Systems checked</td><td>CID</td></tr><tr><td>Result of checks</td><td>Open Asylum claim & compliant with reporting</td></tr><tr><td>Status returned by system checks</td><td>Asylum O/S</td></tr></table>	Systems checked	CID	Result of checks	Open Asylum claim & compliant with reporting	Status returned by system checks	Asylum O/S
Systems checked	CID						
Result of checks	Open Asylum claim & compliant with reporting						
Status returned by system checks	Asylum O/S						

Identity Documentation

Document 1	Document type	Other
	If other, details	Bail 201
	Name in document (if different from above)	
	Document reference	
	Document expiry date	
	Country of issue (if different from nationality above)	
	Suspected fraudulent	No
	Notes	
	Photos	

Notes

No notes entered.

Illegal Working - Employee

Details	
Type of work	Visit
Visit reference	[REDACTED]

Created by	[REDACTED]				
Prontold	[REDACTED]				
Subject CID Person ID	[REDACTED]				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	[REDACTED]				
Subject gender	Male				
Time	18:45				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>458560</td> </tr> <tr> <td>Northing</td> <td>222350</td> </tr> </table>	Easting	458560	Northing	222350
Easting	458560				
Northing	222350				
Creation date	11-10-2019 18:45:15				
Language of Interview					
What language is the interview carried out in?					
Interpreter used?	No				
Obligation					
No details provided.					
Control					
No details provided.					
Remuneration					
No details provided.					
Pre-employment Checks					
No details provided.					
Additional Questions					
No details provided.					
Photographs					
No photographs.					
Declaration					
Subject has refused to provide a signature.					
Observations					
Observations	Ran from premises & was wearing clothing in keeping with other front of house staff. Stated he was helping out his friend for the night as a favour.				

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Gender	Male						
Nationality	[REDACTED]						
Languages							
Languages spoken	None specified						
Interpreter used?	No						
Encounter							
Type of encounter	Subject						
Encountering officer	[REDACTED] Officer						
Declared immigration status	Illegal						
How and when did the subject last enter the UK?	Lorry in 2017						
Is this person the subject of the visit?	Yes						
Where in the premises was the subject located?	Kitchen						
Do you know the subject's CID Person ID?	Yes						
CID Person ID	[REDACTED]						
Details of vulnerabilities/ safeguarding issues	None						
Section 55 issues?	No						
Referral to social services?	No						
Referral to NRM (National Referral Mechanism)?	No						
Duty to Notify/MS1 referral made?	No						
References (Person ID, HO Ref, Port Ref, BRP)							
Biographic search results	<table border="0"> <tr> <td>Systems checked</td> <td>CID</td> </tr> <tr> <td>Result of checks</td> <td>No trace</td> </tr> <tr> <td>Status returned by system checks</td> <td>No trace</td> </tr> </table>	Systems checked	CID	Result of checks	No trace	Status returned by system checks	No trace
Systems checked	CID						
Result of checks	No trace						
Status returned by system checks	No trace						

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Identity Documentation

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
-------------------	--

Notes

No notes entered.

Biometrics Search

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Created at geolocation	No geolocation available
Creation date	11-10-2019 19:02:33

Parameters

Subject name	Unknown
Searches	Immigration
Reason	Subject identification
Power	Paragraph 18(2) Schedule 2 Immigration Act 1971
Justification for exercising the power	ID

Mitigating Circumstances	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntolD	[REDACTED]
Subject CID Person ID	Unknown
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Created at geolocation	Easting 458562
	Northing 222355
Creation date	11-10-2019 19:05:55
Medical	
Currently taking any medication	No
Registered with a GP surgery	No
Hospital treatment or consultations received in the past 3 years?	No
Currently awaiting NHS treatment	No
Pregnant	No
Notes	
Partner and Dependants in UK	
No partner or dependants in the UK.	
Criminal History	
Criminal history in the UK	No
Criminal history in another country	No
Notes	
Armed Forces	
Subject/ dependant is a member of Armed Forces?	No
Declaration	
Notes	

Subject has refused to provide a signature

Offer of Voluntary Departure

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED]
Subject CID Person ID	Unknown
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Time	19:07
Created at geolocation	No geolocation available
Creation date	11-10-2019 19:07:17

Offer

Voluntary departure offered	No
Voluntary departure offer accepted	No
Notes	No one there for me

Declaration

Subject has refused to provide a signature

Arrest

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]

OFFICIAL SENSITIVE
 Visit Report: [REDACTED] Enforcement 11/10/2019

Subject nationality	[REDACTED]				
Subject gender	Male				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>458553</td> </tr> <tr> <td>Northing</td> <td>222390</td> </tr> </table>	Easting	458553	Northing	222390
Easting	458553				
Northing	222390				
Creation date	11-10-2019 19:07:44				

Arrest Details

Time of arrest	19:07
Power of arrest	17(1) Immigration Act 1971
Arresting officer	[REDACTED] Officer
Reason for arrest	Illegal entrant (EWOL)
Grounds for arrest explained to subject?	Yes
Caution administered	Administrative caution
Confirm subject understood caution?	Yes
Notes	

Search of Person

Subject searched	Yes
Power used for search	Para 25B Schedule 2
Justification	Found in kitchen with sharps present
Name of officer who performed search	[REDACTED]
Items found	No

Outcome After Arrest

Outcome	Detention
Details of detention, including family split	
Detention authorised by	

Notes

No notes entered.

Illegal Working - Employee

Details

Type of work	Visit
---------------------	-------

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Visit reference	[REDACTED]				
Created by	[REDACTED]				
Prontold	[REDACTED]				
Subject CID Person ID	Unknown				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	[REDACTED]				
Subject gender	Male				
Time	19:09				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>458555</td> </tr> <tr> <td>Northing</td> <td>222437</td> </tr> </table>	Easting	458555	Northing	222437
Easting	458555				
Northing	222437				
Creation date	11-10-2019 19:08:57				
Language of Interview					
What language is the interview carried out in?					
Interpreter used?	No				
Obligation					
How long have you been working here?	20 day				
What is your job role/ what are your duties?	Kitchen porter				
Control					
Who gave you this job (name and role in business)?	Shakur Ali				
Remuneration					
How are you paid (money, accommodation, food)?	Cash £10 a day & food / bed				
Do you pay income tax or have a National Insurance number?	No				
Pre-employment Checks					
Does your employer know you're not allowed to work in the UK?	Yes they know				
Did you show documents before being offered the job? If so, what?	No				

Additional Questions

No details provided.

Photographs

No photographs.

Declaration

Subject has refused to provide a signature.

Observations

Observations In uniform in kitchen

Photo 1



Caption subject in chef whites in kitchen

Forms created by: [REDACTED]

Briefing Acceptance

Officer	[REDACTED]
Date/Time	11-10-2019 18:35:44
Geolocation	No geolocation available
Visit reference	[REDACTED]

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Arrival	
Officer	[REDACTED]
Date/Time	11-10-2019 18:30:02
Geolocation	No geolocation available
Visit reference	[REDACTED]

Entry to Premises	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	Jaflong Restaurant, 51 Market Square, Oxford, Oxfordshire, OX26 6AJ (Visit Address)
Created at geolocation	No geolocation available
Creation date	11-10-2019 18:36:14
Power of Entry	
Entry gained	Yes
Time of entry	18:30
Are you the officer who gained entry?	No
Name of officer who gained entry	[REDACTED] Officer
Power of entry used	Section 179 Licensing Act 2003
Subject Declaration	
I confirm that I give consent for Immigration Enforcement to enter the premises. My rights have been explained to me and I understand that I may withdraw the consent.	
No signature provided	
Notice to Occupier	
Are you the officer that served the Notice to Occupier?	No
Notes	
No notes entered.	

Encounter					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntolD	[REDACTED]				
Time	18:36				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>458600</td> </tr> <tr> <td>Northing</td> <td>222394</td> </tr> </table>	Easting	458600	Northing	222394
Easting	458600				
Northing	222394				
Creation date	11-10-2019 18:37:08				
Chosen Identity					
Identity source/type	Declared				
Name	[REDACTED]				
DOB	[REDACTED]				
Gender	Male				
Nationality	[REDACTED]				
Languages					
Languages spoken	None specified				
Interpreter used?	No				
Encounter					
Type of encounter	Subject				
Encountering officer	[REDACTED] Officer				
Declared immigration status	[REDACTED]				
How and when did the subject last enter the UK?					
Is this person the subject of the visit?	Yes				
Where in the premises was the subject located?	Kitchen				
Do you know the subject's CID Person ID?	Yes				
CID Person ID	[REDACTED]				
Details of vulnerabilities/ safeguarding issues					
Section 55 issues?	No				

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Referral to social services?	No
Referral to NRM (National Referral Mechanism)?	No
Duty to Notify/MS1 referral made?	No
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	Systems checked CID Result of checks Status returned by British citizen system checks

Identity Documentation

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
------------	--

Notes

No notes entered.

Encounter

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED]
Time	18:40
Created at geolocation	No geolocation available
Creation date	11-10-2019 18:40:55

Chosen Identity							
Identity source/type	Declared						
Name	[REDACTED]						
DOB	[REDACTED]						
Gender	Male						
Nationality	[REDACTED]						
Languages							
Languages spoken	None specified						
Interpreter used?	Yes						
Interpreter details	[REDACTED]						
Encounter							
Type of encounter	Subject						
Encountering officer	[REDACTED] Officer						
Declared immigration status	Overstayer						
How and when did the subject last enter the UK?	2012 Visit Visa						
Is this person the subject of the visit?	Yes						
Where in the premises was the subject located?	Kitchen						
Do you know the subject's CID Person ID?	Yes						
CID Person ID	[REDACTED]						
Details of vulnerabilities/ safeguarding issues							
Section 55 issues?	No						
Referral to social services?	No						
Referral to NRM (National Referral Mechanism)?	No						
Duty to Notify/MS1 referral made?	No						
References (Person ID, HO Ref, Port Ref, BRP)							
Biographic search results	<table border="0"> <tr> <td>Systems checked</td> <td>CID, CRS</td> </tr> <tr> <td>Result of checks</td> <td></td> </tr> <tr> <td>Status returned by system checks</td> <td>Section 10: Overstayer</td> </tr> </table>	Systems checked	CID, CRS	Result of checks		Status returned by system checks	Section 10: Overstayer
Systems checked	CID, CRS						
Result of checks							
Status returned by system checks	Section 10: Overstayer						

Identity Documentation

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
-------------------	--

Notes

No notes entered.

Arrest

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Created at geolocation	No geolocation available
Creation date	11-10-2019 19:09:21

Arrest Details

Time of arrest	19:09
Power of arrest	17(1) Immigration Act 1971
Arresting officer	[REDACTED] Officer
Reason for arrest	S10 Overstayer

OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

Grounds for arrest explained to subject?	Yes
Caution administered	Administrative caution
Confirm subject understood caution?	Yes
Notes	Big Word used to explain
Search of Person	
Subject searched	Yes
Power used for search	Para 25B Schedule 2
Justification	Found in kitchen possible sharp items
Name of officer who performed search	[REDACTED]
Items found	No
Outcome After Arrest	
Outcome	Detention
Details of detention, including family split	
Detention authorised by	[REDACTED]
Notes	
No notes entered.	

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntID	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Time	19:10
Created at geolocation	No geolocation available
Creation date	11-10-2019 19:16:26

Language of Interview	
What language is the interview carried out in?	[REDACTED]
Interpreter used?	Yes
Details of interpreter	Big Word
Obligation	
How long have you been working here?	6 months
What days/ hours do you work each week?	6 days per week, 9 hours per day gets Mondays off
how much to you get paid	£120 per week on Sunday cash in hand
who is the boss?	Shokor Ali
who pays you the cash ?	Shokor Ali in cash
What is your job role/ what are your duties?	Chef
Control	
Who tells you what days/ hours to work?	The manager who ever is on duty
Remuneration	
How are you paid (money, accommodation, food)?	I get food and accommodation for free with the job
Pre-employment Checks	
Did you show documents before being offered the job? If so, what?	Passport copy but nothing else.

Additional Questions

No details provided.

Photographs

No photographs.

Declaration

Interviewee signature [REDACTED]




11-10-2019 19:22:39

Observations

Observations


OFFICIAL SENSITIVE

Visit Report: [REDACTED] Enforcement 11/10/2019

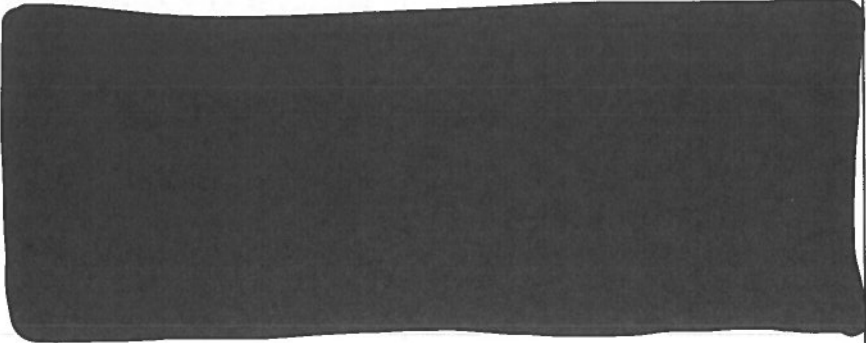
Photo 1	
	<p>Caption working illegally</p>

Mitigating Circumstances	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntID	[REDACTED]
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Created at geolocation	Easting 458549
	Northing 222373
Creation date	11-10-2019 19:22:54

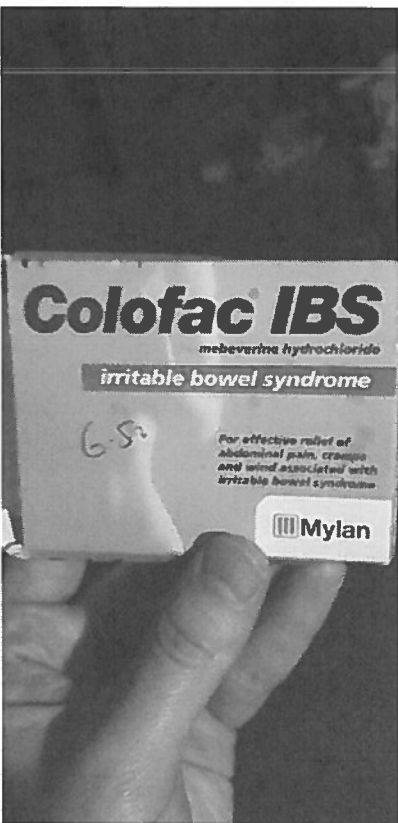
Medical	
Currently taking any medication	No
Registered with a GP surgery	No
Hospital treatment or consultations received in the past 3 years?	No
Currently awaiting NHS treatment	No
Pregnant	No
Notes	Fit and Well
Partner and Dependants in UK	
Relation 1	Relationship to the subject Name Date of birth Place of birth Nationality Immigration status Notes
Criminal History	
Criminal history in the UK	No
Criminal history in another country	No
Notes	
Armed Forces	
Subject/ dependant is a member of Armed Forces?	No
Declaration	
Notes	

Interviewee signature [REDACTED]	 11-10-2019 19:23:27
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Offer of Voluntary Departure		
Details		
Type of work	Visit	
Visit reference	[REDACTED]	
Created by	[REDACTED]	
Prontold	[REDACTED]	
Subject CID Person ID	[REDACTED]	
Subject name	[REDACTED]	
Subject DOB	[REDACTED]	
Subject nationality	[REDACTED]	
Subject gender	Male	
Time	19:23	
Created at geolocation	Easting	458536
	Northing	222375
Creation date	11-10-2019 19:23:39	
Offer		
Voluntary departure offered	Yes	
Voluntary departure offer accepted	No	
Notes	Doesn't want to return	

Declaration	
Interviewee signature [REDACTED]	 11-10-2019 19:24:13

Freetext	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	Jaflong Restaurant, 51 Market Square, Oxford, Oxfordshire, OX26 6AJ (Visit Address)
Subject CID Person ID	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Time	19:25
Created at geolocation	No geolocation available
Creation date	11-10-2019 19:26:52
Entry	
Title	[REDACTED]
Text	2 tablets per day, 3 days worth in packeyb

Photographs	
medication	

Departure	
Officer	[REDACTED]
Date/Time	11-10-2019 19:35:44
Geolocation	Easting 448079
	Northing 208693
Visit reference	[REDACTED]

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

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Statement of: Immigration Officer [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer [REDACTED]

This statement (consisting of 2 page(s) each 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 in it anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] (witness) Date: 15/11/2019

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

I am the above named officer. I am currently employed as an Immigration Officer in the Home Office at Immigration Enforcement [REDACTED]. On 11/10/2019 I was Officer in Charge (OIC) on an Immigration enforcement visit to JAF LONG 51 MARKET SQUARE BICESTER OX26 6AJ. There was no named targets of the enforcement visit.

Upon arrival to the premises officers attempted to park at the rear to remain covert – however a male left the kitchen area and saw officers preparing to conduct the visit. One male ran, and was caught by IO [REDACTED]. I saw another male who I believe was [REDACTED], a [REDACTED] male born [REDACTED] who I later encountered in the premises.

I entered the premises by the front door at 18:35 hours, I showed my warrant and introduced myself. I explained the reason for the visit to a male I now know to be [REDACTED], a [REDACTED] male born [REDACTED] who identified himself as the son of the owner who was recovering from a health issue. I explained that we had entered under Section 179 of the Licensing Act 2003 and introduced the Licensing Officer accompanying the team [REDACTED].

Whilst I was speaking to [REDACTED] I observed IO [REDACTED] enter the premises by the front door with a male that had tried to evade officers.

I then conducted a health and safety sweep of the premises and identified bedrooms upstairs and fire hazards. On the first floor I located a male sitting in the dark. He was wearing a shirt and pyjama bottoms – a waiter uniform was found on a table nearby. I conducted checks and he was identified as [REDACTED] who has an outstanding claim with the Home Office. He denied working and could not explain why he was seated in the dark.

Officers identified 5 males in total who were of interest to the Home Office, two were detained and 3 were instructed they had no permission to work.

I conducted a walk through of the premises and accommodation above with the Licensing Officer

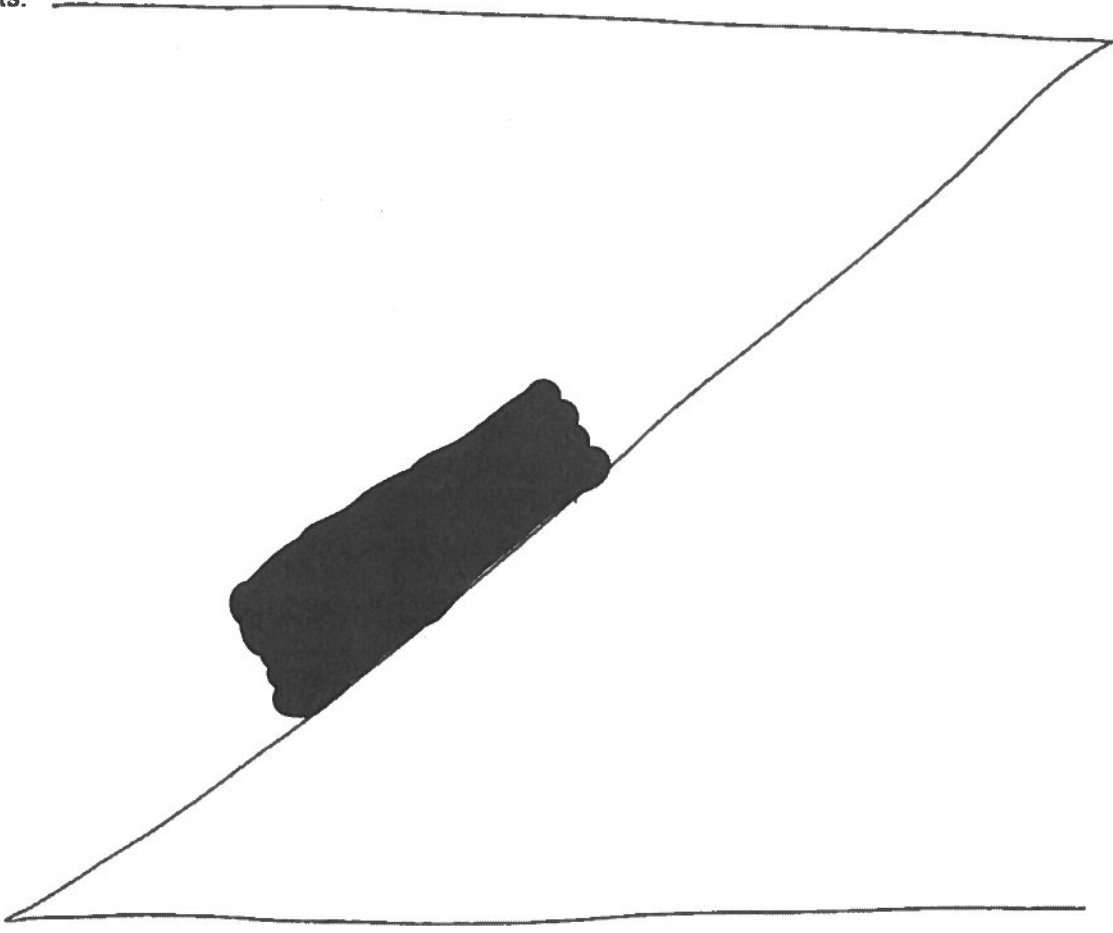
Signature: [REDACTED]

Witnessed by:

██████████ and we established food hygiene issues, fire risk issues and brickwork issues in the cellar where bricks had been removed from the cellar walls. ██████████ agreed to contact Public Protection relating to the food health issues and it was decided that due to building safety issues to include no working fire alarms in the bedrooms, blocked fire doors and issues with the cellar walls the Fire Service was called to conduct further enquiries. The Fire Service agreed to attend on the evening of 11/10/2019 after officers had left.

I would like to provide Exhibit A - NIR EV11-27,554 JAF LONG 21 MARKET SQUARE BICESTER OX26 6AJ which is the debrief of the visit, and Exhibit B - EV11-27,554 JAF LONG ██████████ ICE Right to Work which is the visit record.

Officers left the premises at 19.30 hours with the Licensing Officer ██████████ and two arrested subjects.



Signature: ██████████

Witnessed by: _____

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s.9: Magistrates' Court Act 1980, s.5B

URN [] [] [] []

Statement of: [REDACTED]

Age if under 18: OVER 18 (if over 18 insert 'over 18')

Occupation: IMMIGRATION OFFICER

This statement (consisting of 1 page(s) each 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 in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date 21/11/2019

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

My Name is [REDACTED] and I am Immigration Officer [REDACTED]. I am part of the [REDACTED] ENFORCEMENT TEAM and have held this position for approximately 18 months. My office location is [REDACTED]

On FRIDAY 11TH OCTOBER 2019, I was part of an immigration enforcement visit to JAFFLONG RESTAURANT, 51 MARKET SQUARE, OXFORD, OX26 6AJ. The officer in charge of this visit was IO [REDACTED]. The purpose of this visit was to respond to allegations that illegal working was taking place on this commercial premises. It was alleged that multiple members of staff were foreign nationals, who did not hold the correct work permissions. My role was as an arrest officer.

At 18:36 hours, I arrived at the premises in an Immigration Enforcement branded van alongside other team members. As the van slowed, I observed a male walk out the premises and approach the van. He then quickly turned, went back into the premises and moments later ran back out and down the road. I pursued on foot as I considered this to be an adverse reaction to Immigration Enforcement presence and apprehended this male, effecting an arrest under Section 17(1) of the Immigration Act 1979, as amended. I believed him to be a person who may be subject to immigration control, based on his reaction. I escorted this person back to the premises and spoke with him further.

I now know this person to be [REDACTED] a [REDACTED] national born [REDACTED] [REDACTED] was wearing a pale blue shirt with no tie, black trousers and black shoes. He wore attire that was in keeping with other members of waiting staff.

Checks conducted on our systems showed that [REDACTED] was known to the Home Office and had an open application under consideration. Whilst his case was ongoing, he was compliant with his reporting restrictions however [REDACTED] was not permitted to undertake work at that time. [REDACTED] stated to me that he was not working and was only there for one night to help out his friend. [REDACTED] took me upstairs to the living accommodation to show me a Home Office letter, which confirmed the above checks. I reminded [REDACTED] that he was not permitted to undertake work whilst awaiting a decision on his case and escorted him from the premises.

I then moved to the kitchen area at the back of the premises, to assist officers as a number of individuals had been encountered.

Signature: [REDACTED] Signature witnessed by: [REDACTED]

In this kitchen, I spoke with a person who I now know to be [REDACTED] a [REDACTED] national born [REDACTED]. [REDACTED] was wearing dirty chef whites and black trousers. [REDACTED] admitted to me that he had last entered the United Kingdom in 2007, concealed in the rear of a lorry. Checks conducted showed there was no previous record of [REDACTED] and no indication that he had applied for, nor been granted, any permissions to be residing and working in the United Kingdom. I arrested [REDACTED] under Section 17(1) of the Immigration Act 1971, as amended.

I asked [REDACTED] questions regarding his employment. He stated that he worked as a kitchen porter, being paid £10 a day alongside accommodation and meals. [REDACTED] further stated that his employer was aware that he was unlawfully present in the United Kingdom.

I referred this arrest to the Chief Immigration Officer on duty, CIO [REDACTED] who authorised the service of a RED.0001 Removal Notice to [REDACTED]. I escorted [REDACTED] to an Immigration Enforcement vehicle and transported to a custody suite.



Not Disclosable

Witness contact details

Home address:..... Postcode:.....

Home telephone No:..... Work telephone No:.....

Mobile/Pager No:..... E-mail address:.....

Preferred means of contact (specify details):

Best time of contact (specify details):.....

Male / Female Date and place of birth:.....

Former name:..... Ethnicity Code (16 + 1)..... Religion / Belief (Specify.....)

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*)
Yes No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No If 'Yes' what are they? (*Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?*)
.....

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to UKBA – what happens next? Yes No
- d) I consent to UKBA having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult:.....PRINT NAME:.....

Address and telephone number if different from above:.....



This tear off section to be completed and handed to the witness

UKBA – Contact Details

The officer dealing with your case/taking this statement is:

Officer: _____ Rank & Number: _____

Office: _____

Telephone: _____

Contact E-Mail: _____

Reference No: _____

The officer dealing with your case can help but may not always be available.

Giving a witness statement to UKBA– what happens next?

Thank you for coming forward. We value your help and we will do everything we can to help you.

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

Is there anything else I can do?

Yes. It is important to tell UKBA:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact the officer dealing with your case to update this information as soon as it changes. It is needed when the trial date is set.

Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, UKBA, the police and CPS are separate organisations.

Who will read my statement?

Everyone involved with the case will read your statement (e.g. UKBA,, the police, CPS, defence and the magistrate or judge).

What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the UKBA in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately and inform the UKBA officer dealing with your case.

Will I be told what is happening in the case?

UKBA and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact UKBA at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare).

Victims of crime are usually told:

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason.

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty' or
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent

- a letter telling you when and where to go
- an explanatory leaflet.

What will happen if I don't go to court?

If you have any problems or concerns about going to court, you must inform the officer dealing with your case as soon as possible. If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you. If you still fail to attend without good reason you may be found 'in contempt of court' and arrested.

Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible, a look around a court room so you know what to expect.

The officer dealing with your case will be able to provide you with contact details.

The Witness Service does not discuss evidence or give legal advice.

Extra Help is available to support vulnerable or intimidated witnesses. If the CPS lawyer thinks that a witness qualifies for this help, known as 'Special Measures', he/she will ask the court for permission to use them. The Witness Service, police or UKBA will tell you what is available and the police or CPS will be able to discuss your needs.

Victim Support and Witness Service

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All victim and witnesses will be offered support from Victim Support's Witness Service, which is **independent**, confidential and free. This support will include someone to talk to, a quiet place in which to wait and a chance to see the court before the day of the trial. Although the Witness Service volunteers will explain the court process to you, they cannot discuss the specific details of the case.

Victim Support Helpline
0845 30 30 900

The Witness Charter

UKBA is not a signatory of the Witness Charter but adheres to the spirit of charter which sets out the standards of service that witnesses can expect to receive at every stage of the Criminal Justice process from:

- UKBA, if you are a witness to a crime or incident
- Other Criminal Justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence in a criminal court

The standards apply to all witnesses, regardless of whether you are also the victim. If you are a victim of a crime, you have rights that are set out in the Code of Practice for Victims of Crime.

Unlike the Victims Code of Practice, the Witness Charter is not set out in law, and there may be constraints which affect the ability of the Criminal Justice agencies to provide the service to all witnesses in all cases.

Being kept updated on progress during the investigation:

After you have given a statement, if the offence is of a **very serious nature** and UKBA have told you that you are likely to be called to give evidence in court, UKBA will seek to update you:

- at least once a month on the progress of the case until the point of closure of the investigation or
- at the point at which someone is charged, summoned, or dealt with out of court.

Being kept updated on progress after charge:

If you are a prosecution witness to any offence, UKBA will seek to inform you:

- when the defendant has been charged
- whether the defendant has been released on bail to attend court, or held in custody until the first court appearance
- what relevant bail conditions apply.

Further information about being a witness can be downloaded from the Crown Prosecution Service website at www.cps.gov.uk/victims_witnesses

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

--	--	--	--

Statement of: Immigration Officer [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer [REDACTED]

This statement (consisting of 2 page(s) each 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 in it anything which I know to be false, or do not believe to be true.

Signature:..... (witness) Date: 15/11/2019

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

I am the above named officer. I am currently employed as an Immigration Officer in the Home Office at Immigration Enforcement [REDACTED]. On 11/10/2019 I was dressed in full uniform whilst an Immigration enforcement was conducted to visit to JAF LONG, 51 MARKET SQUARE, BICESTER, OX26 6AJ.

Upon arrival to the premises I took up rear cover to the restaurant with IO [REDACTED]. Upon approach of the Home Office vehicle I believe a member of staff saw the vehicle and fled from the front of the restaurant. He was apprehended and arrested by IO [REDACTED], the male was then brought back to the restaurant.

I entered the premises with IO [REDACTED] under Section 179, Licensing Act 2003 and immediately swept the premises. Several males were located in the kitchen area. I spoke with one male using a [REDACTED] Interpreter on Big Word, he stated his name was [REDACTED] born [REDACTED] a national of [REDACTED]. Home Office systems showed [REDACTED] had overstayed his period of leave in the UK after his visit visa expired on 07/02/2013. He was subsequently arrested by myself under Sch 2, 17(1) as a person liable for immigration detention.

[REDACTED] has no right to work in the UK, therefore I conducted an illegal working question and answer:

How long have you been working here?

6 months.

What days/ hours do you work each week?

6 days per week, 9 hours per day gets Mondays off

How much to you get paid?

£120 per week on Sunday cash in hand.

Who is the boss?

Shokor Ali

Signature:

2010/11

Witnessed by:

RESTRICTED (when complete) Page 07

Who pays you the cash?

Shokor Ali in cash

What is your job role/ what are your duties?

Chef

Who tells you what days/ hours to work?

The manager who ever is on duty

How are you paid (money, accommodation, food)?

I get food and accommodation for free with the job.

Did you show documents before being offered the job? If so, what?

Passport copy but nothing else.

Signature:

2010/11

Witnessed by:

RESTRICTED (when complete)
Page 98

[Large empty rectangular box for content]

Signature:

2010/11

Witnessed by:

RESTRICTED (when complete)
Page 99

Not Disclosable

Witness contact details

Home address: _____ Postcode: _____
 Home telephone No: _____ Work telephone No: _____
 Mobile: _____ E-mail address: _____

Preferred means of contact *(specify details)*: _____

Best time to contact *(specify details)*: _____

Gender: _____ Date and place of birth: _____

Former name: _____ Ethnicity Code (16 + 1): _____

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? _____ If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance? _____
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? *(youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case)* _____ If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? _____ If 'Yes' what are they? *(Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)*.

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter *(obtained in accordance with local practice)* Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A

Signature of witness: _____ PRINT NAME: _____

Signature of parent/guardian/appropriate adult: _____ PRINT NAME: _____

Address and telephone number (of parent etc.), if different from above: _____

Not Disclosable

This tear off section to be completed and handed to the witness

UKBA – Contact Details

The officer dealing with your case/taking this statement is:

Officer: _____ Rank & Number: _____

Office: _____

Telephone: _____

Contact E-Mail: _____

Reference No: _____

The officer dealing with your case can help but may not always be available.

Giving a witness statement to UKBA– what happens next?

Not Disclosable

Thank you for coming forward. We value your help and we will do everything we can to help you.

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

Is there anything else I can do?

Yes. It is important to tell UKBA:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact the officer dealing with your case to update this information as soon as it changes. It is needed when the trial date is set.

Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, UKBA, the police and CPS are separate organisations.

Who will read my statement?

Everyone involved with the case will read your statement (e.g. UKBA, the police, CPS, defence and the magistrate or judge).

What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the UKBA in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately and inform the UKBA officer dealing with your case.

Will I be told what is happening in the case?

UKBA and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact UKBA at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare). Victims of crime are usually told:

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason.

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty' or
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent

- a letter telling you when and where to go
- an explanatory leaflet.

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Not Disclosable

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Cherwell District Council Responsible Authority representation with regards to the licence review of:

Jaflong Restaurant, 51 Market Square, Bicester, OX26 6AJ

I am Christine Pegler, Lead Licensing Enforcement Officer, employed by Cherwell District Council within the Environmental Health and Licensing Directorate.

As part of my role I am responsible for the Licensing of premises, and have delegated powers, under the Licensing Act 2003.

For the purpose of this licensing review I am representing Cherwell District Council as a responsible Authority, acting independently to other Cherwell District Council Licensing Officers facilitating this licensing review.

The following details outline Cherwell District Council responsible Authority representations with regard to Jaflong Restaurant, Market Square, Bicester:

- On 24/11/2005 the premises licence for Jaflong, Bicester was converted and issued by Cherwell District Council under the Licensing Act 2003. The licence was issued to the licence holder Mr Shakur Ali of Oxford, and the designated premises supervisor for the restaurant was Mr Dillwar Ali, of the same address in Oxford. The licence permitted the sale of alcohol for consumption on the premises. This licence has not been altered since it was first issued in 2005. A copy of the premises licence is attached to this representation as **Appendix a**.
- On 11/10/2019 at 18.40 hours I attended the restaurant with Home Office Border Agency Officers. The Border Agency Officers checked all persons living and working at the premises, while I inspected the premises.
During my inspection I made notes in my pocket note book and took photographs which are attached to this representation as **Appendix b**.
Whilst there I spoke to the member of staff who appeared to be in charge at the time, his name was Mr Dill Ali. Mr Ali advised me that there was no one upstairs, however on inspection of the second floor I found a male in a sat in a corner of a dark room. This male was wearing pyjamas, and there was clothing resembling the waiter's uniform on a side near the male.
On further inspection of the premises I noted that there was:
 - 8 beds on the upper floors of the building.
 - Potential overcrowding, fire and health and safety risks.
 - Fire exits had been blocked with goods, and a handle of a fire door/exit had been removed.
 - An infestation of pigeons in the alley next to the kitchen, and dried pigeon faeces in that alley and covering the kitchen window.
 - Potential environmental health issues with the storage of both raw and cooked foods.
 - Internal alterations to building, specifically a hole had been made in exterior wall in the cellar of the restaurant, and there appeared to be access to another cellar through that hole.

As a result of my findings and having safety concerns for both residents and customers of the restaurant, the details of my inspection was reported to Oxfordshire Fire service, and Cherwell District Council Environmental Health, Housing, and Planning departments.



- The Border Agency detained and removed two males who were seen to be working at the premises and noted three other males at the premises who did not have the right to work in the UK. A copy of the Border Agency de-brief notes, dated 14/10/2019, is attached to this representation as **Appendix c**.
- Following the premises inspection, on the 24/10/2019 I wrote to the licence holder. This letter outlined my findings and reminded the restaurant of their obligation to uphold and promote the licensing objectives. A copy of the letter is attached to this representation as **Appendix d**.
- On 06/11/2019 I received an email from Michelle Frame of the Border Agency. This email outlined the details of a civil penalty fine for £20,000 issued to Jaflong Restaurant. A copy of this email is attached to this representation as **Appendix e**.

In making this representation I would like to draw attention to the following Licensing Act guidance:

Home Office Revised Guidance under Section 182 of the Licensing Act 2003

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

- *The Environmental Protection Act 1990*
- *The Clean Neighbourhoods and Environmental Act 2005*
- *The Regulatory Reform (Fire Safety) Order 2005*
- *The Health and Safety at Work etc. Act 1974*
- *The Equality Act 2010*
- *The Immigration Act 2016*
- *Regulators' Code under the Legislative and Regulatory Reform Act 2006*

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or

Page | 2



requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

2.8 A number of matters should be considered in relation to public safety. These may include Fire safety.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the licensed premises 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.

Case Law Hanif v East Lindsey 14/04/2016

Licensees who employ illegal workers can have their premises licences revoked, as a recent judgement in the High Court has made clear.

Abu Hanif, trading as Zara's restaurant and takeaway in East Lindsey, Lincolnshire, was found to be employing an illegal worker and after the police required a review of his premises licence, the local authority, East Lindsey District Council, revoked the licence.

His appeal, heard by District Judge Veits, was based on the argument that, since Mr Hanif had not been prosecuted for employing an illegal worker under section 21 Immigration, Asylum and Nationality Act 2006, but had merely been given a civil penalty under section 15 of that legislation, it did not cause concern about crime prevention, one of the key licensing issues.

The appeal established that Mr Hanif had employed the illegal worker without paperwork showing a right to work in the UK, he had paid him cash in hand, he paid him less than the minimum wage, he did not keep or maintain PAYE records and that, while he had deducted tax from the worker's salary, he failed to account to the HMRC for it.

His appeal was allowed but the local authority then took the matter to the High Court, arguing that there could be cause for concern on crime prevention grounds without any crime having been reported, prosecuted or established in a court of law.



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

In summing up Mr Justice Jay overturned the decision of the District Judge, saying that where there was evidence of defrauding HMRC, exploitation of vulnerable workers and a failure to pay the minimum wage, then in those circumstances, albeit being dealt with by way of a civil penalty, the crime and disorder licensing objective was clearly engaged. Mr Justice Jay didn't remit the matter back to the authority for a re-hearing but determined on what he had heard that the revocation should stand.

Reflecting the importance of the principle that it is not necessary for a prosecution to be brought in order for the crime prevention objective to be engaged, Mr Justice Jay certified the case as appropriate for citation in future cases under the relevant Practice Direction.

Considering the evidence and information presented it is clear that the licensing objectives have neither been adhered to or promoted by the licensed premises and its licence holder, and as a result they have failed to prevent crime, failed to protect the public and children from harm, and failed to ensure public safety.

In line with the Licensing Act guidance, and case law, the licensing Authority would urge the committee to revoke the licence attached to Jaflong Restaurant, of 51 Market Square, Bicester.

Chris Pegler
Lead Licensing Enforcement Officer
Cherwell District Council
Boddcote House
Banbury
Oxon
OX15 4AA

19/02/2020

(A)

**LICENSING ACT 2003
PREMISES LICENCE**



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

PART A – Part 1

Jaflong Restaurant 51 Market Square Bicester OX26 6AJ	Licence Ref:	PRM0176
	Date Granted:	24/11/2005
	Valid from: Valid to:	Not Time Limited
	Issue date:	24/11/2005
	Tel No.:	

Premises Licence Holder	Shakur Ali 8 Maltfield Road Oxford OX3 9RG
--------------------------------	---

Licensable Activities - Alcohol Sales

Activity	Days of Week	Open	Close
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Mon to Thur except Xmas Day & NYE	10:00	00:00
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Fridays except Xmas Day, Good Fri or NYE	10:00	00:00
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Saturdays except Xmas Day or N Y Eve	10:00	00:00
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Sundays except Xmas Day or N Y Eve	12:00	23:30
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Good Friday	12:00	23:30
Sale of Alcohol Alcohol is supplied for consumption on the Premises	New Years Eve except on a Sunday	10:00	00:00
Sale of Alcohol Alcohol is supplied for consumption on the Premises	New Years Eve on a Sunday	12:00	23:30
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Christmas Day	12:00	23:30

Licensable Activities - Other

Activity	Days of Week	Open	Close
----------	--------------	------	-------

Further Details

Sale of Alcohol and Recorded Music N/A

Non Standard Times

Sale of Alcohol and Recorded Music N/A

Seasonal Variations

Sale of Alcohol and Recorded Music New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)

Opening Hours

Days of Week	Open	Close
At the Discretion of the Licensee		

Non Standard Times

N/A

Seasonal Variations




New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)

PART A - Part 2

Registered number of holder, for example company number, charity number

--

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

Dilwar Ali   

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: 06/0042/PER Licensing Authority: Oxford City Council

Annex 1 – Mandatory conditions

Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence -

- (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular

characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

6. The responsible person 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: 1-2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(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.

Minimum Drinks Pricing

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 -

(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 the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision

except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

3. For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.












Annex 2 – Conditions consistent with the operating schedule

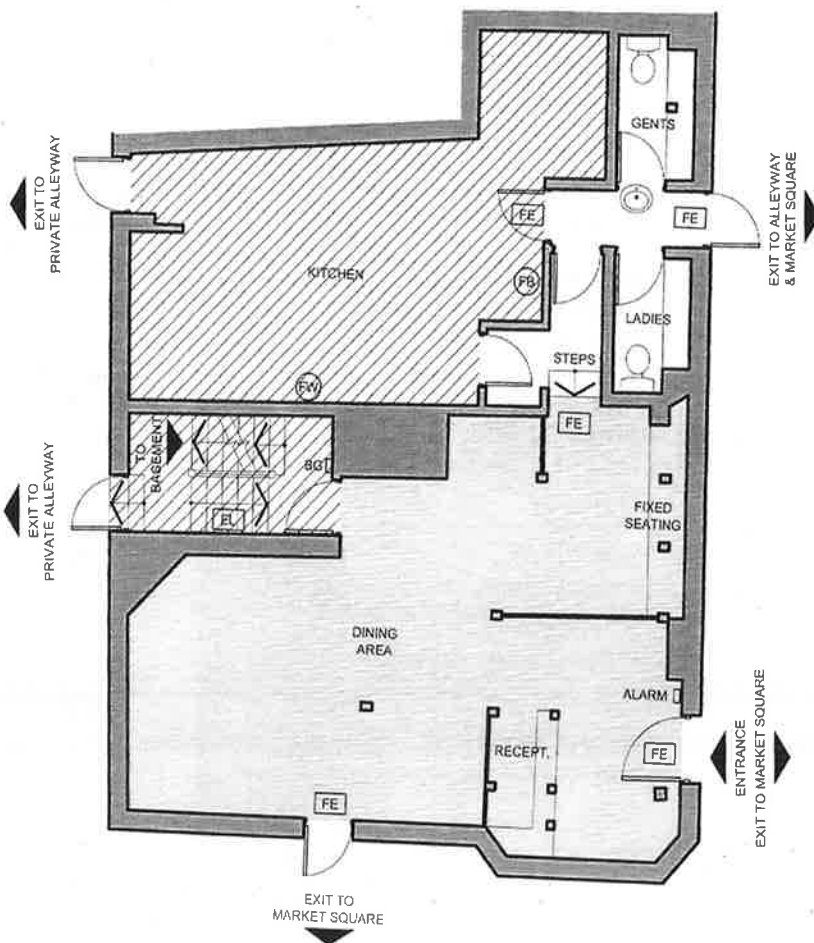
Annex 3 – Conditions attached after a hearing by the licensing authority

Conditions Required by Committee

Annex 4 – Plans

KEY

-  AREA USED FOR THE CONSUMPTION OF ALCOHOL
-  PRIVATE STAFF AREA
-  ILLUMINATED FIRE EXIT SIGN
-  EMERGENCY LIGHTING
-  FIRE BLANKET
-  FIRE EXTINGUISHER - CARBON DIOXIDE
-  FIRE EXTINGUISHER - DRY POWDER
-  FIRE EXTINGUISHER - WATER
-  FIRE EXTINGUISHER - FOAM
-  BREAK GLASS
-  FIRE ALARM BELL



REV DATE DESCRIPTION

PROJECT
JAFLONG TANDOORI RESTAURANT
 48-51 MARKET SQUARE, BICESTER, OXON
 DRAWING TITLE
GROUND FLOOR PLAN

SCALE DATE
 1:100 @ A4 30/07/2005

SA05- 300

**LICENSING ACT 2003
PREMISES LICENCE**



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

PART B

Jaflong Restaurant 51 Market Square Bicester OX26 6AJ	Licence Ref:	PRM0176
	Date Granted:	24/11/2005
	Valid to:	Not Time Limited
	Issue date:	24/11/2005
	Tel No.:	

Premises Licence Holder	Shakur Ali 8 Maltfield Road Oxford OX3 9RG
--------------------------------	---

Licensable Activities - Alcohol Sales

Activity	Days of Week	Open	Close
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Mon to Thur except Xmas Day & NYE	10:00	00:00
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Fridays except Xmas Day, Good Fri or NYE	10:00	00:00
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Saturdays except Xmas Day or N Y Eve	10:00	00:00
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Sundays except Xmas Day or N Y Eve	12:00	23:30
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Good Friday	12:00	23:30
Sale of Alcohol Alcohol is supplied for consumption on the Premises	New Years Eve except on a Sunday	10:00	00:00
Sale of Alcohol Alcohol is supplied for consumption on the Premises	New Years Eve on a Sunday	12:00	23:30
Sale of Alcohol Alcohol is supplied for consumption on the Premises	Christmas Day	12:00	23:30

Licensable Activities - Other

Activity	Days of Week	Open	Close
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Further Details

Sale of Alcohol and Recorded Music N/A

Non Standard Times

Sale of Alcohol and Recorded Music N/A

Seasonal Variations

Sale of Alcohol and Recorded Music New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)

Opening Hours

Days of Week	Open	Close
At the Discretion of the Licensee		

Non Standard Times

N/A

Seasonal Variations

New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)

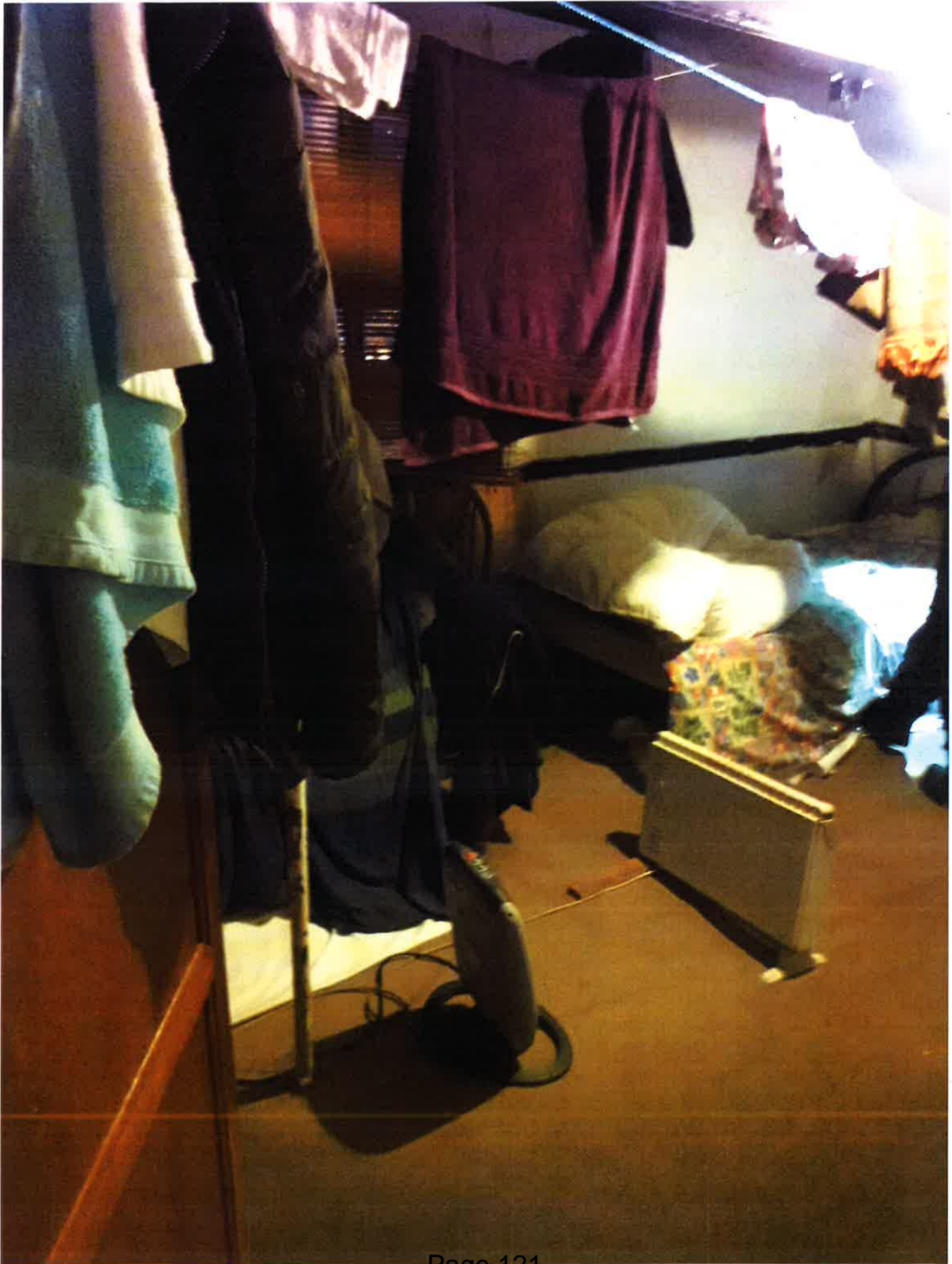
Registered number of holder, for example company number, charity number

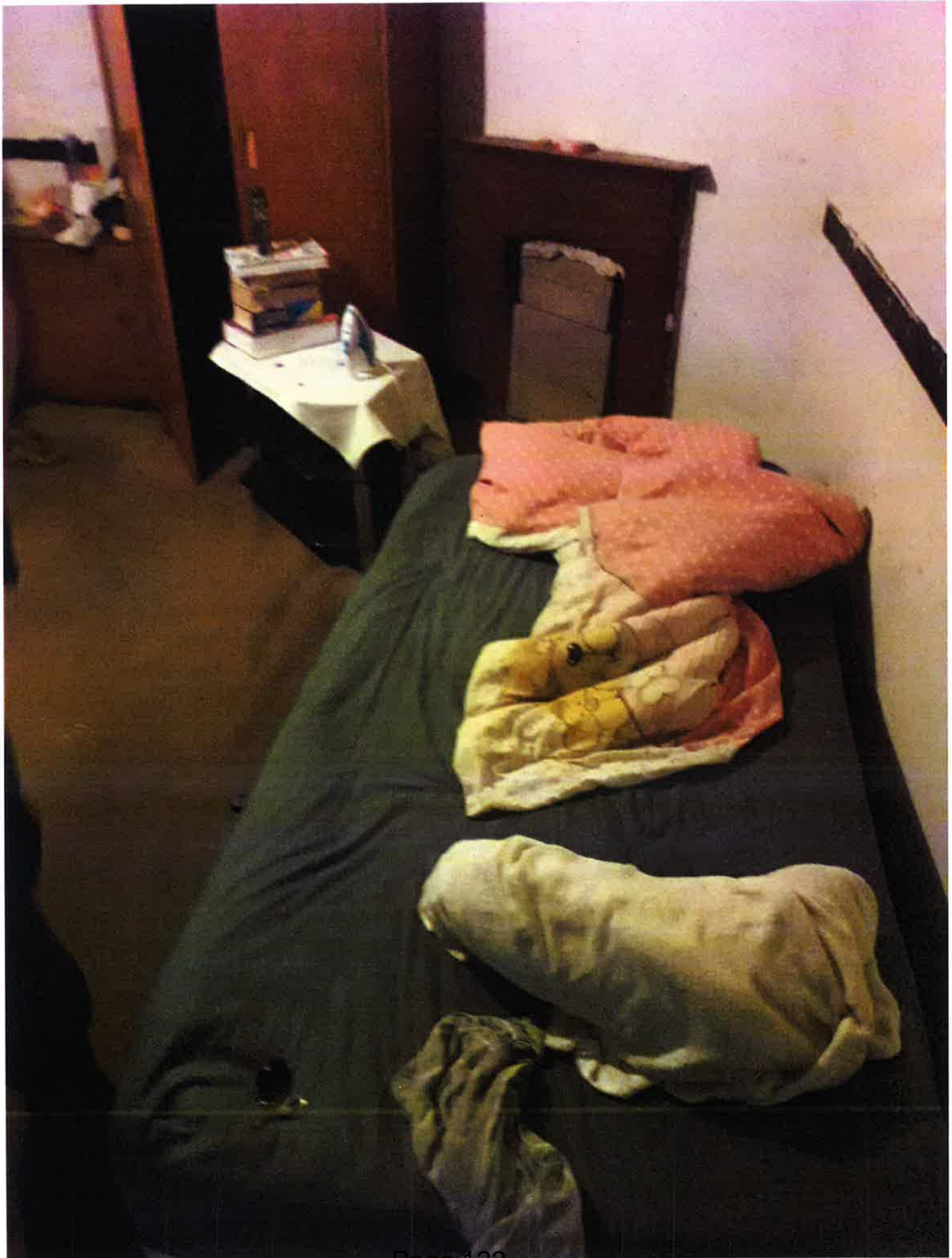
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

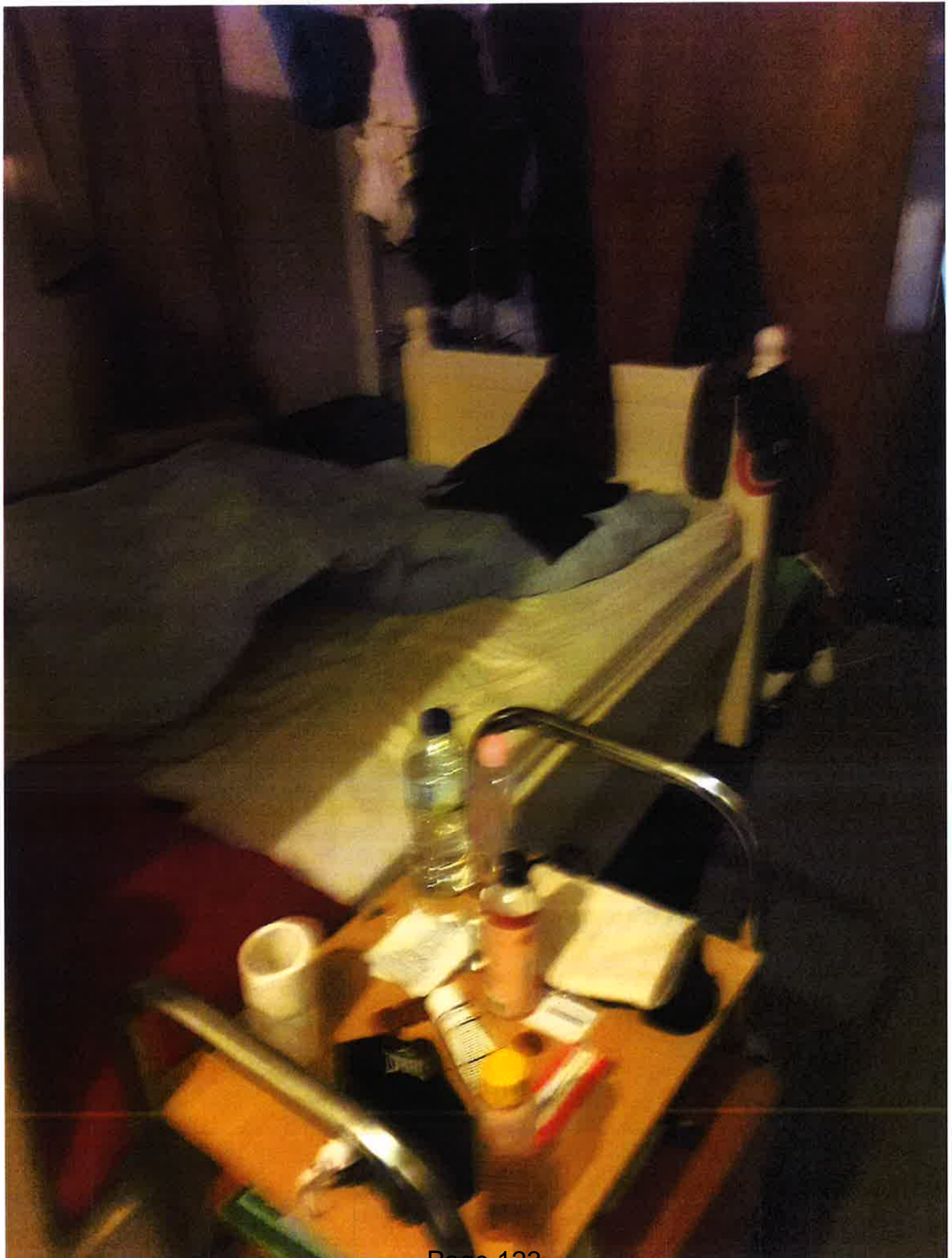
State whether access to the premises by children is restricted or prohibited

C R Baynes
Head of Corporate Services
24 November 2005

(B)







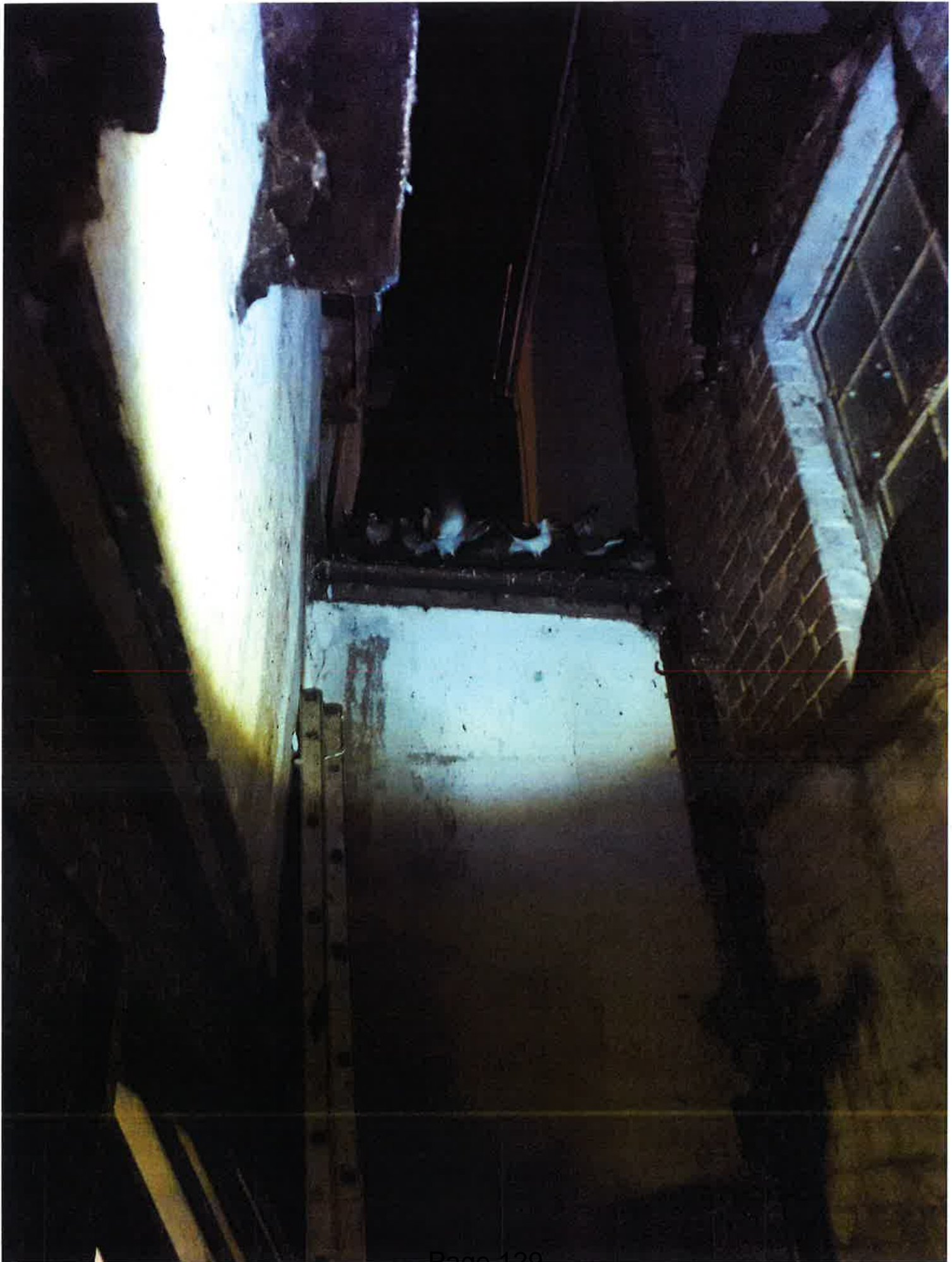


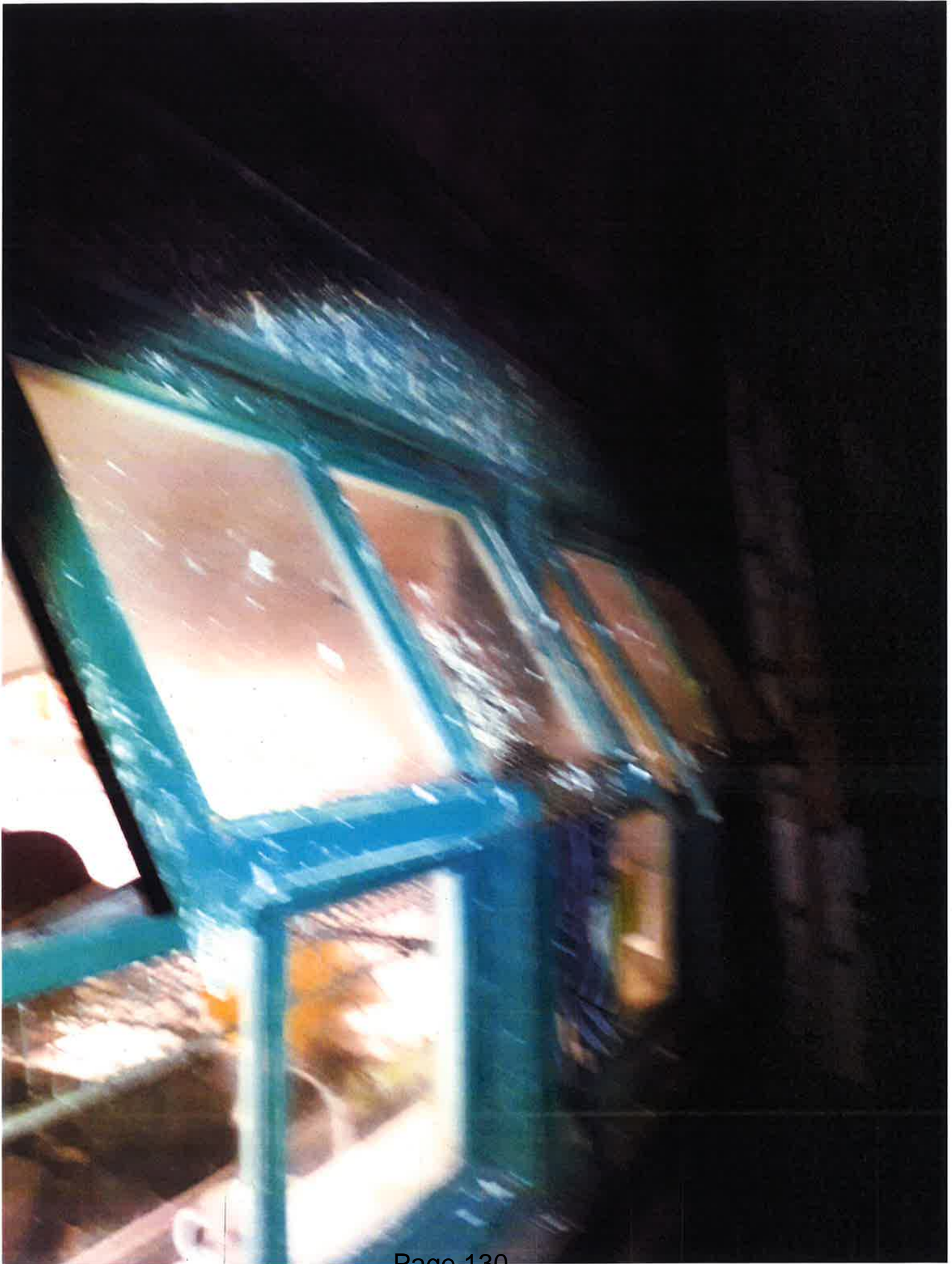












C

Port Ref:
HO Ref:

DC Ref:

IS.126

Local Immigration Team Warwickshire & West Mercia

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] st



UK Border Agency

Name
Born on
Alias(es)

At:

Sex:
Nat/Cit
Address in UK

Passport No:

Occupation:
Issued at:

On:

File (1
)

1. PRONT Ref: [REDACTED]
2. ENTRY: S179 OF THE LICENSING ACT 2003.
3. Address: JAF LONG 521 MARKET SQUARE, BICESTER, OX26 6AJ.
4. On 11/10/2019 at 18:35 hours Officers from the West Midlands ICE Team and Licensing Officer Chris PEGLER visited the above address as information received that there were immigration offenders present.
5. As officers were getting out of the vans at the rear of the premises a waiter appeared and saw officers and then disappeared into the premises [REDACTED] and another male ran from the premises (MD SUHINUL ISLAM) who was caught by IO STOKES.
6. OIC FRAME gained entry by speaking to the person in charge (the son of the owner) DILL ALI. She introduced herself, showed her warrant ID card and explained the reason for the visit.
7. There were 7 members of staff on site, they were:
8. DILL ALI, [REDACTED] cleared, son of owner (owner had just had a [REDACTED] operation) and was running the premises until his father was well enough to return to work.
9. SUMON ALI, [REDACTED] Cleared
10. MOHAMMED MOYAN, [REDACTED], attempted to evade officers. Not seen working. Checks show he has outstanding submissions and is currently abiding by his reporting restrictions so not suitable for detention. Instructed he is not to work and escorted from the premises. His Home Office record has been updated with the visit information.
11. MD SUHINUL ISLAM, [REDACTED] he has an outstanding [REDACTED] claim and is also abiding with his reporting restrictions so not suitable for detention. His Home Office records have been updated with the visit information.
12. MD RIAZ UDDIN SAKER, [REDACTED] appearance was similar to the male waiter originally seen when officers parked the vehicle. He was encountered sitting in the dark in a store room on the first floor wearing pajama bottoms, a Ralph Lauren checked shirt and flip flops. A waiter's uniform was seen on the table nearby. As officers did not see him working and Mr ALI said he is just sitting upstairs he was not put on the CPCT referral. Checks show the subject has an outstanding [REDACTED] claim and therefore not suitable for detention. His Home Office record has been updated with the visit information.
13. ROFU ALI, [REDACTED] – He is an Overstayer and has been detained for Emergency Travel Documentation and removal from the UK. He is currently held at [REDACTED] Immigration Removal Centre [REDACTED]
14. JEWEL MIAH, [REDACTED] subject stated he entered the UK hidden in a lorry 2 years ago. He was arrested and detained for Emergency Travel Documentation and removal from the UK. He is currently held at [REDACTED] Immigration Removal Centre [REDACTED]
15. The premises was in bad condition and there were 8 bed spaces found upstairs over the 1st and 2nd floors. The Fire Doors had had the handles removed and there were no obvious working smoke alarms.

In the cellar the walls had been knocked through and it appeared they had also gone through the neighboring property walls also. There was food stored on the floor in the cellar around the rubble. Also the back door in the kitchen area opened out into a small courtyard which was filled with pigeons, mess and feathers, no protection to stop them entering into the kitchen area and definitely a health risk. The carpets need replacing as offices boots had stuck to them.

16. The Fire Service was called to attend to ensure the premises was safe to remain open. At the time of this report I am awaiting the Fire Service update.
17. All officers left at 19.30 hours.

Actions:

Update pronto, de-brief to Thames Valley Police
IO Michelle FRAME 7565
14/10/2019

D



Shakur Ali



Oxford
OX3 9RG

Bodicote House

Bodicote

Banbury

Oxfordshire

OX15 4AA

www.cherwell.gov.uk

Please ask for: Licensing

Direct Dial: 01295 753744

Email: licensing@cherwell-dc.gov.uk

Our Ref: PRM0176

24 October 2019

Dear Mr Ali

Licensing Act 2003 – Premises Licence PRM0176 - Jaflong at 51 Market Square Bicester OX26 6AJ

Following my attendance at the above listed premises, with UK Boarder Agency Officers on 11/10/2019, you licensed premises was found to have people allegedly working at the premises, when those persons had no right to work in the UK.

The Boarder Agency removed 3 males from the premises, and they were detained under UK Immigration laws. One male, who had not been seen working, was escorted away from the premises.

Officers noted that away from the dinning areas, the premises appeared to be in a poor state of repair. It had had 8 bed spaces, which appeared to have been recently used. Doors marked as fire door, had door handles removed, the fire exit route from the kitchens was blocked. There appeared to be an infestation of pigeons alongside the kitchens, and the cellar had a whole knocked out of the partitioning wall into what appeared to be a neighbouring property.

As a premises licence holder, you are expected to promote and uphold the licensing objectives:

- the prevention of Crime and Disorder;
- Public Safety;
- the Prevention Public Nuisance; and
- the protection of Children from Harm.

Section 182 guidance under the Licensing Act 2003 states the following:

4.22 Civil penalties received after 6 April 2017 for immigration matters are treated in the same way as relevant offences. Licensing authorities are required to notify the Secretary of State for the Home Department (through Home Office Immigration Enforcement) when an applicant declares that they have been issued with an immigration penalty or convicted of an immigration offence or a foreign offence comparable to an immigration offence. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises. Civil penalties for

Cont.



immigration matters were added to the Licensing Act with effect from 6 April 2017, and penalties received before that date cannot be taken into account in respect of grant, revocation or suspension of a personal licence.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are:

- As the base for the organisation of criminal activity, particularly by gangs;*
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;*

Following this enforcement action from the Boarder Agency, you may be issued with a fine, or face a prosecution.

Such enforcement action by the Boarder Agency may have a direct impact on your ability to retain any type of licence under the said Act.

Therefor I would advise that you take remedial action immediately, and any remedial action is recorded as evidence that you are complying with the licensing objectives, and conditions of your licence.

Yours sincerely


Chris Pegler
Lead Licensing Enforcement Officer

(E)

Chris Pegler

From: Frame Michelle [redacted]
Sent: 06 November 2019 12:31
To: [redacted] Chris Pegler
Subject: FW: EV11-27,554 Penalty; all workers (section 15)

All

FYI the Jaflong got £20k fine from our visit.

Chris – did you get any feedback from the Fire Service? They have not got back to me.

Michelle Frame
Immigration Officer 7565
West Midlands ICE
Immigration Compliance and Enforcement Teams
North, Midlands and Wales
Immigration Enforcement
Home Office

www.gov.uk/home-office

From: [redacted]
Sent: 06 November 2019 12:27
To: Mo [redacted] (West Midlands Immigration Compliance & Enforcement
[redacted]
[redacted]
Subject: EV11-27,554 Penalty; all workers (section 15)

Civil Penalty Case Feedback Employers Scheme	
Penalty; all workers (section 15)	
EV/Tasking Reference:	EV11-27,554
CPCT Reference:	318949
Thank you for your referral to the following premises:	
Jaflong Restaurant, 51 Market Square, Bicester, OX26 6AJ	
On:	11/10/2019
Referring officer/OIC:	Michelle Frame

Employer Name Jaflong Restaurant Ltd

We have considered your referral and have some feedback to highlight

A decision has been made to issue a civil penalty of £20,000 in relation to two workers with no right to work or to undertake the work in question. The decision was made on the information provided within the referral.

Areas of strength:

Areas for improvement:

All the relevant questions were asked to both workers in order to establish a breach in s15.

Should you require or wish to add any further information please do not hesitate to contact the CPCT Official Correspondence team on:

CPCTCommunication&CorrespondenceInbox@homeoffice.gov.uk

[REDACTED]

Updates to previously published information

Since the adjournment of the hearing on 17 March, additional information relating to the case has been received from the responsible authority, and the solicitor acting for the premises.

Following consultation with the solicitor acting for the Licensing Sub-Committee, it has been agreed that these updates can be included with this agenda.

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Cherwell District Council Responsible Authority Additional representation with regards to the licence review of:

Jaflong Restaurant, 51 Market Square, Bicester, OX26 6AJ

On 5th February 2020 Jaflong Restaurant was notified that their premises licence had been made subject of a licensing review.

That Licensing review hearing was initially scheduled to take place on 17th March 2020, however, that hearing was adjourned, and due to the Coronavirus pandemic could not be rescheduled until 5th June 2020.

Notifications of the revised hearing date of June were sent out to all parties, and following that notification, on 19th May 2020 the Licensing Authority received an application to transfer the premises Licence belonging to Jaflong restaurant, Bicester.

It should be noted that the application to transfer the premises licence was only received weeks before the Committee hearing.

Jaflong Resturant, in Bicester, is a long-established family run business in the Cherwell District.

Mr Dilwar Ali has been the Designated Premises Supervisor (DPS) at Jaflong Restaurant since the premises Licence was first issued under the Licensing Act in 2006.

This would suggest that Mr Dilwar had been involved in the running of that licensed premises for many years, and as such, it is important that the application to transfer the premises licence, from Mr Shakur Ali to Mr Dilwar Ali, does not detract from the importance of the illegal activities which had been taking place at the premises.

Under the amended guidance under Section 182 of the Licensing Act 2003, where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective.

It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence.

In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

There are certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously, such activities include employing a person who is unlawfully in the UK, or has conditions preventing lawful employment.

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.

There have been similar cases in the U.K where a licence has been transferred or conditioned immediately prior to a licensing review hearing.

One example of such a case was in 2018, where Peckham Food and Wine had been found to be employing illegal immigrant workers.

Reports stated that a broom cupboard was being used as sleeping quarters for two workers who slept on a filthy mattress with only a small electric fan for ventilation, and they were being paid a salary well below the minimum wage.

A review application was made by Southwark Trading Standards.

Prior to the review hearing, an application to transfer the licence was received by the council and objected to by police.

The transferee was a Mr Safeer Shah who claimed to be untainted by the past behaviour and pledged to turn around the operation. Following questioning it turned out Mr Shah was the estranged husband of the premises licence holder and related to the other directors of the operating company.

The licensing sub-committee refused the transfer and revoked the premises licence.

The Committee's decision was appealed in the court:

On appeal Mr Shah argued that it was wrong to judge him by his family relationships. He was his own "autonomous" individual and had demonstrated his commitment to promote the licensing objectives.

Under cross-examination it became apparent that Mr Shah had been involved in the running of the business prior to the review application. It was also revealed that two of his current employees had worked at the venue when the litany of transgressions had taken place. One was, and continued to be, an illegal worker. On inspection visits prior to the appeal hearing further breaches of the licence had been found and, under Mr Shah's stewardship

The Council also argued, in reliance on Griffiths LJ's observations in R v Knightsbridge Crown Court ex p International Sporting Club (London) Ltd [1982] 1 QB 304, that it risks bringing the licensing regime into disrepute if reckless licence holders can avoid the consequences of their behaviour by simply transferring the licence into someone else's name or selling the business when they got caught and so, effectively, get away with it.

The deterrent effect of licensing enforcement would be lost, and licensing authorities are right to take a robust stance against such transfers, particularly those which appeared to be a ruse.

District Judge Julie Cooper, sitting at Camberwell Green Magistrates' Court, upheld the decision of the London Borough of Southwark to revoke a convenience store's premises licence following allegations of illegal workers being employed in conditions akin to "modern slavery".

In refusing the appeals on 28 June 2018, DJ Cooper awarded the Council its costs of over £11,000.

In summary, acting on behalf of Licensing as a Responsible Authority, based on the information and case examples; I would urge the Committee consider the revocation of this premises licence regardless of any recent premise licence transfer application/s.

Christine Pegler
Lead Licensing Enforcement Officer
Cherwell District Council
Boddcote House
Banbury
Oxon
OX15 4AA

19/05/2020



| Licensing Review Investigative Report

Date: 25th May 2020

Business Name: Jaflong Restaurant

Business Address: Jaflong Restaurant
51 Market Square
Bicester
OX26 6AJ

References: CPCT Reference: 319292
Application Reference: AR22

Instruction

1. Immigration Compliance has been instructed by Mr Shakur Ali of Jaflong Restaurant to support the premises licensing review hearing which is to be considered by the licensing committee. Mr Ali has requested that the documents, submitted by the Home Office in support of the review hearing, are investigated and a subsequent report completed.
2. Immigration Compliance is an investigative consultancy, owned and operated by Mr Kevin Barker. Mr Barker previously served as an Immigration Officer for 10 years, and has provided expert consultancy to UK business for the past 5 years. Mr Barker has a wealth of experience which has been gathered from roles in borders (Heathrow Airport), intelligence (Heathrow Airport & nationwide), surveillance officer (nationwide), Maritime Anti-Smuggling Unit (nationwide) and immigration enforcement (South West Immigration Compliance & Enforcement).

Report Evidence (Documents & Information Used)

3. The report outlined below has been formed only from the limited information that has been released through the civil penalty procedural documents and the redacted Cherwell District Council Public Document Pack.
4. To corroborate the facts of the report, reference has been made to the following statutory documentation:
 - i. Home Office Guidance (General Instructions)
 - ii. Illegal working penalties: codes of practice for employers, 2019
 - iii. Immigration Act 1971
 - iv. Immigration Asylum & Nationality Act 2006
 - v. Immigration Act 2016
 - vi. Licensing Act 2003
 - vii. Police and Criminal Evidence Act (PACE) Code B
 - viii. Powers of Entry: Code of Practice
 - ix. Civil Service Code

Report Summary

5. The redaction of the Home Office report and related witness statements makes it extremely difficult to ascertain which individuals were suspected of illegal working and the evidence linked to those individuals.
6. Although in-depth and comprehensive, much of the information presented in the 'Premise Licence Review' document, produced by the Home Office, is factually incorrect or irrelevant to the case in hand.
7. A number of discrepancies have been identified within the Premise Licence Review document.
8. The witness statements produced by immigration officers involved in the operation lack detail, and often fail to expand on, and/or evidence, the statements made by the officers. The investigation does not appear to remain impartial. Interviews were not conducted fairly and evidence was not accurately recorded.
9. No matter how evidence was obtained, there is evidence before the committee that has been presented by the Home Office of illegal working.
10. Although a significant number of procedural improprieties have been identified in relation to the conduct of the immigration enforcement officers, it is accepted that this would not be the only factor in determining the outcome of these proceedings.

Chronology

11. Intelligence was received by Immigration Enforcement stating that illegal workers had been employed at Jaflong, 521 Market Square, Bicester, OX26 6AJ.
12. On 11 October 2019, Immigration Enforcement, accompanied by a Cherwell District Council Licensing Officer, conducted an illegal working enforcement operation at the Jaflong business premises.
13. Two individuals found during the operation were alleged to be employed by Mr Ali and a referral notice was served upon the alleged employer for a potential illegal working civil penalty of £40,000.
14. Mr Ali responded to the Home Office 'request for information'.
15. After considering the facts of the case the Home Office consequently issued the liable party with a reduced penalty amount of £20,000, this reduction was made on account of the following facts:
 - This was the liable party's first breach of section 15 of the Immigration Act 2006
 - The liable party had displayed 'active co-operation' with the Home Office
16. The Home Office (Immigration Enforcement), as a responsible authority, then made an application to review the premises licence on the grounds that the licence holder had failed to meet the licensing objective of the prevention of crime and disorder.

The Civil Penalty Notice

17. Section 15(2) of the 2006 Act prescribes that the Secretary of State may give an employer who acts contrary to section 15 a notice requiring him to pay a penalty of a specified amount not exceeding the prescribed maximum.
18. The word 'may' infers a level of discretion available to the Secretary of State, as to whether a civil penalty should be served at all.
19. The Civil Penalty Compliance Team (CPCT) are responsible for the administration of the illegal working civil penalty scheme. This team considers the merits of the evidence presented by officers following an operation, and makes the decision as to whether a civil penalty should be imposed.
20. It is evident that in most cases the threshold for the imposition of a civil penalty is extremely low (given that the burden of proof for this civil matter is 'on the balance of probabilities') and any imposed penalty may then be challenged by way of an objection and further appeal by the liable party if deemed necessary and proportionate.
21. In this case a civil penalty notice was 'given' to Jaflong Restaurant Ltd on 11 November 2019. The decision to serve the notice was based upon evidence in the form of interview records made by officers during the operation. The evidence arising from these interviews is challenged by the liable party and was to form the basis of their objection against the imposed penalty.

The Objection against the Imposed Civil Penalty

22. Section 16(1) of the 2006 Act prescribes that an employer to whom a penalty notice is given may object on three grounds –
 - a) that they are not liable to the penalty
 - b) that they are excused payment by virtue of section 15(3) of the 2006 Act (a statutory excuse)
 - c) that the amount of the penalty is too high
23. The 2006 Act is not prescriptive as to rule out any relevant matter as to why the liable party may object to the imposition of a penalty.
24. On consideration of the liable party's objection, the Secretary of State has the authority to reduce or cancel the imposed penalty.
25. If, following consideration of the objection, the Secretary of State maintains the penalty, the liable party is afforded a right of appeal. Section 17 of the 2006 Act prescribes that an appeal shall be a re-hearing of the Secretary of State's decision to impose a penalty and invites the court to consider 'any matter they deem relevant'. Therefore, any ground to object cannot be considered irrelevant without the courts consideration.

26. An 'information response' was submitted by Mr Ali, as requested by the Civil Penalty Compliance Team (CPCT), and the Home Office consequently reported that he was actively co-operating with the Home Office investigation.
27. Mr Ali instructed his accountant, Rosemount Accountancy Ltd, to submit an objection against the imposed penalty on the grounds that they were not liable to the penalty. Unfortunately, unbeknown to Mr Ali, the accountancy firm did not submit the objection within the statutory time frame. It follows that the penalty was left unchallenged and the fine of £20,000 was maintained.
28. The civil penalty statutory framework dictates that Mr Ali has no further remedy for appealing the imposed penalty.

Illegal Working Penalties: Codes of Practice for Employers, 2019

29. The relevant illegal working penalties code of practice is issued under section 19 of the 2006 Act to specify the factors to be considered by the Home Office in determining the amount of the civil penalty for employing an illegal worker.
30. This Code, and the civil penalty regime, only applies to employers who employ staff under a contract of employment (a contract of service or apprenticeship). "It does not apply to those who undertake work who do not fall within these categories". The Secretary of State clearly recognises that there are 'workers' who are not employed under a contract of employment for whom the penalty would not apply.
31. Section 16(5)(a) of the 2006 Act prescribes that where the Secretary of State considers a notice of objection he shall have regard to the code of practice under section 19 only in so far as the objection relates to the amount of the penalty.
32. Significantly, the code states, "the code does not impose any legal duties on employers, nor is it an authoritative statement of the law". This statement clearly confirms that there is no legal duty for any employer to check the 'right to work' status of any of their employees and therefore, in isolation, the employer would face no charge for failing to conduct such checks.

The Evidence

33. The Home Office evidence supporting this licence review is based solely upon 'interview records' from, Jewel Miah and Mohammed Moyna, two individuals believed to have been working upon the business premises.
34. On page 90 of the Premises Licence Review Hearing Report, an Immigration Officer witness statement identifies a 'male [Jewel Miah] found in the kitchen wearing dirty chef whites and black trousers'. The male stated that he worked as a kitchen porter. However, there does not appear to be, and is certainly no record of, any further questioning to establish the name of the employer or the employment status of this male. Determining employer-employee relations is an important part of the civil penalty process, indeed this licensing review, yet the specific factors and circumstances surrounding the male's employment were not explored or recorded in any detail during the investigation.
35. The officer [at 34] further presents that Jewel Miah stated that his employer was aware that he was unlawfully present in the United Kingdom. No further questioning

has been presented to evidence how the un-named employer would have reasonable cause to believe that this individual was unlawfully present.

36. On page 95 of the Premises Licence Review Hearing Report, an Immigration Officer witness statement identifies a male [Mohammed Moyna] who, when interviewed via an official interpreter (Big Word), stated he had worked at the business for 6 months as a chef. This male named Shokor Ali as the 'boss' and, significantly, states that he did show his passport copy to Mr Ali before he was offered the job. This evidences that Mr Ali did make efforts to comply with the illegal working penalties code of practice (which although he is not legally obliged to comply with does illustrate due diligence). Again, this significant fact was then left without further investigation at the time to establish if this due diligence would confer a statutory excuse or mitigate any imposed penalty.
37. Officer reports illustrate that the authorities were aware of the fact that Dill Ali, the son of the owner, was temporarily managing the premises due his father's poor health. However, Dill Ali was not questioned during the operation regarding any of the individuals alleged to have been employed at the premises. This resulted in Dill Ali being unable to establish the facts of the individual's presence upon the premises.
38. There has been no disclosure of any notes or recorded interviews which may verify the exact words spoken during the questioning of any of the above individuals; therefore, I am unable to make any further assessment on the evidence presented.

Procedural Improprieties

39. The documents investigated during this report have highlighted a significant number of procedural failures on behalf of the immigration authorities. This report highlights some of the more significant improprieties for consideration in connection with the licence review.
40. Entry to the business premises was gained by use of section 179 of the Licensing Act 2003 ('the 2003 Act'). Immigration Enforcement Guidance (General Instructions) prescribes that,

"As a matter of policy, the power [section 179] must only be used where there is intelligence in relation to illegal working and related offences taking place in connection with the licensable activity."

The intelligence provided by the Home Office within the report makes no connection to a licensable activity. In fact, the intelligence provided within the licence review application merely asserts that there were "immigration offenders present". Contrary to Home Office policy, the threshold for the use of section 179 of the 2003 Act does not appear to have been met.

41. During the operation, Immigration Officers had no statutory power to search the premises. Notably, section 180 of the 2003 Act confers a power of entry and search to a police constable if they have reason to believe that an offence under the 2003 Act has been, is being or is about to be committed. Significantly, section 180 would only confer a power to search in connection with a breach of the 2003 Act, and is not conferred on immigration officers - it follows that once entry has been made by an immigration officer, then any further search and engagement must be conducted under separate statutory powers. There is no evidence of any statutory search power being exercised during this operation.

42. The 2003 Act does not legislate for the use of any associated immigration powers of search, seizure or arrest. Consequently, a search of the premises and/or the 'rounding-up' of individuals must be individually recorded and justified by those using any separate powers.
43. Page 18 of the Premises Licence Review Hearing Report, at 1.33, notes that the OIC (Officer in Charge) conducted 'a thorough walkthrough of the premises and accommodation above'. This is not a statutory power conferred upon an immigration officer.
44. Page 18 of the Premises Licence Review Hearing Report, at 1.31, notes that the OIC conducted a 'health and safety sweep' of the premises. This is not a statutory power conferred upon an immigration officer and is contrary to the use of section 179 of the 2003 Act which stipulates that the entry must be for the purpose of seeing whether an offence under any of the Immigration Acts is being committed in connection with the carrying on of the activity.
45. As soon as officers moved the intended search outside of the statutory definition, entry to, and the search of, the business premises falls outside of the statutory power conferred by section 179 of the 2003 Act.
46. The unlawful search of premises is contrary to Code B of the Police and Criminal Evidence Act (PACE), which states in relevant part:
 - 1.3A "Powers to search and seize must be used fairly, responsibly, with respect for people who occupy premises being searched"
 - 1.5 "If the provisions of PACE and this Code are not observed, evidence obtained from a search may be open to question."
47. In addition to PACE Code B, the Secretary of State has also issued a code of practice for the use of powers of entry – the 'Powers of Entry: Code of Practice'. A relevant person (in this case an immigration officer) must have regard to this code when exercising any functions to which the code relates. During the operation officers appear to have acted contrary to the code, which states:
 - 1.1 "the Code is admissible as evidence in any such proceedings and any failure by a relevant person to have regard to the Code may be taken into account."
 - 11.1 "Where it is proposed to exercise a power of entry without seeking consent, and without a warrant, authorised persons must follow the conditions set out in statute granting them entry."
 - 17.2 "Whilst exercising powers an authorised person should not exercise any powers other than those granted under legislation and should be clear about what associated powers may be exercised (such as powers to inspect, search, seize or survey) and exercise those legally and fairly."
48. Immigration Officers must also follow a strict professional code to uphold and promote the reputation of the Home Office. Under section 5(8) of the Constitutional Reform and Governance Act 2010 the 'Civil Service Code' forms part of the terms

and conditions of service of any civil servant covered by the code. The code stipulates that all officers should act with integrity, honesty, objectivity and impartiality.

49. It is submitted that to knowingly act outside of, or beyond, statutory powers and to knowingly breach prescribed guidance and codes, is contrary to the published Civil Service Code, in that:

(a) Officers have failed to act in a way that deserves and retains the confidence of all those with whom you have dealing;

(b) Officers have failed to deal with the public and their affairs fairly;

(c) Officers have failed to act with honesty by setting out the facts and relevant issues truthfully;

(d) Officers have failed to carry out their responsibilities in a way that is fair, just and equitable.

50. In this case officers appear to have acted outside of this important, contractual, agreement.

Inconsistent Information (Encounters & Illegal Workers)

51. There are significant inconsistencies between accounts, reports and witness statements relating to the number of individuals encountered and the consequent actions relating to those individuals.

52. The application for review (completed by Immigration Enforcement) illustrates that there were **7** members of staff on site, **5** were suspected of working illegally and two (**2**) of the encountered males were arrested for immigration offences.

53. The Premise Licence Review Document [page 15 at 1.3] illustrates that **4** people were found to be working illegally at the premises and **3** individuals were arrested for being in the UK with no valid leave.

54. The Premise Licence Review Document [page 17 at 1.21] illustrates that officers identified **4** males in total who were of interest to the Home Office two (**2**) were detained and three (**3**) were instructed that they had no permission to work and were escorted from the premises. In addition to the fact that these figures simply do not add up, immigration officers have no statutory power to remove individuals from premises without arrest.

55. The OIC debrief [page 29] illustrates that **7** individuals were encountered, **2** of whom were 'cleared', **1** individual was escorted from the premises and **2** individuals were arrested. There is no recorded outcome for 2 of the individuals.

Premise License Review Document (Home Office)

56. It is my understanding that the licensing authority's role when determining such a review is not to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective. However, the Home Office have drafted

a report focused on determining guilt and drawing comparisons with previous cases to justify their recommendation for revocation.

57. My observations in this section consider the legal facts which have been highlighted by the Home Office within their Premise License Review Document. Some of the statements made are factually incorrect, some cannot be proven and some are irrelevant to the case in hand. I bring these facts to the attention of the committee to ensure a balanced representation, upon which an informed decision may be made.
58. At 1.1 on page 15, it would appear that no investigation has been conducted in relation to the allegation of tax fraud. At 1.19, we are informed that the allegation is anonymous and consequently untested and therefore should not be relied upon.
59. At 1.6 on page 15, the Home Office highlights the circumstances of an immigration enforcement visit conducted in 2011, however, no reference is made to any individuals who were found to be working illegally (this report [at 15] establishes that the Home Office have indicated that this case is the liable party's first and only breach of section 15 of the 2006 Act).
60. At 1.7 on page 15, the Home Office makes reference to a further enforcement operation in 2013. The report infers that no individuals were found working illegally during this operation (Home Office evidence [at 15] suggests that no illegal workers were found).
61. At 1.7 on page 15, a link is inferred between a name given via an allegation in 2003 and an individual encountered at the premises during the 2019 operation. The name could simply be a common name, but due to redaction and without an additional date of birth we are unable to ascertain if this is indeed the same individual. Officers do not seem to have explored this inferred link during the operation. Again, the report makes no reference to this individual working illegally at the premises in 2019 (Home Office evidence [at 15] suggests that he was not working illegally).
62. At 1.8 on page 15, the Home Office imply that Mr Ali has a disregard for immigration law and lack of employment judgement on how to conduct the correct right to work checks. The Illegal working penalties: codes of practice for employers 2019, makes it very clear that an employer is not legally obliged to conduct a right to work check on any potential employee.
63. At 1.9, 1.10, 1.11 on page 15, significant reports relating to the condition of the premises are brought within the review document. However, an immigration officer is not afforded any powers to investigate health and safety risks or fire regulations.
64. At 1.9 on page 15, it is reported that the fire service were called to attend and assess the premises. Dill Ali reports that the Fire Service did attend later that same evening. Dill Ali states that the fire officers conducted an assessment but did not provide a report or request any remedial action. I am informed (in lieu of any formal report) that the response from the Fire Service was that the premises were safe to continue operating.
65. At 1.12 on page 16, the report highlights that Mr Ali was served with a civil penalty which remains outstanding. Dill Ali submits that the business accountant was instructed to make an objection but failed to do so.
66. At 1.15 on page 16, the Home Office asks the committee to consider the failure to heed prior warnings and advice. What advice and support has been given to the

business? Do the Home Office have any record of official warnings or any advice or support given to the employer?

67. At 1.15 on page 16, the Home Office request to revoke the premises licence as a 'deterrent to others' appears to lack impartiality and detracts from the specific and individual evidence of the case, instead focusing on the message that revocation would give to others.
68. At 1.19 on page 16, the intelligence does not support the use of section 179 powers. Immigration Enforcement General Instructions states:

"As a matter of policy, the power must only be used where there is intelligence in relation to illegal working and related offences taking place in connection with the licensable activity, irrespective of whether the ICE team is completing a solo or joint visit."

In the quoted intelligence there was no connection made to any licensable activity.

69. At 1.22 on page 17, the report suggests that previous visits identified illegal workers, however, the bullet points contained within the paragraph do not evidence that illegal workers were encountered during any of the operational visits. Again, this information contradicts the Home Office statement within the civil penalty notice that this is the employer's first breach of section 15 of the 2006 Act.
70. At 1.31 on page 18, the report evidences a 'health and safety sweep of the premises', such a search would be conducted outside of any statutory powers and would constitute an unlawful search.
71. At 1.33 on page 18, the report makes reference to the OIC conducting a thorough walk through of the premises and accommodation above, such a search would also be conducted outside of any statutory powers.
72. At 1.36 on page 18, Reference is made to potential contact with 'public protection' but it is not made clear if contact was actually made. There is no evidence of any further visit/site inspection conducted?
73. At 2.1 on page 21, the Home Office reports that illegal workers were engaged in activity on the premises on three separate occasions. This statement is not specifically evidenced within the report and is contradicted by the fact that the recently imposed civil penalty was reduced due to the fact that "this was the liable party's first breach of section 15 of the Immigration Act 2006".
74. At 2.1 on page 21, the Home Office asserts that "it is a simple process for an employer to ascertain what documents they should check before a person can work". The illegal working penalties: codes of practice for employers 2019, does give guidance on the type of documents which are acceptable to provide an employer with a statutory excuse against a civil penalty. However, the code also states that,
- "It will not be possible to conduct an online right to work check in all circumstances, as not all employees, or prospective employees, will have an immigration status that can be checked online at this stage."

Hence, the difficulty arises when the potential employee cannot provide any document which evidences a right to work in the UK (i.e. the document is lost or stolen). In such circumstances, unless the individual has an outstanding application

with the Home Office or status which can be checked online, the authorities offer no support in checking an individual's right to work. In these circumstances the Home Office stance is non-committal and they advise that if the individual is employed you do so at your own risk.

75. At 2.1 on page 21, the Home Office suggest that the offence of illegal working can only be committed with the co-operation of a premises licence holder or its agents. Co-operation suggests that an employer is complicit in the crime and engages an individual in work knowing that an individual has no legal status to conduct such work. The fact that an employer is not obliged by statute to check an individual's right to work implies that an employer could, unbeknown to them, quite lawfully and genuinely employ an individual who has no right to work in the UK, such action would not necessarily determine that they were complicit with the act of illegal working. The first that many employers are aware of an individual's immigration status is when an immigration operation takes place upon their business premises. The offence of illegal working is committed by the individual who is working without permission or in breach of their restrictions. The offence of illegal working is not committed by the employer.
76. At 2.3 on page 22, the Home Office suggest that a warning or 'other activity' ('other activity' is undefined) would be inappropriate and move to make this review application. This would seem contrary to paragraph 11.10 of the guidance issued under section 182 of the 2003 Act, which promotes that where possible the responsible authority should advise the licence or certificate holder of the steps they need to take to address those concerns. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
77. At 3.1 on page 22, the report suggests that an employer engages in criminal activity by employing illegal workers. It is a legal fact that the employer does not commit a criminal offence by employing an illegal worker, this is a civil offence (contrary to section 15 of the 2006 Act) dealt with by way of a civil penalty.
78. At 3.4 on page 22, the Home Office suggests that since 2006, employers have had a duty to complete checks to ensure that employees and potential employees are not disqualified from working. There is no legal duty imposed upon an employer to conduct such checks and the 2006 Act made no amendments to this fact.
79. At 3.6 on page 22, the Home Office submits that it has considered and rejected conditions as an alternative to revocation. Suggesting that paragraph 1.16 of the guidance issued under section 182 of the 2003 Act, which states that, "Licence conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation", render such conditions inadequate. However, the illegal working penalties: codes of practice for employers 2019, states that, "the Code does not impose any legal duties on employers". This would suggest that a condition imposing a right to work check to be completed by the employer would not be a duplication of other legislation. Furthermore, it states at paragraph 2.6 of the guidance issued under section 182 of the 2003 Act, "licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises". Therefore, the imposition of such conditions would be commensurate with licensing guidance.

80. At 3.7 on page 23, the Home Office implies that conditions requiring an employer to undertake checks are already mandated and required under the 2006 Act, this is simply not true.
81. At 3.13 on page 24 the criminal behaviour outlined in this paragraph is conducted by the individual working illegally. These illegal workers are seldom prosecuted, instead they are leaned upon to provide evidence in the pursuance of civil penalties and instigation of licence reviews. The employer is seen as an easy target to impose penalties upon (on the balance of probabilities) yet the lack of prosecution for those found working illegally fails to create a deterrent for those actually breaching criminal law.
82. At 3.17 on page 24, the Home Office suggests that an employer may be prosecuted for 'wilful ignorance' or 'where no documents are requested'. In fact, a right to work check is not a statutory requirement; therefore, the failure to request documents would not present grounds for prosecution. Furthermore, section 21(1A)(b) of the 2006 Act prescribes that the person must have 'reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status'. Wilful ignorance may not meet the threshold for prosecution.
83. At 3.21 - 3.25 on page 25, the Home Office reiterate the simplicity of right to work checks and the support given to employers. As highlighted in paragraph 73 of this report, support for those who are faced with individuals who cannot prove their right to work in the UK is non-existent. The Home Office openly admit that not all employees, or prospective employees, will have an immigration status that can be checked online. The Windrush Generation are just one example of a number of individuals in the UK who are unable to evidence their right to work. Government websites, checklists and google searches are a great support when individuals are complicit with requests for documentation; however, the support is severely lacking in respect of individuals who present with no documentation and no outstanding Home Office application.
84. At 3.28 on page 26, the report makes reference to the Home Office code of practice on preventing illegal working (2014), this code has been replaced by the current Code of practice on preventing illegal working: Civil penalty scheme for employers (2019) which came into force for any case considered on or after the 28th January 2019.
85. At 3.31 on page 26, the Home Office make reference to the offence of illegal working under 24B of the Immigration Act 1971. This offence of illegal working is committed only by the individual who is working illegally not the employer. In the present case, the Home Office have brought no charges for the offence in breach of 24B of the 1971 Act. Any prosecution under section 24B may only be investigated by specialist investigative officers.
86. At 3.32 on page 26, the Home Office suggests that an employer's failure to check right to work documentation is an act of facilitation. Facilitation of an offence suggests that an individual makes it easier for the offence to be committed. UK legislation does not legally compel employers to check an individual's right to work status; therefore, the lack of any documentation check by the employer alone cannot constitute facilitation of the criminal offence. Such an accusation would suggest that UK law itself facilitates the offence by not imposing a statutory duty on the employer to check an individual's right to work.

87. At 3.34 on page 29, the Home Office considers that a warning given by Immigration Enforcement would be inappropriate. In relation to a warning given prior to an enforcement operation I completely agree; however, this does not prevent warnings being given post enforcement visit to facilitate change, and to build local relationships. This active co-operation in promoting the licensing objectives at a local level would also be commensurate with the guidance issued under section 182 of the 2003 Act.
88. At 3.35 on page 29, the Home Office suggests that a warning after an enforcement visit would be no deterrent. This statement cannot be determined without first attempting to remedy the issue by way of a warning.
89. In support of their recommendation for revocation, the Home Office cite two pieces of case law, *East Lindsey District Council v Abu Hanif*, [2076] EWHC1265 and *R (Bassettlaw District Council) v Worksop Magistrates' Court*, [2008] WLR (D) 350.
90. The Home Office suggests that *East Lindsey District Council v Abu Hanif*, [2076] EWHC1265 is indistinguishable from the case before you, however, there are significant differences, as follows:
- a) The respondent, Mr Abu Hanif accepted that he:
 - i) employed Mr Miah without paperwork showing a right to work in the United Kingdom;
 - ii) paid Mr Miah cash in hand;
 - iii) paid Mr Miah less than the minimum wage;
 - iv) did not keep or maintain PAYE records;
 - v) purported to deduct tax from Mr Miah's salary; and
 - vi) did not account to HMRC for the tax deducted.

The above facts have not been investigated or evidenced in the case before you.

- b) Mr Hanif is purported to have had knowledge that there were problems previously at other premises with overstayers.

In the case before you, although immigration offenders have been encountered previously at the premises, the Home Office confirm that the liable party has not previously breached section 15 of the 2006 Act (i.e. has not been found employing illegal workers).

- c) In the cited case, at paragraph 9A, Mr Justice Jay commented, "the prosecuting authority however appear to have taken a different view in offering the civil penalty."

It must be clarified that the civil penalty regime and the criminal prosecution for knowingly employing an illegal worker are completely separate statutory provisions. They are not a sliding scale akin to a speeding fine where the offence can be dealt with by way of a fixed penalty for minor offences or prosecution for more serious offences. For the Home Office to bring about a prosecution case against any employer the operation must be conducted as a prosecution case from the very beginning and would be led by an immigration CFI (Criminal and Financial Investigation) team. The reason for this is that the burden of proof for a prosecution case is higher than that required for the service of a civil penalty.

- d) In the cited case, Mr Justice Jay stated that Abu Hanif had, “exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law”.

In the case before you it has not been established that Mr Ali has breached any criminal law, indeed Mr Ali has been left without the opportunity (albeit not through any fault of the authorities) to object to the imposition of the civil penalty for a breach of section 15 of the Immigration Act 2006 (a civil matter).

91. Significantly, at paragraph 20 of the cited case, Mr Justice Jay concurs that every case must turn on its own facts. This judgement suggests that the decision made in the East Lindsey case cannot result in the same outcome without consideration of the specific facts of the case before the committee. This is further supported by the revised guidance issued under section 182 of the 2003 Act, which states at 1.17: that:

- each application must be considered on its own merits,
- this is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case

92. The cited case R (Bassetlaw District Council) v Worksop Magistrates’ Court, [2008] WLR (D) 350, illustrates that both punitive and remedial measures are options for the committee to consider. However, this is already made clear within the guidance issued under section 182 of the 2003 Act.

93. The Home Office implies that, given the circumstances of the case before you, guidance issued under section 182 of the 2003 Act determines revocation as the only reasonable option available to the committee. This outlook opposes many points made within the cited case, specifically:

- The requirement to consider necessity and proportionality;
- Remedial action taken should be directed generally to the causes and should always be no more than a necessary and proportionate response;
- The step or steps taken must be the minimum intervention necessary to achieve the aim.

94. Again, I bring to the attention of the committee the following paragraphs of the revised guidance issued under section 182 of the 2003 Act, which suggest that conditions added to a licence are a legitimate option when considering the promotion of the licensing objectives in relation to criminal matters, including illegal working –

Paragraph 2.2 states, in relevant part,

“In the exercise of their functions, licensing authorities should consider adding relevant conditions to licences where appropriate”.

Paragaph 2.3 states,

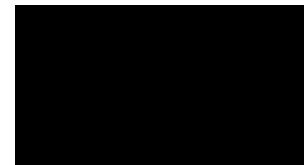
“Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises”

Paragaph 2.6 states,

“Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises”.

Declaration

95. This report includes all matters relevant to the issues on which my expert knowledge is given. Those facts that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.



Report of: Kevin Barker
Immigration Compliance

Home Office

Right to Work Check

Name of person:	SUMON ALI
Date of check:	11-05-2014 - 9-3-2020
Type of check:	Initial check before employment <input type="checkbox"/> Follow-up check on an employee <input type="checkbox"/>

You may conduct a physical document check or perform an online check to establish a right to work

- You must **obtain original** documents from either **List A** or **List B** of acceptable documents for a manual right to work check

- A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office, to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office, to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth (short or long) or adoption certificate issued in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months** in question **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

3. A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

• You must **check** that the documents are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering.

1. Are photographs consistent across documents and with the person's appearance? Yes No N/A

2. Are dates of birth consistent across documents and with the person's appearance? Yes No N/A

3. Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed (if applicable)? Yes No N/A

4. Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (for **students** who have limited permission to work during term-times, you **must** also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed) Yes No N/A

5. Are you satisfied the document is genuine, has not been tampered with and belongs to the holder? Yes No N/A

6. Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? (Supporting documents should also be photocopied and a copy retained.) Yes No N/A

You must make a clear **copy** of each document in a format which cannot later be altered, and retain the copy securely: electronically or in hardcopy. You must copy and retain:

1. **Passports**: any page with the document expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph, and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.

2. **All other documents**: the document in full, both sides of a Biometric Residence Permit.

Know the type of excuse you have

If you have correctly carried out the above 3 steps you will have an excuse against liability for a civil penalty if the above named person is found working for you illegally. However, you need to be aware of the type of excuse you have as this determines how long it lasts for, and if, and when you are required to do a follow-up check.

The documents that you have checked and copied are from:

1. **List A** You have a **continuous statutory excuse** for the **full duration** of the person's employment with you. You are not required to carry out any repeat right to work checks on this person.

2. **List B: Group 1** You have a **time-limited statutory excuse** which expires when the person's permission to be in the UK expires. You should carry out a **follow-up check when the document evidencing their permission to work expires.**

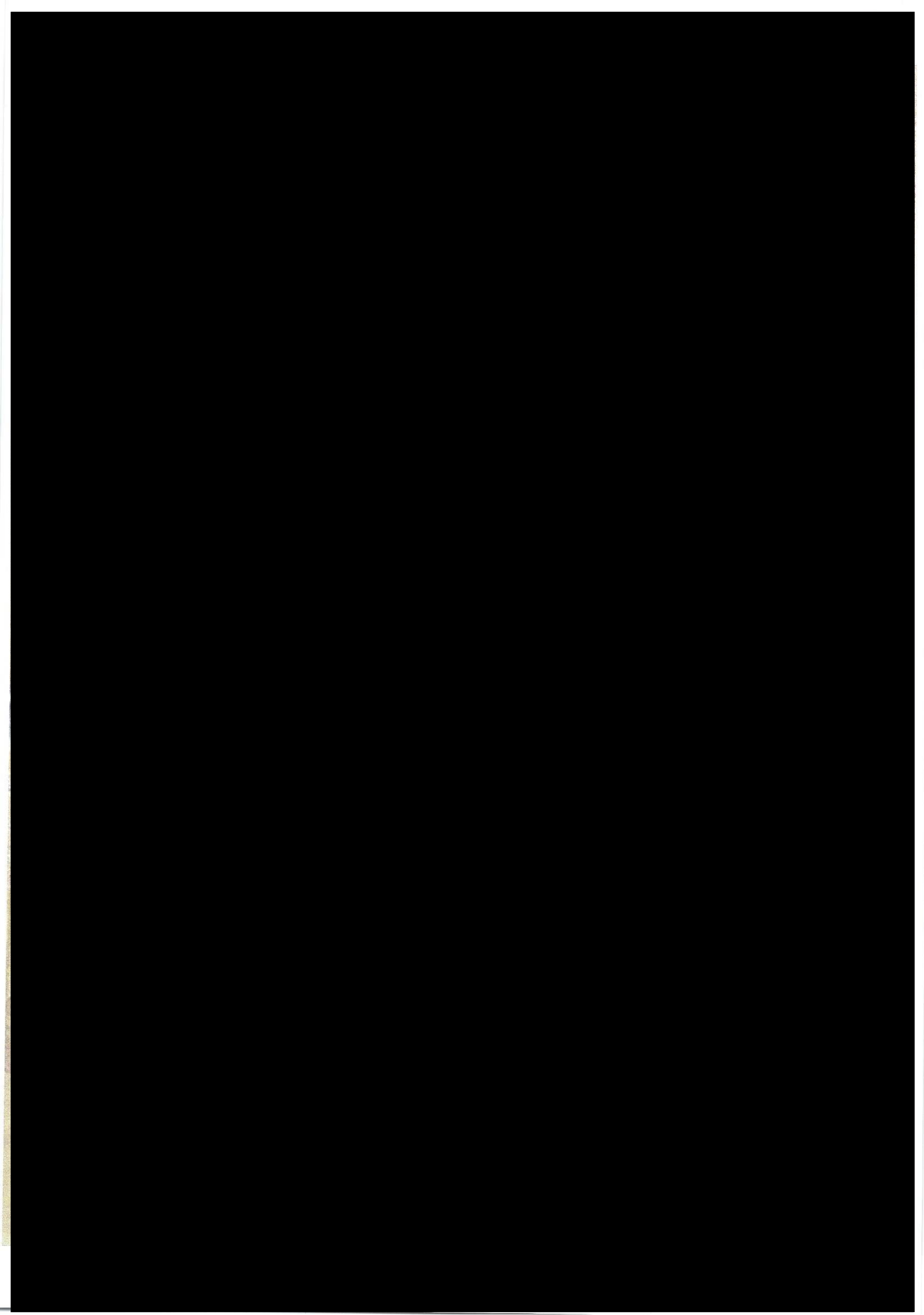
3. List B: Group 2 You have a **time-limited statutory excuse** which expires 6 months from the date specified in your Positive Verification Notice. **This means that you should carry out a follow-up check when this notice expires**

You must obtain original documents from either List A or List B of acceptable documents for a manual right to work check

Home Office online right to work checking service

For an online right to work check (available in respect of those with a biometric residence permit or a biometric residence card or have status issued under the EU settlement scheme). There are three basic steps to conducting an online right to work check:

1. use the Home Office online right to work checking service (the 'View a job applicant's right to work details' page on gov.uk) in respect of an individual and only employ the person or continue to employ an existing employee, if the online check confirms they are entitled to do the work in question;
2. satisfy yourself that any photograph on the online right to work check is of the individual presenting themselves for work; and
3. retain a clear copy of the response provided by the online right to work check (storing that response securely, electronically or in hardcopy) for the duration of employment and for two years afterwards.





Name of person:	DILRAG Ali
Date of check:	29-07-18 - 9-3-2020
Type of check:	Initial check before employment <input checked="" type="checkbox"/> Follow-up check on an employee <input type="checkbox"/>

You may conduct a physical document check or perform an online check to establish a right to work

Step 1 for physical check

- You must **obtain original** documents from either **List A** or **List B** of acceptable documents for a manual right to work check

List A

- A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office, to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office, to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth (short or long) or adoption certificate issued in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B Group 1

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B Group 2

- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months old together with a Positive Verification Notice** from the Home Office Employer Checking Service.
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

3. A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Step 2 Check

• You must **check** that the documents are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering.

1. Are photographs consistent across documents and with the person's appearance?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2. Are dates of birth consistent across documents and with the person's appearance?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
3. Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed (if applicable)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
4. Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (for students who have limited permission to work during term-times, you must also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
5. Are you satisfied the document is genuine, has not been tampered with and belongs to the holder?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
6. Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? (Supporting documents should also be photocopied and a copy retained.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

Step 3 Copy

You must make a clear **copy** of each document in a format which cannot later be altered, and retain the copy securely: electronically or in hardcopy. You must copy and retain:

- 1. **Passports**: any page with the document expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph, and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.
- 2. **All other documents**: the document in full, both sides of a Biometric Residence Permit.

You must also record and retain the date on which the check was made.

Know the type of excuse you have

If you have correctly carried out the above 3 steps you will have an excuse against liability for a civil penalty if the above named person is found working for you illegally. However, you need to be aware of the type of excuse you have as this determines how long it lasts for, and if, and when you are required to do a follow-up check.

The documents that you have checked and copied are from:

- 1. **List A** You have a **continuous statutory excuse** for the **full duration** of the person's employment with you. You are not required to carry out any repeat right to work checks on this person.
- 2. **List B: Group 1** You have a **time-limited statutory excuse** which expires when the person's permission to be in the UK expires. You should carry out a **follow-up check when the document evidencing their permission to work expires.**

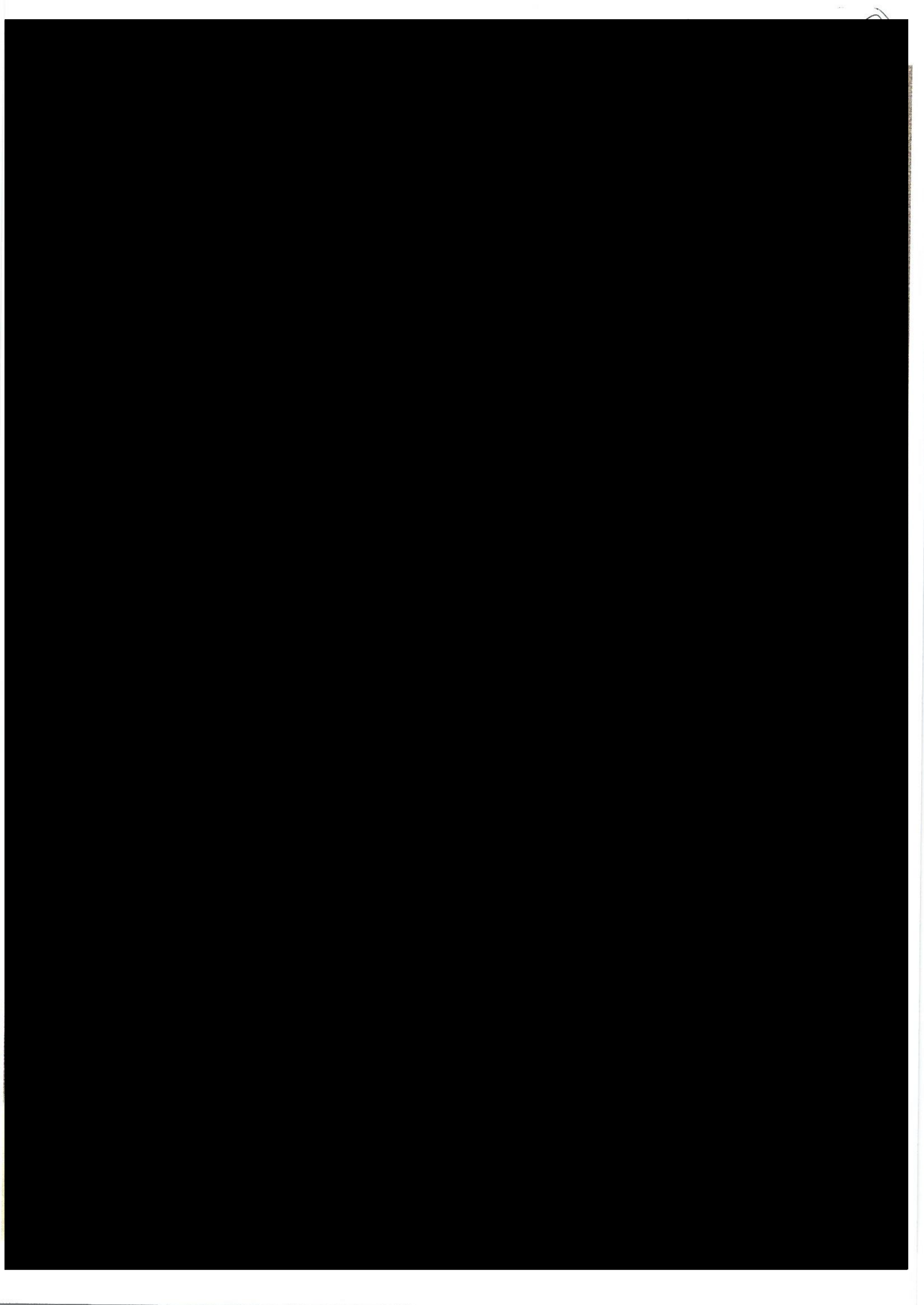
3. List B: Group 2 You have a **time-limited statutory excuse** which expires 6 months from the date specified in your Positive Verification Notice. **This means that you should carry out a follow-up check when this notice expires**

You must obtain original documents from either List A or List B of acceptable documents for a manual right to work check

Home Office online right to work checking service

For an online right to work check (available in respect of those with a biometric residence permit, a biometric residence card or have status issued under the EU settlement scheme). There are three basic steps to conducting an online right to work check:

1. use the Home Office online right to work checking service (the 'View a job applicant's right to work details' page on gov.uk) in respect of an individual and only employ the person, or continue to employ an existing employee, if the online check confirms they are entitled to do the work in question;
2. satisfy yourself that any photograph on the online right to work check is of the individual presenting themselves for work; and
3. retain a clear copy of the response provided by the online right to work check (storing that response securely, electronically or in hardcopy) for the duration of employment and for two years afterwards.





Right to Work Checklist

Name of person:	RUKEYA BEGUM
Date of check:	01/09/17 - 9-2-2020
Type of check:	Initial check before employment <input checked="" type="checkbox"/> Follow-up check on an employee <input type="checkbox"/>

You may conduct a physical document check or perform an online check to establish a right to work

Step 1 for physical check

- You must **obtain original** documents from either **List A** or **List B** of acceptable documents for a manual right to work check

List A

- A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office, to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office, to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
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- 2. **List B: Group 1** You have a **time-limited statutory excuse** which expires when the person's permission to be in the UK expires. You should carry out a **follow-up check when the document evidencing their permission to work expires**.

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3. List B: Group 2 You have a **time-limited statutory excuse** which expires 6 months from the date specified in your Positive Verification Notice. **This means that you should carry out a follow-up check when this notice expires**

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2. satisfy yourself that any photograph on the online right to work check is of the individual presenting themselves for work; and
3. retain a clear copy of the response provided by the online right to work check (storing that response securely, electronically or in hardcopy) for the duration of employment and for two years afterwards.

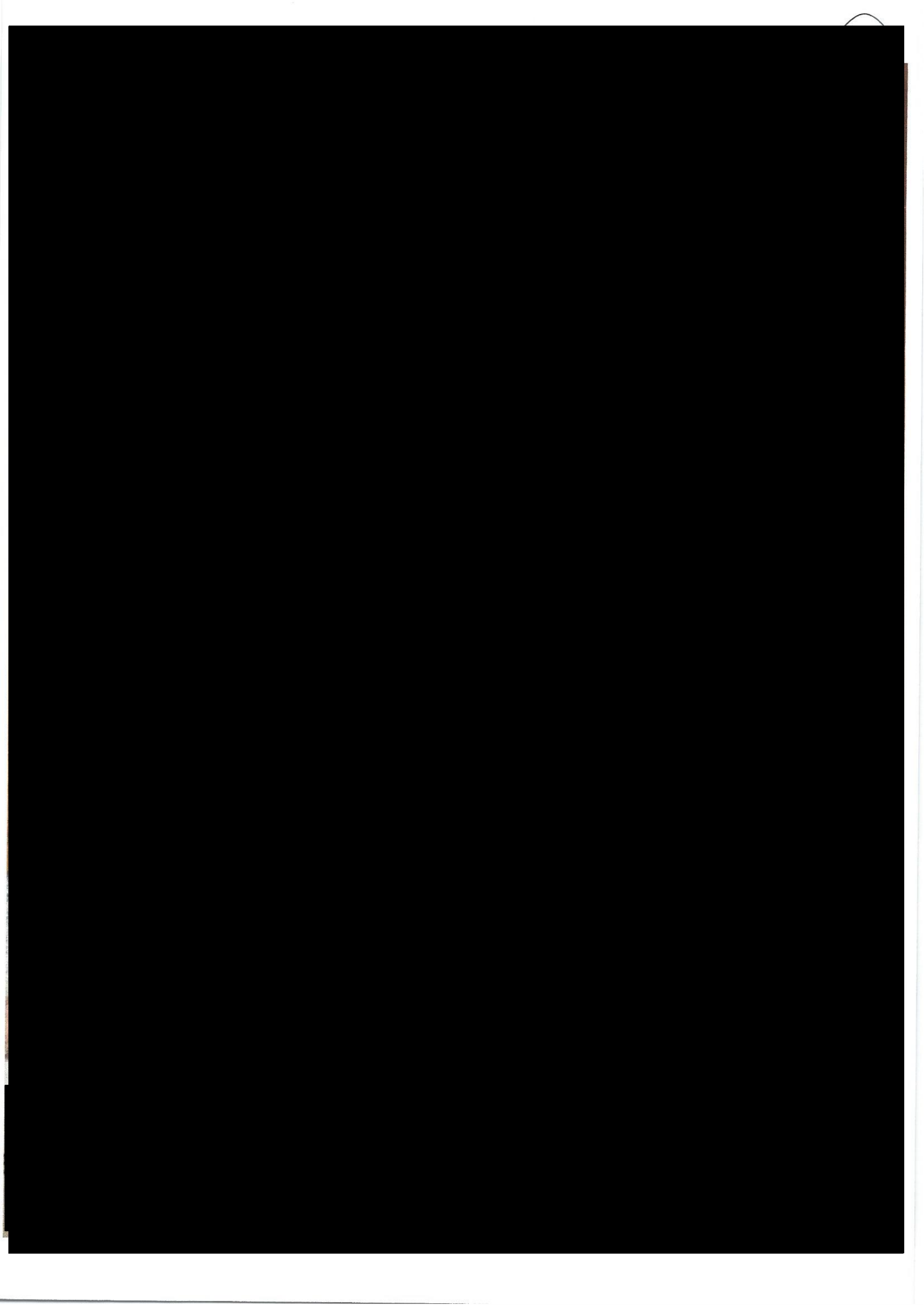


PHOTO - 1 - ALLEYWAY O/S JAFFLONG



PHOTO 2 - ALLEYWAY O/S JAFLONS

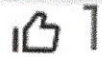


Pitoto 3 - Food DONATION
- JAFONG REST



(4) (1) Thank You!

Helpful?



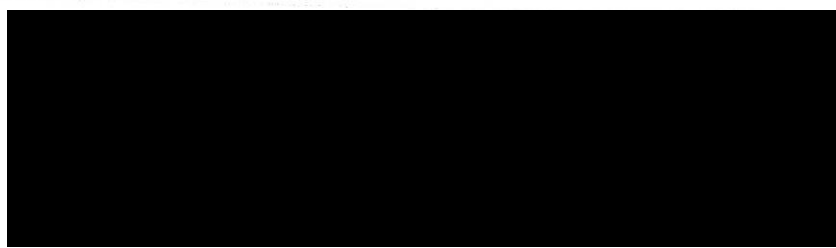
Reviewed 1 week ago

Amazing generosity

Thank you so much. We are so grateful and humbled by your generosity. We are touched beyond words to be supplied with so much food and made with love. Our upmost appreciation from Bouygues Energies and Services, in Partnership with Oxford University Hospital, NHS Trust.

Date of visit: April 2020

Helpful?



Reviewed 1 week ago

Reunion satisfied

Jaflong has been around like forever so we thought we all go back for some hearty goodness and they

(ii)
4 Thank you!



Reviewed 3 days ago via mobile

Thank you Jaflong restaurant

Thank you Jaflong restaurant for the generosity of curry meals you had giving me and my team at Cardiology unit ward we always appreciate help from everyone who donate food for us and everyone else in the JR Radcliffe Hospital so we especially thank you at this time and hope you can continue this generosity on your part and we hope all the best and as result I myself will try order from you restaurant for a takeaway or delivery and others I know as I live near bicester once again thank you Jaflong.

Show less

Date of visit: May 2020

 Thank selzg



This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC

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