



Public Document Pack

Uttlesford District Council

Chief Executive: Dawn French

SUPPLEMENTARY PACK

Licensing and Environmental Health Committee

Date: Monday, 19th November, 2018
Time: 10.00 am
Venue: Committee Room - Council Offices, London Road, Saffron Walden,
Essex CB11 4ER

Chairman: Councillor **R Chambers**
Members: Councillors A Anjum, **G Barker**, J Davey, M Foley, **A Gerard**,
T Goddard (Vice-Chair), J Gordon, E Hicks and S Morris

ITEMS WITH SUPPLEMENTARY INFORMATION PART 1

Open to Public and Press

- 2 Application for a Premises Licence - Queen Victoria Great Dunmow 3 - 152**

To consider the application for a Premises Licence for the Queen Victoria, Great Dunmow.



Uttlesford District Council

Chief Executive: Dawn French

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Objection to the Grant of New Premises Licence

79 Stortford Road, Great Dunmow, CM6 1DL

Supplementary documentary information in support of objection.



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Re the representation against the grant of this licence under the prevention of crime and disorder objective LA2003:

- 1.0 Outline of circumstances leading to objection to application
- 1.1 The applicant for this licence is Aldbrook Ltd. Aldbrook Ltd has owned the premises and its directors have been intimately connected with the premises for a number of years albeit with the premises licence being held jointly by a Ziaul CHOWDURY and Omar SHORIF (until revocation of the licence on 11th September 2018) (Doc 1). The licence was revoked as a consequence of 4 illegal workers being found on the premises in July 2018. Previous to this, when still owned by Aldbrook Ltd, in 2013, 2014 and 2016 the premises were also found to have employed illegal workers.
- 1.2 Over several years, whilst operating under the revoked licence, the Designated Premises Supervisor was Ziaul CHOWDHURY and the majority shareholder of Aldbrook Ltd was a Fazlul Bari CHOWDURY. Companies House records for Aldbrook Ltd for the year ended January 2017 show (at section 8 – Ultimate Controlling Party) that the company was fully owned and controlled by Fazlul Bari CHOWDHURY *and his immediate family members.*(Doc 2)
- 1.3 Following the immigration raid in July 2018 prompting call for review; an application was made to transfer the licence to two individuals. It was ascertained that both were related to both the then majority shareholder of Aldbrook Ltd and to the then DPS. One of the persons to whom the licence was sought to be transferred to was a Hadayouth CHOWDURY.
- 1.4 It was established that not only was Hadayouth CHOWDURY was a close family member but that he had been working at the premises for 2 years and was being 'brought on' to be the manager of the premises.
- 1.5 At a hearing to hear police objections to the transfer of the licence (a transfer application made the next working day after the immigration enforcement raid that led to the review hearing) the police successfully argued that this was a transfer in name only and that the same controlling minds were in place. The transfer application was refused and subsequently the licence revoked. (At separate hearings).
- 1.6 The revocation has not been appealed (and is now out of time) but instead premises management have sought to continue trading using temporary event

notices whilst at the same time making an application (by Aldbrook Ltd) for a new premises licence.

- 1.7 Companies House shows that a new director has recently been appointed to the company, Shawket Karim CHOWDHURY and is now a majority shareholder. Companies House records do not require details of those shareholders holding less than 25% and thus others may be shareholders of this 'family firm'. (Doc 3)
- 1.8 Companies House shows that Shawket Karim CHOWDHURY is a currently a co-director of Comfort Transport (UK) LTD. The other co-director is Hadayouth CHOWDHURY,(Doc 4) who was a previous applicant for the transfer of the previous licence (rejected at hearing) and for 2 years has worked at the premises in a management capacity.
- 1.9 Not only this, but Companies House records relating to Karhold Limited show another connection between the current majority shareholder of Aldbrook Ltd and the previous (and perhaps existing) management of the premises. Ziaul Islam CHOWDHURY the previous Designated Premises Supervisor and joint Premises Licence Holder was previously a director of Karhold Limited. The new majority shareholder of Aldbrook Ltd (the applicant for this licence), Wazadur CHOWDHURY is a director of Karhold Limited and is named on this application as the proposed Designated Premises Supervisor.
- 1.10 This premises licence application is made by Aldbrook Ltd. This is the same legal entity that has owned and operated the premises in question for a number of years and whilst doing so on four separate occasions was found to be employing illegal workers. The ownership of the premises and its proposed method of operation has not changed. The CHOWDHURY family remain deeply involved in its running and a change in shareholders within the company does not change that. If this were an application by the same pub chain as had recently had a licence revoked for the same premises Essex Police would suggest the sub-committee would look no further. A change in shareholders does not change how a business has been (and as a consequence) or will be run.
- 1.11 As with the attempt to transfer the licence, the application before the sub-committee today is, in the police's view, just another attempt to 'pull the wool' over the authorities eyes. Aldbrook Ltd was, and is, a family business providing a structure to bring profit to the extended family and provide its members with employment as managers of the premises in question. These connections show a clear link between Aldbrook Ltd (the applicant) and those responsible for previous criminality and are viewed by Police as an attempt to 'reinstate' the revoked licence in the light of the failure of the recent transfer attempt.
- 1.12 There is no suggestion the company has been sold to outside independent interests, or that management control has changed, therefore there is significant scope to suggest the crime and disorder (namely potential for illegal working) objective will be engaged for all the reasons outlined in the upheld application for revocation (appendix 1).

- 1.13 East Lindsey District Council V Abu HANIF (2016) EWHC 1265 Admin, demonstrates the acceptance of the Licensing Objectives as being *prospective* and are concerned with the future avoidance of harm. Previous occurrences inform the likelihood of further criminality and the sub-committee are entitled to take this into consideration when making a decision.
- 1.14 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 (in particular 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.
- 1.15 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.
- 1.16 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)
- 1.17 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)
- 1.18 An action intended to be both punishment and deterrent. An action undermined in any case if swift reapplication by connected parties is unchallenged and rewarded with effective reinstatement of a premises licence.
- 1.19 We have a history of immigration crime, evidenced in previous submissions (Appendix), the Companies House data that the original majority shareholder had declared it was a family business, which is now the same company going forward and running the business. Albeit, the majority shareholder may now own less, but that those involved in management were involved when previous offences were committed.

1.20 This is a company with evidence of continuous and wilful disregard for legislation. The history of this company, which, as outlined by Mr Justice Jay, is absolutely right to take into consideration, undermines in a most serious way the prevention of Crime and Disorder objective with illegal workers found in 2013, 2014, 2016 and again in 2018.

1.21 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)*, [2016] EWHC 1265 (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.

1.22 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.

1.23 There is no suggestion that the company has been sold or that the management control has changed, therefore there is significant scope to suggest that the crime and disorder (namely potential for illegal working) objective will be engaged.

1.24 The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated "particularly seriously".

1.25 Not only does the management have the same overriding influences as previously, but the application further demonstrates disregard for licensing legislation, outlined as follows:

The proposed DPS has failed to notify the issuing authority of his personal licence (Tower Hamlets) of his change of address – his personal licence is held under an address in Tower Hamlets, yet his listed home address is one in Cambridge. This is an offence under the Licensing Act 2003 and a matter of diligent compliance that any personal licence holder is reasonably expected to abide by. (Doc 6)

This cannot be perceived as a mistake or oversight as the proposed DPS has also provided the Cambridge home address to South Cambs District Council in capacity of being associated with another licenced premises as well as the

registered address for his private hire licence and the business address for the private hire company he runs. (Doc 7).

- 1.26 By virtue of already running a restaurant in South Cambridgeshire and a private hire company it is clear that as the proposed DPS of the Queen Victoria he will not be able to focus on the Queen Victoria. Again, Essex Police believe that this shows a lack of real change at the premises – Aldbrook Ltd (via its new majority shareholder & the proposed DPS) will simply leave the premises to be run as before and with the same people in management control.
- 1.27 The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated “particularly seriously”. Essex Police would ask that the sub-committee consider this in addition to the information and evidence provided in the appendices when making their decision on this matter.

Transfer

DECISION NOTICE – QUEEN VICTORIA PUBLIC HOUSE/INDIAN RESTAURANT

The application before the Panel today is for the transfer of the premises licence to the Queen Victoria, 79 Stortford Road, Great Dunmow, to Messrs H Choudhury and MDA Chowdhury, to which application Essex Police object. The matter has therefore come before us today pursuant to the provisions of S42 Licensing Act 2003. We have taken into account the provisions of the Act, the most recent Home Office Guidance, issued this year, and the Council's Statement of Licensing Policy.

Mr H Choudhury and Mr MDA Chowdhury have applied to transfer the premises licence of the Queen Victoria, 79 Stortford Road, Great Dunmow into their names from the current licence holders Mr Z Chowdhury and Mr Omar Shorif. This Premises Licence PLO113 was originally granted to Mr Z Chowdhury and Mr Omar Shorif on 9 November 2005. An application to transfer the licence under S42 LA 2003 was received by Uttlesford District Council ("the Licensing Authority") to Mr H Choudhury and Mr MDA Chowdhury on 9 July 2018 although due to errors needing to be corrected on the form it was not officially valid until 12 July 2018. A copy of this document is before us.

An application for the transfer of an existing premises licence under Section 42 of the Act is normally a straightforward licensing procedure and is dealt with as an administrative matter. As part of the application process, notice of the application needs to be served on to the Police and also the Home Office if alcohol and or late-night refreshment is involved. Under Section 42 (6) where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, (see post) he must serve notice upon the Licensing Authority within fourteen days of receiving the application. Under normal circumstances, a request to transfer has immediate effect and is administered by the Licensing Authority accordingly, since by virtue of Section 43 of the Act the premises licence has effect during the "application period" as if the applicant were the holder of the licence.

The application period begins when the application was received by the Licensing Authority and ends when the application is granted, or if it is rejected, at the time the rejection is notified to the applicant. Therefore, if a decision is made to appeal the

Panel's decision today to the Magistrates Court the "application period" will continue until the determination by that court.

However, when a valid objection under Section 42 (6) is received from the Police and the objection has not been withdrawn, S44(5) LA 2003 requires that the matter must be referred to the Licensing and Environmental Health Committee for a hearing to determine the application. That hearing must take place within 14 days. Notice under S42(6) was received from Essex Police on 24th July 2018 accompanied by a very detailed statement of reasons, to be found at Appendix 2 of the bundle of documents before us. A copy of this has been served upon the Applicants.

The Applicants, the Police and the previous licence holder have been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and Licensing Act 2003 (Hearings) (Amendment) Regulations 2005, together referred to as the Regulations. Information to accompany the notice of hearing was provided to the Applicants, the Police and the previous licence holder in accordance with the Regulations.

Though the LA 2003 sets out four licensing objectives, namely:-

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

a Police objection to the transfer of a licence may only be made under Objective 1, the prevention of crime and disorder. The options before us today are also set out by law, and are:-

- To grant the transfer of this premises licence to Mr H Choudhury and Mr MDA Chowdhury or
- To reject the application for the transfer of the premises licence to Mr H Choudhury and Mr MDA Chowdhury if it considers it appropriate to do so for the promotion of the crime prevention objective

We are mindful that the premises are already the subject of a review application made by Essex Police on the crime and disorder ground, specifically immigration offences and we are aware of the provisions of paragraph 8.101 of the Home Office Guidance, which states that objections to transfers in such circumstances are likely to be rare, but will be based on evidence. For the sake of completeness, we add that the Act gives a right of appeal, by any aggrieved person, including the Police, to the Magistrates Court against any such review decision within 21 days.

We have read the papers before us and we have heard from Mr Ashford and Mrs Powell on behalf of Essex Police and from Mr Z Choudhury, the previous licensee, Mr H Choudhury, one of the Applicants, and from Mr Harman, their solicitor. We understand that when an application for the transfer of a licence is made with a request that the transfer have immediate effect, then the licence has effect during the application period as if the applicant were the licensee. Mr H Choudhury has thus been the licensee of the Queen Victoria since 9th July 2018.

WE have listened to what he had to say and he was specifically asked to explain what he would do if a job applicant presented themselves at the premises. He said that he would ring the consultancy, CSS, first: that he knew that there were websites that he could consult and that there were people he could ask for advice – his father and his uncles. He admitted he would have to look into these matters, that he had only been working part-time in the business and that he had had no management responsibility. He did not appear to have at least a theoretical knowledge of his obligations at his fingertips and he appeared to be proposing to rely too heavily upon family members. Because of this, even though we believe it was planned that at some point he would take over management of this business, we do not believe he is ready just yet. He has a lot of homework to do.

Furthermore, he will remain an employee of a small family business. S16 of the Act provides that the applicant for a premises licence – or an intending transferee – should be a person who carries on, or proposes to carry on, a business involving the premises the subject of the application. There must be an intention to carry on a business. Mr H Choudhury will not be carrying on a business, he will remain employed in a business operated by family members, and on his own admission he

has said that he would rely upon his father and his uncle, both of whom have used illegal labour in the operation of that business. We are also aware that the legislature has specifically chosen to include immigration offences among the matters the Police are entitled to bring before this Committee.

We have thought long and hard, and have debated our actual decision most anxiously. Ultimately, though, the fact remains that this business is owned and operated by a limited company and there are no immediate plans for Mr H Choudhury to obtain a substantial interest in that business. He has not used his seven weeks as de facto licensee to even acquire the necessary knowledge to answer our questions with any degree of fluency today. The responsibilities of a licensee are personal and we do not feel that Mr H Choudhury is yet ready to assume those responsibilities, given the persons to whom he admits he will turn for help.

We therefore refuse this application for a transfer. This means the licence will revert to the original holder which in the circumstances of this particular case we feel is the most appropriate result.

Both the Applicants and the Police have a right of appeal against this decision which must be exercised within a period of 21 days. They will receive a letter from the Legal Department, with a copy of this decision notice, explaining this.

Review

DECISION NOTICE – QUEEN VICTORIA PUBLIC HOUSE/JALSA GHAR INDIAN RESTAURANT

The application before the Panel today is for a review of the premises licence to the Queen Victoria, 79 Stortford Road, Great Dunmow at the behest of Essex Police, supported by the immigration authorities pursuant to licensing objective number one, the prevention of crime and disorder. In reaching our decision today we have taken into account the provisions of the Licensing Act 2003, the most recent Home Office Guidance, issued this year which specifically incorporates references to immigration issues, and the Council's Statement of Licensing Policy. We also have before us a document pack containing a report from the Licensing Team Leader, the premises licence, some maps and plans, the Police application, Home Office comments, a number of letters and testimonials from interested parties, and most recently, a bundle of personnel documentation submitted by the licensees.

Historically, the current licence was granted on 9th November 2005. No representations were made and the application was granted as asked. Following a raid on the premises made by UKBA and the Police on 6th July 2018, in the course of which persons with no right to work in the UK were apprehended (two of those persons also had no right to be in the UK). It appeared no right to work checks were being carried out as required by the various Immigration Acts. This amounts to a breach of licensing objective number one, the prevention of crime and disorder, and for the sake of completeness we set out the four objectives enshrined in the 2003 Act. These are:-

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

We have also been referred to case law which specifically provides that a) deterrence of others is a consideration that this Committee may have in mind (*The Queen on the Application of Bassetlaw District Council v Worksop Magistrates Court [2008] EWHC 3530 Admin*) in making it's decision and b) there does not have to be a conviction for an offence under the 2006 Act for a licence to be revoked under the

crime prevention objective (*East Lindsey District Council v Hanif t/a Zara's Restaurant and takeaway [2016]EWHC 1265 Admin*)

Following receipt of the Police application, a notice of review was issued by Uttlesford District Council's licensing department personally served on 18 July 2018. The manager was not present and unable to be contacted so the Enforcement Officer explained to the staff members present what was happening and that the notice being put up in the window had to remain in position for 28 days. All statutory formalities have been observed.

The decisions available to the Committee upon a review are to:

- Allow the licence to continue unmodified
- Modify the conditions of the licence
- Modify the conditions of the licence for a period not exceeding 3 months.
- Exclude a licensable activity from the scope of the licence
- Exclude a licensable activity from the scope of the licence for a period not exceeding 3 months.
- Revoke a licence
- Remove the Designated Premises Supervisor

When carrying out a review of a licence, due regard should be given to the Council's licensing policy and Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003. The Secretary of State's most recent guidance issued in April this year includes new guidance in respect of immigration issues.

Paragraph 2.6 says '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 requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises’.

Paragraph 4.22 highlights the importance placed on immigration offences, as it considers that it is grounds for objecting to the granting of a personal licence on the basis that it would be prejudicial to the prevention of crime and disorder.

Paragraph 8.99 says (although in respect of objections to the transfer of a premises licence, again highlights that it would be appropriate), ‘in exceptional circumstances for objections to be raised by the police or immigration officials where the transfer would be prejudicial to the prevention of illegal working.’

Furthermore, these following paragraphs of the Guidance deal specifically with a review of the premises licence , where crime and disorder is an issue. It highlights the seriousness with which the Secretary of State expects licensing authorities to treat immigration offences on licensing premises.

Paragraph 11.18 says ‘Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.’ I add that for civil immigration policies to apply there must be a contract of employment which is not the norm in the catering/hospitality industry.

Paragraph 11.26 says ‘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 and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder. ‘

Paragraph 11.27 says ‘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 the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- **for employing a person who is disqualified from that work by reason of their immigration status in the UK; [our emphasis]**
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol. ‘

Paragraph 11.28 says ‘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.’

Further, the Council’s licensing policy has the following relevant paragraphs

3.3 The prevention of crime includes the prevention of immigration crime, and the Licensing Authority will work with Home Office Immigration Enforcement in respect of these matters.

- The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. If representations are made to the Licensing Authority **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

3.4 When addressing the issue of crime and disorder, the applicant should consider those factors that impact on crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Illegal working

Control Measures

3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule in the event that representations are received, having regard to their particular type of premises and/or activities:

- (a) Effective and responsible management of premises
- (b) Training and supervision of staff

- (c) Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- (d) Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs or adoption of industry best practice (e.g. Challenge 25 policy)
- (e) Provision of effective CCTV and mirrors in and around premises
- (f) Employment of Security Industry Authority licensed Doorstaff
- (g) Provision of toughened or plastic drinking vessels
- (h) Provision of secure, deposit boxes for confiscated items ('sin bins')
- (i) Provision of litterbins and other security measures, such as lighting, outside premises
- (j) Membership of local 'Pubwatch' schemes or similar organisations
- (k) Right to work checks on staff and retention of documents

If the Committee wishes to impose condition for the continuance of the licence , the only conditions that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee should not impose conditions that duplicate the effect of existing legislation. We cannot therefore impose a condition regarding the undertaking of right to work checks – they are a legal requirement under the Immigration Acts

The Secretary of State's Guidance provides further assistance, and in paragraphs 10.8 and 10.10 it provides: -

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant

representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided...Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment 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 is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.

WE have considered all the material before us with care and we have heard from Mrs Powell and Mr Ashford on behalf of Essex Police, Immigration Officer Gear on behalf of the Home Office, and from Messrs Choudhury and Sharif. Their solicitor, Mr Harman, has also spoken on their behalf.

We have also listened to a number of members of the public, who I will not list, but in listening to them we have been mindful that Regulation 19(b) Licensing Act 2003 (Hearings) Regulations 2005 requires us to disregard information given by anyone that is not specifically relevant to the promotion of a licensing objective: what these people had to say was in the character of character referees only and we did not that they dealt only with Mr Choudhury. We therefore give what they said no weight. We have noted the history of the premises and observed that on his own admission in 2013 and again in 2014 the business was sanctioned. Similarly, another business

operated by Messrs Choudhury and Sharif, the Pride of Sylhet, was sanctioned in 2011 for the same reason. There have been ample opportunities for lessons to be learned.

We have taken into account everything we have both read and heard and at this point I repeat the provisions of the April 2018 edition of the Home Office Guidance. For the first time, it **specifically** includes immigration offences in the list of matters Licensing committees are required to take into consideration, and says:-

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

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

A civil penalty of up to £20,000 can only be levied if there is a contract of employment: however, the use of the words "disqualified from that work" suggest the Guidance also covers those who under the employment protection legislation are referred to as "Limb B" workers.

This Guidance repeats and reinforces the ratio of the decision of Mr Justice Jay in the *East Lindsey* case [2016] EWHC 1265, where he states

"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....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....criminal convictions are not required." We respectfully adopt this. Furthermore, His Lordship then said "...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". This case is on all fours with the one before us today, and in the light of the revised Guidance reinforcing the point, we agree with His Lordship's conclusion.

The evidence we have seen shows that the individuals concerned admitted working without the proper immigration checks having been undertaken, and furthermore,

that one of them also admitted to working less than minimum wage, ie for board and lodging, which is also a breach of other employee rights legislation. Finally, we cannot overlook the fact that this is not a first offence: this is the fourth time immigration officers have visited the premises, we also take into account the incident at the Pride of Sylhet, and we also appreciate that an Illegal Working Civil Penalty may only be imposed if the existence of a contract of employment can be established.

The grounds upon which the Police have made this application are that Licensing Objective One, the prevention of crime and disorder, has been breached. The important word is "prevention" and Mr Choudhury and Mr Sharif have failed to prevent, not for the first time, illegal working. We have considered the decisions of *R on the application of Bassetlaw District Council v Worksop Magistrates Court [2008] EWHC 3530* and *East Lindsey District Council v Hanif t/a Zara Restaurant [2016] EWHC 1265* and are satisfied that even though on this occasion so far as we are aware Mr Choudhury has not on this occasion been subject to any penalty, the licensing objective is nevertheless engaged.

This Committee's primary function is the protection of the public. Though we are not a Court and the standard of proof before us is the civil one of the balance of probabilities, we are satisfied that Mr Choudhury engaged the people referred to in the Police submissions to work unlawfully in this country.

We therefore consider that the premises licence should be revoked under S52 (4) (e) of the Licensing Act 2003 and that revocation is an appropriate step with a view to promoting the crime prevention licensing objective.

There is a right of appeal against this decision which must be exercised within a period of 21 days and during this period the license remains in force. Mr Choudhury will receive a letter from the Legal Department explaining this.

Doc 2

REGISTERED NUMBER: 07831708 (England and Wales)

Unaudited Financial Statements
for the Year Ended 31 January 2017
for
Aldbrook Limited

9/10

Aldbrook Limited (Registered number: 07831708)

**Contents of the Financial Statements
for the Year Ended 31 January 2017**

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| Company Information | 1 |
| Balance Sheet | 2 |
| Notes to the Financial Statements | 4 |

Aldbrook Limited

Company Information
for the Year Ended 31 January 2017

DIRECTOR: F B Choudhury

REGISTERED OFFICE: Ferrari House (2nd Floor)
102 College Road
Harrow HA1 1ES

REGISTERED NUMBER: 07831708 (England and Wales)

ACCOUNTANTS: Ahmed & Co
Ferrari House (2nd Floor)
102 College Road
Harrow
Middlesex
HA1 1ES

Page 1

Aldbroom Limited (Registered number: 07831708)**Balance Sheet**
31 January 2017

| | Notes | 2017 £ | £ | 2016 £ | £ |
|--|-------|---------------|-----------------|---------------|-----------------|
| FIXED ASSETS | | | | | |
| Intangible assets | 4 | | - | | 200 |
| Tangible assets | 5 | | 25,333 | | 17,636 |
| | | | <u>25,333</u> | | <u>17,836</u> |
| CURRENT ASSETS | | | | | |
| Stocks | | 5,225 | | 7,825 | |
| Debtors | 6 | 8,325 | | 4,719 | |
| Cash at bank and in hand | | 17,017 | | 30,865 | |
| | | <u>30,567</u> | | <u>43,409</u> | |
| CREDITORS | | | | | |
| Amounts falling due within one year | 7 | 43,371 | | 53,978 | |
| NET CURRENT LIABILITIES | | | <u>(12,804)</u> | | <u>(10,569)</u> |
| TOTAL ASSETS LESS CURRENT LIABILITIES | | | <u>12,529</u> | | <u>7,267</u> |
| CAPITAL AND RESERVES | | | | | |
| Called up share capital | | | 1,200 | | 1,200 |
| Retained earnings | | | 11,329 | | 6,067 |
| SHAREHOLDERS' FUNDS | | | <u>12,529</u> | | <u>7,267</u> |

The company is entitled to exemption from audit under Section 477 of the Companies Act 2006 for the year ended 31 January 2017.

The members have not required the company to obtain an audit of its financial statements for the year ended 31 January 2017 in accordance with Section 476 of the Companies Act 2006.

The director acknowledges his responsibilities for:

- ensuring that the company keeps accounting records which comply with Sections 386 and 387 of the
- (a) Companies Act 2006 and preparing financial statements which give a true and fair view of the state of affairs of the company as at the end
- (b) of each financial year and of its profit or loss for each financial year in accordance with the requirements of Sections 394 and 395 and which otherwise comply with the requirements of the Companies Act 2006 relating to financial statements, so far as applicable to the company.
- The notes form part of these financial statements

Page 2

continued...

Aldbrook Limited (Registered number: 07831708)

Balance Sheet - continued

31 January 2017

The financial statements have been prepared and delivered in accordance with the provisions of Part 15 of the Companies Act 2006 relating to small companies.

In accordance with Section 444 of the Companies Act 2006, the Income Statement has not been delivered.

The financial statements were approved by the director on 27 October 2017 and were signed by:

F B Choudhury - Director

The notes form part of these financial statements

Page 3

Aldbrook Limited (Registered number: 07831708)**Notes to the Financial Statements
for the Year Ended 31 January 2017****1. STATUTORY INFORMATION**

Aldbrook Limited is a private company, limited by shares, registered in England and Wales. The company's registered number and registered office address can be found on the Company Information page.

2. ACCOUNTING POLICIES**Basis of preparing the financial statements**

These financial statements have been prepared in accordance with the provisions of Section 1A "Small Entities" of Financial Reporting Standard 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" and the Companies Act 2006. The financial statements have been prepared under the historical cost convention.

Turnover

Turnover is measured at the fair value of the consideration received or receivable, excluding discounts, rebates, value added tax and other sales taxes.

Goodwill

Goodwill, being the amount paid in connection with the acquisition of a business in 2012, is being amortised evenly over its estimated useful life of five years.

Intangible assets

Intangible assets are initially measured at cost. After initial recognition, intangible assets are measured at cost less any accumulated amortisation and any accumulated impairment losses.

Tangible fixed assets

Depreciation is provided at the following annual rates in order to write off each asset over its estimated useful life.

| | |
|-----------------------|---------------------------|
| Fixtures and fittings | - 25% on reducing balance |
| Motor vehicles | - 33% on cost |
| Computer equipment | - 33% on cost |

Stocks

Stocks are valued at the lower of cost and net realisable value, after making due allowance for obsolete and slow moving items.

Taxation

Taxation for the year comprises current and deferred tax. Tax is recognised in the Income Statement, except to the extent that it relates to items recognised in other comprehensive income or directly in equity.

Current or deferred taxation assets and liabilities are not discounted.

Current tax is recognised at the amount of tax payable using the tax rates and laws that have been enacted or substantively enacted by the balance sheet date.

Deferred tax

Deferred tax is recognised in respect of all timing differences that have originated but not reversed at the balance sheet date.

Timing differences arise from the inclusion of income and expenses in tax assessments in periods different from those in which they are recognised in financial statements. Deferred tax is measured using tax rates and laws that have been enacted or substantively enacted by the year end and that are expected to apply to the reversal of the timing difference.

Unrelieved tax losses and other deferred tax assets are recognised only to the extent that it is probable that they will be recovered against the reversal of deferred tax liabilities or other future taxable profits.

Aldbrook Limited (Registered number: 07831708)**Notes to the Financial Statements - continued**
for the Year Ended 31 January 2017**2. ACCOUNTING POLICIES - continued****Hire purchase and leasing commitments**

Rentals paid under operating leases are charged to profit or loss on a straight line basis over the period of the lease.

3. EMPLOYEES AND DIRECTORS

The average number of employees during the year was 9 .

4. INTANGIBLE FIXED ASSETS

| | Goodwill £ |
|---|-------------------|
| COST | |
| At 1 February 2016 and 31 January 2017 | 1,000 |
| AMORTISATION | |
| At 1 February 2016 | 800 |
| Amortisation for year | 200 |
| At 31 January 2017 | <u>1,000</u> |
| NET BOOK VALUE | |
| At 31 January 2017 | - |
| At 31 January 2016 | <u><u>200</u></u> |

5. TANGIBLE FIXED ASSETS

| | Fixtures and fittings £ | Motor vehicles £ | Computer equipment £ | Totals £ |
|------------------------|----------------------------------|------------------------|----------------------------|---------------|
| COST | | | | |
| At 1 February 2016 | 34,090 | 1,067 | 2,306 | 37,463 |
| Additions | 14,011 | - | 3,234 | 17,245 |
| Disposals | - | 1,067 | - | 1,067 |
| At 31 January 2017 | <u>48,101</u> | <u>2,134</u> | <u>5,540</u> | <u>55,775</u> |
| DEPRECIATION | | | | |
| At 1 February 2016 | 17,223 | 1,067 | 1,537 | 19,827 |
| Charge for year | 7,720 | - | 1,828 | 9,548 |
| Eliminated on disposal | - | 1,067 | - | 1,067 |
| At 31 January 2017 | <u>24,943</u> | <u>2,134</u> | <u>3,365</u> | <u>30,442</u> |
| NET BOOK VALUE | | | | |
| At 31 January 2017 | <u>23,158</u> | - | <u>2,175</u> | <u>25,333</u> |
| At 31 January 2016 | <u>16,867</u> | - | <u>769</u> | <u>17,636</u> |

Page 5

continued...

Aldbrook Limited (Registered number: 07831708)**Notes to the Financial Statements - continued**
for the Year Ended 31 January 2017

| | | |
|--|---------------|---------------|
| 6. DEBTORS: AMOUNTS FALLING DUE WITHIN ONE YEAR | | |
| | 2017 | 2016 |
| | £ | £ |
| Trade debtors | 5,450 | 2,350 |
| Other debtors | <u>2,875</u> | <u>2,369</u> |
| | <u>8,325</u> | <u>4,719</u> |
| 7. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR | | |
| | 2017 | 2016 |
| | £ | £ |
| Trade creditors | 3,443 | 7,850 |
| Taxation and social security | 24,834 | 19,462 |
| Other creditors | <u>15,094</u> | <u>26,666</u> |
| | <u>43,371</u> | <u>53,978</u> |

8. ULTIMATE CONTROLLING PARTY

The company is fully owned and controlled by the director and his immediate family members.

Page 6



Companies House

Doc 3

PSC01 (ef)

**Notice of Individual Person
with Significant Control**

Company Name: **ALDBROOK LIMITED**

Company Number: **07831708**



Received for filing in Electronic Format on the: **27/09/2018**

X7FC6C2Z

Notification Details

Date that person became **19/09/2018**
registrable:

Name: **MR SHAWKAT KARIM CHOWDHURY**

Service address recorded as Company's registered office

Country/State Usually **ENGLAND**
Resident:

Date of Birth: ****/09/1977**

Nationality: **BRITISH**

Nature of control

The person holds, directly or indirectly, 75% or more of the shares in the company.

The person has the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company.

The person holds, directly or indirectly, 75% or more of the voting rights in the company.

Register entry date

Register entry date **19/09/2018**

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor

Doc 4

Companies House

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Company number **07893025**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/07893025/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/07893025/persons-with-significant-control)

Filter officers

Current officers

[Apply filter](#)

3 officers / 1 resignation

CHOWDHURY, Hadayouth Ahmed

Correspondence address **24 The Broadway, London, United Kingdom, N14 6PH**

Role Active **Director**

Date of birth **September 1991**

Appointed on **28 December 2011**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Student**

CHOWDHURY, Shawkat Karim

Correspondence address **24 The Broadway, London, United Kingdom, N14 6PH**

Role Active **Director**

Date of birth **September 1977**

Appointed on **28 December 2011**

Nationality **British**

Country of residence **England**

Occupation **Business**

Correspondence address Role Resigned **Secretary**

Appointed on **28 December 2011**

Resigned on **1 June 2012**

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KARHOLD LIMITED

Company number **08549835**

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- **People for KARHOLD LIMITED (08549835)**

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- [Persons with significant control](#)

Filter officers

Filter officers Current officers

4 officers / 2 resignations

CHOWDHURY, Khayar Ahmed

Correspondence address

Ahmed & Co., 284 Station Road, Harrow, United Kingdom, HA1 2EA

Role Active

Director

Date of birth

February 1973

Appointed on

1 September 2016

Nationality

British

Country of residence

England

Occupation

Businessman

CHOWDHURY, Wazadur Rob

Correspondence address

Ahmed & Co., 284 Station Road, Harrow, United Kingdom, HA1 2EA

Role Active

Director

Date of birth

August 1987

Appointed on

18 December 2013

Nationality

Bangladeshi

Country of residence

England

Occupation

Business Executive

CHOWDHURY, Ziaul Islam

Correspondence address

C/O Ahmed & Co Ferrarri House, 102 College Road, Harrow, Middlesex, England,
HA1 1ES

Role Resigned

Director

Date of birth

June 1973

Appointed on

19 July 2013

Resigned on

18 December 2013

Nationality

British

Country of residence

United Kingdom

Occupation

Businessman

WADLOW, Brian Thomas

Correspondence address

34 South Hill Road, Gravesend, Kent, United Kingdom, DA12 1JX

Role Resigned

Director

Date of birth

July 1935

Appointed on

30 May 2013

Resigned on

19 July 2013

Nationality

British

Country of residence

United Kingdom

Occupation

Business Consultant

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Doe 6

Vicky Powell 42072551

From: Ibrahim Hussain <Ibrahim.Hussain@towerhamlets.gov.uk>
Sent: 06 November 2018 10:26
To: Vicky Powell 42072551
Subject: RE: Attn of 155547 re: Wazadur Chowdhury

Hi Vicky

Current address for Wazadur Chowdhury - 278 Devons Road, London, E3 3PN. He is a personal Licence Holder.

Kind Regards

Ibrahim Hussain

Support Services Officer | Public Realm, Cultural Services & Resources | 1st Floor
| John Onslow House | 1 Ewart Place | London | E3 5EQ
Tel: 020 7364 7375 | E-mail: ibrahim.hussain@towerhamlets.gov.uk | Web: www.towerhamlets.gov.uk

From: Vicky Powell 42072551 [mailto:Vicky.Powell@towerhamlets.gov.uk] Sent: 13



Braintree & Uttlesford District Policing Area
North Local Policing Area
Phone 01376 556 250
Or 101 Ext 400176
Mobile 07973 881 210
Fax No: 01376 551 412
Email: vicky.powell@essex.pnn.police.uk
Website: www.essex.police.uk

Braintree Police Station,
Blyths Meadow,
Braintree CM73DJ

To find out what is happening in your neighbourhood and all about your local neighbourhood policing team visit www.essex.police.uk/yourarea and enter your postcode

*If in doubt tag 'Licensing' on STORM or Athena Investigations – At or near licensed premises, which are pubs, bars, nightclubs, restaurants, private members clubs **AND** include premises selling hot food and drink between 11pm – 5am (Kebabs and burgers etc.)*

Vicky Powell 42072551

From: Licensing <Licensing@scambs.gov.uk>
Sent: 07 November 2018 09:56
To: Vicky Powell 42072551
Cc: Licensing
Subject: RE: Wazadur Chowdhury

Hello Vicky

Re: Mr Wazadur Chawdhury

Address: 18 Holme Way Swaston CB22 3LD
Premises Licence: SCDCPL0073 Kaz's Indian Restaurant Licence Holder and DBS.

I will raise a job for investigation.

Many thanks

Resource Team



South Cambridgeshire Hall | Cambourne Business Park | Cambourne | Cambridge | CB23 6EA
t: 03450 450 063 | e: Duty.HESresources@scambs.gov.uk
www.scambs.gov.uk | [facebook.com/south-cambridgeshire](https://www.facebook.com/south-cambridgeshire) | twitter.com/SouthCambs



Licensing Officer 72551 Vicky Powell
Braintree & Uttlesford District Policing Area
North Local Policing Area
Phone 01376 556 250



Objection of Transfer

Jalsa Ghar

79 Stortford Road, Great Dunmow, CM6 1DL

Supplementary documentary information in support of objection.



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| Document 1. Statement of Gordon Ashford | Page 4 |
| Document 2. Address information for FB & H CHOUDHURY | Page 8 |
| Document 3. Pocket Note Book Gordon Ashford | Page 9 |
| Appendix 1. Review bundle for Jalsa Ghar | Page 15 |
| Appendix 2. Jalsa Ghar liquidators report | Page 103 |

1.0 Outline of circumstances leading to objection to transfer

Re the application to transfer the above licence to Hadayouth CHOWDHURY and Md Anayet Karin CHOWDHURY:

- 1.1 The grounds for objection are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office discovered disqualified persons working illegally on the premises. Paragraph 11.26 Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England & Wales (6 April 2017, Home Office).
- 1.2 The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated "particularly seriously".
- 1.3 At approximately 6.00 p.m. on Friday 6th July 2018 Immigration Compliance & Enforcement (ICE) officers attended the Queen Victoria Public House (also trading as the Jalsa Ghar Indian Restaurant) situate at 79 Stortford Road, Great Dunmow, Essex. They entered under a search warrant issued under Paragraph 17(2) of Schedule 2 of the Immigration Act 1971 (as amended). (Doc 2 Review bundle).
- 1.4 At that time the premises was open. Over 12 members of staff were present, three of whom ran from the premises in an effort to evade apprehension, one of which did successfully escape.
- 1.5 Immigration Officers conducted checks of those present and found three persons who had no right to work (of which two also had no right to remain in the UK). These persons had been seen working in the premises and admitted to such when they were questioned.
- 1.6 The identity of the escapee was confirmed by staff at the premises and a passport found in a bedroom upstairs. This person was found to have no leave to remain in the UK or a right to work in the UK.
- 1.7 The two with no leave to remain in the UK were detained (and currently await deportation) whilst the male with leave to remain but not work was escorted off the premises.
- 1.8 A Notice of Potential Liability (NOPL) to a civil penalty of up to £20,000 per illegal worker was served in respect of these illegal workers.
- 1.9 The premises has previously been found to be employing illegal workers in 2013, 2014 and 2016 with 13 illegal workers encountered.
- 1.10 A mere 3 days after this latest incident that the Premises Licence Holders submitted an application to transfer the licence to Hadayouth CHOWDHURY and Anayet Karin CHOWDHURY.
- 1.11 Given the speed of this submission (the Monday after an out of hours visit on the Friday) Essex Police suspects this is nothing more than an attempt to 'pull the wool' over the authority's eyes.

- 1.12 A visit to the premises by Police Licensing Officers on 17/07/18 confirmed that Aldbrook Ltd will still remain the owner of the business and that the transfer is to Hadayouth CHOWDHURY who is the current licence holder Ziaul Islam CHOWDHURY's cousin (his uncles son) and to Md Anayet CHOWDHURY, who is also a cousin (Uncles son). (Doc 3 PNB Gordon Ashford).
Ziaul CHOUWDHURY stated at the time of this visit that Hadayouth CHOWDHURY (his cousin) would manage the premises and already works at the premises two days a week, usually at weekends. Ziaul CHOWDHURY also stated that although he was planning to get out of the restaurant business he would retain his shares in the business at this time.
- 1.13 It is contended that nothing has changed at the premises and the same owner remains the owner of the premises and taking an active interest and that Ziaul Islam CHOWDHURY remains in day to day control of the premises as the DPS. Indeed, police intelligence suggests that one of the transfer applicants (Hadayouth CHOWDHURY) resides in the same address as the majority owner, Fazlul Bari CHOWDHURY. Three days, quite simply, is too short a time to sort out a change in the ownership and operation of a business.
- 1.14 It is also pointed out that as shown in the search warrant (Doc 2 review bundle), this is the 4th occurrence of illegal workers being found at this premises whilst under the control of these same individuals and what is known from the visit to the premises (Doc 1), the evidence that one of the proposed new licence holders (Hadayouth CHOUHDURY) already currently works at the premises, is related to one of the current premises licence holders and resides at the same address (Doc 2). This transfer is not a change of operational management and the total disregard for the framework of regulatory legislation is liable to continue if the transfer were to be granted.
- 1.15 Essex Police would ask that the sub-committee consider this in addition to the information and evidence provided in the review bundle (Appendix 1) when making their decision on this matter.

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B


URN

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Statement of: Gordon Ashford

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Licensing manager

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it for the purpose that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated it to be false, or do not believe to be true.

Signature:.....  (witness) Date: 17.07.18

Approximately 12.45 p.m. on Tuesday 17th July 2018, in company with police licensing officer Vicky Powell I attended the Queen Victoria pub and Jalsa Ghar licensed restaurant situate at 79 Stortford Road, Dunmow. The premises consists of one large building with one part set aside as an Indian restaurant and the other as a traditional public house. Access between the two businesses is via a corridor linking the two halves of the building – with one signed up as the Queen Victoria and the other as the Jalsa Ghar licensed restaurant. We entered a door direct into the restaurant, though I did notice other doors including one that gave direct access to the pub.

The main purpose of the visit was in response to an application to transfer the premises from the existing joint premises' licence holders (Ziaul Islam CHOWDHURY and Omar SHORIF) to new joint licence holder's Hadayouth Ahmed CHOWDHURY and Md Anayet Karin CHOWDHURY.

I was aware that an immigration 'raid' had taken place in the evening of Friday 6th July 2018 where a number of illegal workers had been found. I was also aware that this was the fourth such occurrence whilst the existing premises licence holders had been in place. As a transfer application had been made by the morning of Monday 9th July I suspected the transfer was not a change of business interests but an attempt to frustrate any licensing consequences of the immigration 'raid'

Signature:.....  Signature witnessed by:

Because of my suspicions I carried out a number of enquiries at Companies House regarding the premises and those concerned in its running. I was also made aware that on the evening of the 'raid', immigration officers had been led to believe that the owner of the premises was a Fazlul Bari CHOWDHURY (also known as Md Fazlul Bari CHOWDHURY).

In my research, I discovered that Fazlul CHOWDHURY, Ziaul CHOWDHURY and Omar SHORIF had on the 30th July 1999 been appointed directors of Jalsa Ghar (UK) Ltd and remained as such until the company (based at 79 Stortford Road, Dummow and trading as Jalsa Ghar and Queen Victoria) was subject of insolvency proceedings and finally dissolved in 2015. The company was dissolved owing considerable sums of money to HMRC for PAYE and VAT monies not payed to the revenue.

Furthermore I discovered that during the liquidation process the liquidator's received, and accepted, an offer to purchase the company's fixtures, fittings and catering equipment from a company called Aldbrook Limited. Aldbrook Limited subsequently continued trading on the same premises as Jalsa Ghar and Queen Victoria.

Since September 2013 (and to this date), Fazlul Bari CHOWDHURY has been the sole director of Aldbrook; though between December 2011 and February 2012 both Ziaul Islam CHOWDHURY and Omar SHORIF had also been directors. Company house records show that since April 2016 Ziaul CHOWDHURY has a declared 75% share in Aldbrook and Omar SHORIF 25%.

The application to transfer the premises was made in joint names and I discovered that official records suggest one of the joint applicants, Hadayouth Ahmed CHOWDHURY as residing at the same dwelling as Fazlul Bari CHOWDHURY.

On entering the premises, myself and Mrs Powell saw two male persons standing staff side of the restaurant bar. Having identified ourselves and the purposes of the visit, Mr Ziaul Islam CHOWDHURY identified himself and escorted us to the bar area of the Queen Victoria.

Signature:



Signature witnessed by:

Having been seated opposite Mr Ziaul CHOWDHURY I again explained the purpose of the premises; I then asked a series of questions about the transfer of the business and the relationship between the various parties.

Having completed an initial question and answer session with Mr Ziaul CHOWDHURY I immediately summarised these in abbreviated form within an interview report book, which I invited Mr CHOWDHURY to read (but he said he has read as I wrote) and invited him to sign (which he did). A few moments later I asked a follow up question about the management of the premises post licence transfer and again invited Mr CHOWDHURY to read (again he said he had read as I wrote) and invited him to sign, which he did.

The questions and answers recorded in this interview book are set out below.

QUESTION: Who owns premises at the moment?

ANSWER: Aldbrook Limited.

QUESTION: Will Aldbrook still own the premises after the transfer of licence takes place?

ANSWER: Aldbrook limited still.

QUESTION: You said you were selling the business. So are you selling Aldmore?

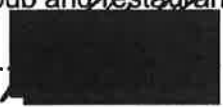
ANSWER: No. My Uncle has 5 shares, Omar 4 shares and I have 3 shares. I won't be selling my shares immediately but long term plan.

QUESTION: I then asked about the relationships of those transferring the licence.

ANSWER: Hadayouth CHOWDHURY (*premises licence transfer co-applicant*) is my uncle's son. Uncle is Fazlul CHOWDHURY. Md Anayet CHOWDHURY is cousin of Ziaul; he is Fazlul's eldest brother's son. Omar's sister married (*his*) uncle; i.e. Fazlul is married to Omar's sister.

The brief follow up exchange concerning the management of the premises post any transfer took place and was recorded. Ziaul stated that Hadayouth (*his cousin*) would manage the premises and already works 2 days a week at the premises – at weekends usually.

Mr Zial CHOWDURY was quite candid in describing the business as a family owned and run business with both he, Omar SHORIF and Fazlul Bari CHOWDHURY owning the company that operated the pub and restaurant and continuing to do so in the immediate future and that those

Signature:  Signature witnessed by:

proposing to transfer the premises licence to themselves were close family members who would not have ownership of the premises.

After some discussion about the premises licence, challenge 25 posters and other matters Mrs Powell and myself left the premises.

I produce the signed Interview Report Book as exhibit GA/1.

This statement completed at 14.12 hours 17th July 2018.



Gordon Asford

Signature:

Signature witnessed by:

Fazlul Bari CHOUDHURY resides at same address as Hadayouth CHOUDHURY

| | Name | Street | Place / | Postcode |
|---|------------------------|---------------------|------------------|----------|
| 👤 | Choudhury, Fazlul B | 50 Ridgeway Gardens | Iford, Redbridge | IG4 5HL |
| 👤 | Choudhury, Hadayouth A | 50 Ridgeway Gardens | Iford, Redbridge | IG4 5HL |
| 👤 | | 50 Ridgeway Gardens | Iford, Redbridge | IG4 5HL |
| 👤 | | 50 Ridgeway Gardens | Iford, Redbridge | IG4 5HL |
| 👤 | | 50 Ridgeway Gardens | Iford, Redbridge | IG4 5HL |



**ESSEX
POLICE**

Protecting and serving Essex

**INTERVIEW
REPORT
BOOK**

POLICE v. *Jalsa Ghar*
(Queen Victoria)

Officer reporting *76878 ASHFORD*

Rank _____ No. _____

Station *Braintree Licensing*

CID 29b (03/05)

RECORD OF INTERVIEW 1.

Interviewed Fiazul Islam Ciba D Staley

Address at Queen Victoria,
Dunnow D.O.B. -

Interview at AS 9 Jone

Day Tuesday Date 17/7/18

Time commenced 1245 Time concluded 1255

Interviewing Police Officers G. ASHFORD
V. POWELL

Other persons present /

In accordance with Paragraph 11.16 of Code C of the Codes of Practice, where an appropriate adult is required to be present at an interview, he/she should be informed that:-

- they are not in attendance simply to act as an observer;
- they are present to advise the person being questioned and to observe whether or not the interview is being conducted properly and fairly, and
- to facilitate communication with the person being interviewed

Reply not used
(if appropriate) Caution

Summary of Q+A

3.
Q Who owns premises at the moment.

A Aldbrook Limited. —

Q Will Aldbrook still own the premises after the transfer of licence takes place.

A Aldbrook Limited still.

Q You said you were selling the business. So you are selling Aldmore.

A No. My uncle has 5 shares, Omar 4 shares and I have 3 shares. I won't be selling my shares immediately but long term plan.

Asked about relationships of share transferring licence — stated the following

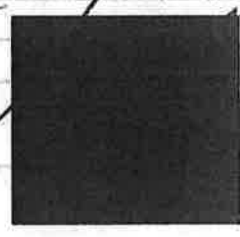
(Signatures)

4.

Hadayoun Choudhury
is 17 Uncle's son. Uncle
is Fazal Choudhury.
Md Anayet Choudhury
is cousin of Ziaul -
Fazal's oldest brother's
son
Added, Omar's sister
married Ziaul's uncle
ie. Fazal is married to
Omar's sister.



1250 hours



5.

Follow up question

10/11/11

5.

Follow up question about the management post transfer. David informed us that Hadjilovska will manage the pension and already works 2 days a week at the premises - weekends.



ESSEX POLICE REGINA v Queen Victoria
EXHIBIT NO. CA/1

Signed _____ Date _____
Justice of the Peace
Court _____
Description of Article _____
Identifying Markings _____
I identify the [redacted] as referred to in the Statement made and signed by me.
Signed _____ Signed _____
Signed _____ Signed _____
Signed _____ Signed _____



Premises Licence Review

Jalsa Ghar

79 Stortford Road, Great Dunmow, CM6 1DL

Supplementary documentary information in support of the application.



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1.0 Outline of the Circumstances leading to the Review Application

OCCURRENCE

- 1.1 At 6.07 p.m. on Friday 6th July 2018 an immigration enforcement operation took place at the Jalsa Ghar Indian restaurant (aka the Queen Victoria) situated at 79 Stortford Road, Great Dunmow, CM6 1DL. The premises is run both as a pub and as an Indian restaurant utilising the same staff, with no barrier between the two trading areas.
- 1.2 At the time of the operation the premises was operating under a premises licence issued jointly to Ziaul Islam CHOWDHURY and Omar SHORIF. The Designated Premises Supervisor was Ziaul Islam CHOWDHURY. This had been the case since 2005. Both persons have been active in business together as former directors/secretaries of the now dissolved (in 2015) Jalsa Ghar (UK) Ltd. A longterm partnership confirmed by Ziaul CHOWDHURY to Licensing Manager Gordon Ashford (Document 1).
- 1.3 The operation was conducted by a number of Immigration Compliance & Enforcement (ICE) officers. The team was led by Immigration Officer (IO) DONALDSON in company with IOs McFAUL, TROTTER, GEAR, TUTTLE-PROWSE, KEEN, CLOUTING and VALENTINE.
- 1.4 The operation was undertaken under the authority of a warrant issued by the South East Magistrates' Court under the Immigration Act 1971. (Document 2)
- 1.5 The warrant was issued in response to intelligence that four illegal Bangladesh males work in the kitchen and restaurant usually on Friday, Saturday and Sunday, are paid low wages and cash in hand and that the Designated Premises Supervisor (DPS) and joint Premises Licence Holder (PLH) Ziaul Chowdury (known as Zia) had provided fake identity for these persons. The intelligence that four illegal workers were present was received on the 13th May 2018, some 10 weeks prior to the operation.
- 1.6 The premises and its management were already well known to the immigration authorities because of three previous visits where illegal workers were discovered, viz:
 - December 2013 – eight immigration offenders discovered.
 - July 2014 –four illegal immigration offenders discovered.
 - August 2016 –three illegal immigration offenders discovered.
- 1.7 Anticipating that immigration offenders may attempt to escape detention, the uniformed ICE officers deployed to contain the main restaurant building with several, including IO McFAUL covering the rear of the premises. Once these were in place, IO DONALDSON and other officers entered the premises and served the warrant on the joint PLH and DPS Ziaul Islam CHOWDHURY.

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Also present and identified as the owner was Fazlul Bari CHOWDHURY; however his lack of English meant that IO DONALDSON dealt only with Ziaul CHOWDHURY.

- 1.8 Three persons ran from the premises (two via the rear, and one via the pub entrance) upon the entry of the ICE team, with two being immediately detained. The third was chased but the pursuit was abandoned on the instructions of IO DONALDSON who realised his team were outnumbered (with 12 members of staff encountered) at the premises
- 1.9 The ICE officers subsequently identified that four persons had been working illegally in the restaurant, these were:
- Saydul ISLAM, a national of Bangladesh with no right to remain in the UK or work here; (Document 3)
 - MD Shohidur Atik RAHMAN, likewise a national of Bangladesh with no right to remain in the UK or work here; (Document 4)
 - MD Rukon MIAH, again a national of Bangladesh with no right to remain in the UK or work here (and who had evaded capture); (Document 5) and
 - Ahmed JEWEL, a national of Bangladesh who had an outstanding asylum claim but with no right to work. (Document 6).

Information on the status and history of these offenders is detailed in the statement of Chief Immigration Officer Jack Davis (Document 7).

- 1.10 The joint PLH and DPS Ziaul CHOWDHURY was served a notice of potential liability (NOPL) in respect of all the illegal workers. It appears that neither were questioned by Immigration Compliance and Enforcement Officers; this is not an unusual occurrence.
- 1.11 The situation regarding each of the illegal workers is described below.

RAHMAN

- 1.12 IO TROTTER entered the premises via the rear kitchen door and made her way to a sterile search area identified by IO DONALDSON and where a number of persons were being held by other IOs. An individual identified himself as Md Shohidur RAHMAN ATIK and stated that his work permit had expired in 2005 (some 13 years' ago). Home Office checks revealed his correct identity as Md Shohidur Atik RAHMAN who was a failed asylum seeker who had failed to report. (Document 8).
- 1.13 RAHMAN spoke fluent English and was interviewed by IO TROTTER. Noticing RAHMAN's left thumb was bandaged she asked "What have you did to your thumb?" to which RAHMAN answered "I cut it in the kitchen". Asked by IO TROTTER, "This kitchen", whilst pointing to the kitchen restaurant, he responded "Yes. Three days' ago". He was then asked how long he had

been working at the premises and he replied "Three days". Asked who gave him the job he said, "The Bangladeshi job centre. It's in East London, Whitechapel. Gave them £20, I had no job". He went on to say that the job centre had given him the address of the restaurant and when asked who he had spoken to when he arrived, he pointed to Ziaul CHOWDHURY.

- 1.14 Asked about his pay, RAHMAN stated he had not been paid yet, the system is end of week. Asked how much he was going to get paid he answered "£350 per week". He also stated that this included accommodation and food and that he was the second chef.
- 1.15 In further questioning RAHMAN confirmed he had not been asked to show any documents when he commenced employment and clarified he had injured himself Tuesday morning and thus had been at the premises at least four days. He stated his hours of work on the day of the operation was 1130 – 1430 and 1700 – 2300 hours. His last valid visa with a right to work expired on 12.10.2006.
- 1.16 Having been identified by IO McFAUL as having tried to abscond on their arrival, RAHMAN was then handcuffed and eventually taken to Harlow police station and thence to an immigration detention facility to await deportation.

ISLAM

- 1.17 On entering the premises IO GEAR saw ISLAM run from the restaurant and there was a small chase before he was detained. ISLAM was cautioned and handcuffed and brought into the premises where he had no UK status. ISLAM told IO GEAR that he came to the UK in 2011 to work, though this was on a holiday visa, which had now expired. Checks by IO GEAR showed that ISLAM's asylum claim had been refused on 31st May 2016 with no appeals outstanding. He had failed to report to the immigration authorities as required on 27th June 2017. (Document 9).
- 1.18 IO GEAR asked ISLAM about his employment and ISLAM replied that he had been working at the premises for five months, working four days a week between 1100 – 1400, and 1700 – 2300 earning £150 a week. Asked who his boss was, he stated ZIA the manager was. Asked who paid him he answered 'Man behind the bar. The small one'. Asked whether he showed any paperwork when he started to work he responded 'No'. Similarly when asked if the manager had asked him whether he was allowed to work, he said 'No'. ISLAM further stated that he lived upstairs and part of his wages was taken to pay for this.
- 1.19 ISLAM was eventually taken to Harlow police station and thence to an immigration detention facility to await deportation. He has subsequently applied for asylum and remains in custody. ISLAM last had permission to

remain and work in the UK on the day of his expiry of his original visa, 20.03.2013.

- 1.20 In terms of the minimum wage ISLAM is entitled (aged over 25) to £7.83 an hour: his wages of only £150 per week are sufficient only if he were working 19 hours a week but instead he was being required to work almost twice that – 36 hours.

JEWEL

- 1.21 JEWEL was one of three persons that attempted to evade the operation but IO McFAUL, deployed at rear of premises, jumped the six foot hire fence and made to rear of premises where he detained a male later identified as Ahmed JEWEL. (Document 10). When detained he was wearing what is described as a 'waiter's uniform' (Document 11).
- 1.22 IO McFAUL interviewed JEWEL, who said he had only worked at the premises for one day and his identification was upstairs. McFAUL accompanied JEWEL to a room upstairs that contained three beds, whereupon JEWEL pointed to one of the beds and stated that was where he was sleeping and produced an Application Registration Card (ARC). An ARC is issued by the Home Office to acknowledge a person who has made a claim for asylum and which is under consideration.
- 1.23 The ARC was clearly embossed that JEWEL had no right to work (the 'remarks' section containing the words 'NO WORK').
- 1.24 IO McFAUL interviewed JEWEL who stated he had started work that day and that Zia CHOUDHURY (to whom JEWEL pointed) had said he could work. He went on to state he was told he would be paid £50 a day to work from 1700 to 2330 hours. When asked, he said he had shown nothing to Mr CHOUDHURY to get employment and he had that day been picked up from Redbridge station by Mr CHOUDHURY in his car.
- 1.25 As JEWEL had a right to remain in the UK (though not allowed to work) he was not liable to detention and was informed he should leave the premises. JEWEL stated he would pack his things and go back to his home in Harpenden. He has not had any form of limited permission to work in any capacity since 29.08.2015.

MIAH

- 1.26 As ICE officers entered the premises MIAH was one of the three suspected offenders that made to escape and he was the only one that succeeded;

running through the pub and into the front car park before making off across the busy road. His last leave to remain expired on 11.11.2013. On 06.01.2016 he was listed as an absconder for his reporting conditions as he had failed to comply with contact with the Home Office. MIAH is unlawfully at large, served with a RED over stayer notice on 08/07/2018 in his absence. Liable for immediate deportation when apprehended.

- 1.27 When ISLAM and JEWEL were in the presence of IOs GEAR, VALENTINE and McFAUL and the bedroom upstairs was being searched, MIAH's Bangladesh passport was found and seized by IO McFAUL. ISLAM identified MIAH as the subject that had managed to escape. MIAH's bed was found to contain a wallet containing £1,000, which was seized under the Proceeds of Crime Act as being suspected of having been obtained in consequence of illegal working.

SUMMARY

- 1.28 For the fourth time in five years, an immigration enforcement operation has discovered multiple persons working at this premises whilst they have no right to do so. All these operations have taken place whilst Ziaul Islam CHOWDHURY and Omar SHORIF have been the Premises Licence Holders and Mr CHOWDHURY the Designated Premises Supervisor.
- 1.29 The illegal workers provided different accounts of how long they had worked at the premises; five months, four days and one day. It is the experience of immigration services and police that often illegal workers seek to minimise their criminality by understating the truth of how long they have worked illegally at a premises and it is of note that in this case four illegal workers were discovered and that was the intelligence received 10 weeks before the operation took place.
- 1.30 On this most recent occasion, Mr CHOWDHURY and the presumed owner of the premises, Fazlul Bari CHOWDHURY, were both present. Those illegal workers detained by immigration officers all pointed (literally) to Ziaul Islam CHOWDHURY as the person that had employed them, one stating he had been picked up at the station by Ziaul Islam CHOWDHURY himself. It is clear no identity documents were asked for or shown. It is the Police's view that there is evidence of total disregard for previous warnings and guidance. Following the December 2013 Immigration Enforcement operation, Ziaul CHOWDHURY was quoted in The Dunmow Broadcast (Document 12), "...a number of students here whose visas were breached because they weren't attending college – but it is not my duty to make sure they are attending. I've got a business to run." A comment that speaks volumes of his attitude toward compliance. Given previous encounters with the immigration service it is impossible to believe that the employment of illegal workers was unintentional

and the failure to adhere to legislation and check documents was anything other than deliberate. In fact, in the same article from 2013 Ziaul CHOWDHURY goes on to speak of advice received and offers reassurance that having been given guidance around what and how to check, there was no chance of falling foul of the law again, "We have now been advised by Immigration Enforcement of other things we can check, so have learned our lesson." A comment insincerely made ahead of a further 3 incidents of illegal workers being discovered at the premises.

- 1.31 Succeeding parts of this application explore relevant legislation and the statutory guidance and Essex Police ask the sub-committee to revoke the premises licence as a deterrent to others and the management/owner of this premises in particular.
- 1.32 Essex Police are aware that a mere 3 days after this latest incident that the Premises Licence Holders submitted an application to transfer the licence to Hadayouth CHOWDHURY and Anayet Karin CHOWDHURY. Given the speed of this submission (the Monday after an out of hours visit on the Friday) Essex Police suspects this is nothing more than an attempt to 'pull the wool' over the authority's eyes. It is contended that nothing has changed at the premises and the same owner remains the owner of the premises and taking an active interest and that Ziaul Islam CHOWDHURY remains in day to day control of the premises as the DPS. Indeed, police intelligence suggests that one of the transfer applicants (Hadayouth CHOWDHURY) resides in the same address as the owner, Fazlul Bari CHOWDHURY. Three days, quite simply, is too short a time to sort out a change in the ownership and operation of a business.
- 1.33 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. In particular, the statement of Jack Davis, Chief Immigration Officer details the offending behaviour and lack of a right to work in respect of each of the four illegal workers encountered.
- 1.34 Essex Police ask the sub-committee to consider the flagrant disregard for the legalities of employing responsibly, the failure to heed prior warnings and advice and ask that the sub – committee revoke the premises licence as a deterrent to others and the management/owner of this premises in particular.

2.0 Reasons for Review

- 2.1 Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person is allowed to 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 (in particular 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 Essex Police 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 a review is inappropriate; this is why Essex Police has proceeded straight to review.

3.0 Outcome Sought

3.1 Essex Police 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 sub-committee 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 sub-committee 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 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, Essex Police 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 Essex Police 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 sub-committee 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 Essex Police 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.

4.0 Immigration Offences

- 4.1 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 the revocation/suspension of their premises licence.
- 4.2 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.
- 4.3 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*".
- 4.4 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.

- 4.5 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 Essex Police highlights this as relevant irrespective of whether a civil penalty is imposed or a prosecution launched for employing an illegal worker.
- 4.6 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.
- 4.7 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 non-monetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the 'employer'.

5.0 Steps to Avoid the Employment of an Illegal Worker

- 5.1 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 Essex Police 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.
- 5.2 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.
- 5.3 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.
- 5.4 The first 4 'hits' on a Google search for "right to work" are links to employer checklists and information on the GOV.UK website.
- 5.5 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.

5.6 Appendix A sets the above out in some detail.

6.0 Relevance/Irrelevance of a Civil Penalty or Prosecution

6.1 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.

6.2 Where an illegal worker is detected a civil penalty may be 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 whereas a prosecution requires a higher burden of proof.

6.3 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.

6.4 But where an employer 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 may be the word of an illegal worker who has since been detained or who has 'moved on'.

6.5 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.

6.6 This does not however prevent the crime prevention objective being engaged with as the premises licence holder has nonetheless 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 sub-committee is entitled to exercise common sense and its own judgment based on the life experiences of its members. The *East Lindsey* case (see section 8) provides that action (revocation) to prevent what is likely to happen in the future is legitimate.

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

7.1 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 is 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.

7.2 Essex Police 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.

7.3 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.

7.4 In particular; Essex Police 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).

7.5 *Paragraph 11.26*

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.

7.6 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 Brokenshine, Immigration Minister on the introduction of the 2016 Act).

7.7 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), [2016] EWHC 1265 (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.

7.8 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.

Essex Police 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.

7.9 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.

Essex Police considers this paragraph self-explanatory; where an enterprise employs illegal workers it is the duty of Essex Police to work with Immigration Enforcement to bring forward reviews and for the authority to consider revocation in the first instance.

7.10 In support of this statement; Essex Police would draw the sub-committee'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".

7.11 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.

7.12 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.

8.0 Case Law

8.1 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.

8.2 *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.

8.3 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.

8.4 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.

8.5 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."

- 8.6 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.
- 8.7 This has some similarity with any argument that may be put forward in the case before the sub-committee 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 sub-committee despite the wording of the Guidance at paragraph 11.28.
- 8.8 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"*.
- 8.9 Essex Police contends that in the case before the sub-committee the facts are similar. In the cited case straightforward 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 inappropriate by Mrs Justice Slade for 'those serious cases' set out in the Guidance.
- 8.10 In the case before the sub-committee, 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.

8.11 *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway)*, [2016] EWHC 1265 (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, Essex Police would argue, indistinguishable from the matter before the sub-committee today.

8.12 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 A

The first 4 'hits' on a Google search for "right to work" are links to employer checklists 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 16 May 2014 last updated 16 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

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B


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Statement of: Gordon Ashford

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Licensing manager

This statement (consisting of _____ 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 it to be false, or do not believe to be true.

Signature:.....  (witness) Date: 17.07.18

Approximately 12.45 p.m. on Tuesday 17th July 2018, in company with police licensing officer Vicky Powell I attended the Queen Victoria pub and Jalsa Ghar licensed restaurant situate at 79 Stortford Road, Dunmow. The premises consists of one large building with one part set aside as an Indian restaurant and the other as a traditional public house. Access between the two businesses is via a corridor linking the two halves of the building – with one signed up as the Queen Victoria and the other as the Jalsa Ghar licensed restaurant. We entered a door direct into the restaurant, though I did notice other doors including one that gave direct access to the pub.

The main purpose of the visit was in response to an application to transfer the premises from the existing joint premises' licence holders (Ziaul Islam CHOWDHURY and Omar SHORIF) to new joint licence holder's Hadayouth Ahmed CHOWDHURY and Md Anayet Karim CHOWDHURY.

I was aware that an immigration 'raid' had taken place in the evening of Friday 6th July 2018 where a number of illegal workers had been found. I was also aware that this was the fourth such occurrence whilst the existing premises licence holders had been in place. As a transfer application had been made by the morning of Monday 9th July I suspected the transfer was not a change of business interests but an attempt to frustrate any licensing consequences of the immigration 'raid'.

Signature:.....  Signature witnessed by:

Because of my suspicions I carried out a number of enquiries at Companies House regarding the premises and those concerned in its running. I was also made aware that on the evening of the 'raid', immigration officers had been led to believe that the owner of the premises was a Fazlul Bari CHOWDHURY (also known as Md Fazlul Bari CHOWDHURY).

In my research, I discovered that Fazlul CHOWDHURY, Ziaul CHOWDHURY and Omar SHORIF had on the 30th July 1999 been appointed directors of Jalsa Ghar (UK) Ltd and remained as such until the company (based at 79 Stortford Road, Dummow and trading as Jalsa Ghar and Queen Victoria) was subject of insolvency proceedings and finally dissolved in 2015. The company was dissolved owing considerable sums of money to HMRC for PAYE and VAT monies not payed to the revenue.

Furthermore I discovered that during the liquidation process the liquidator's received, and accepted, an offer to purchase the company's fixtures, fittings and catering equipment from a company called Aldbrook Limited. Aldbrook Limited subsequently continued trading on the same premises as Jalsa Ghar and Queen Victoria.

Since September 2013 (and to this date), Fazlul Bari CHOWDHURY has been the sole director of Aldbrook; though between December 2011 and February 2012 both Ziaul Islam CHOWDHURY and Omar SHORIF had also been directors. Company house records show that since April 2016 Ziaul CHOWDHURY has a declared 75% share in Aldbrook and Omar SHORIF 25%.

The application to transfer the premises was made in joint names and I discovered that official records suggest one of the joint applicants, Hadayouth Ahmed CHOWDHURY as residing at the same dwelling as Fazlul Bari CHOWDHURY.

On entering the premises, myself and Mrs Powell saw two male persons standing staff side of the restaurant bar. Having identified ourselves and the purposes of the visit, Mr Ziaul Islam CHOWDHURY identified himself and escorted us to the bar area of the Queen Victoria.

Signature:  Signature witnessed by:

Having been seated opposite Mr Ziaul CHOWDHURY I again explained the purpose of the premises; I then asked a series of questions about the transfer of the business and the relationship between the various parties.

Having completed an initial question and answer session with Mr Ziaul CHOWDHURY I immediately summarised these in abbreviated form within an interview report book, which I invited Mr CHOWDHURY to read (but he said he has read as I wrote) and invited him to sign (which he did). A few moments later I asked a follow up question about the management of the premises post licence transfer and again invited Mr CHOWDHURY to read (again he said he had read as I wrote) and invited him to sign, which he did.

The questions and answers recorded in this interview book are set out below.

QUESTION: Who owns premises at the moment?

ANSWER: Aldbrook Limited.

QUESTION: Will Aldbrook still own the premises after the transfer of licence takes place?

ANSWER: Aldbrook limited still.

QUESTION: You said you were selling the business. So are you selling Aldmore?

ANSWER: No. My Uncle has 5 shares, Omar 4 shares and I have 3 shares. I won't be selling my shares immediately but long term plan.

QUESTION: I then asked about the relationships of those transferring the licence.

ANSWER: Hadayouth CHOWDHURY (*premises licence transfer co-applicant*) is my uncle's son. Uncle is Fazlul CHOWDHURY. Md Anayet CHOWDHURY is cousin of Ziaul; he is Fazlul's eldest brother's son. Omar's sister married (*his*) uncle; i.e. Fazlul is married to Omar's sister.

The brief follow up exchange concerning the management of the premises post any transfer took place and was recorded. Ziaul stated that Hadayouth (*his cousin*) would manage the premises and already works 2 days a week at the premises – at weekends usually.

Mr Zial CHOWDURY was quite candid in describing the business as a family owned and run business with both he, Omar SHORIF and Fazlul Bari CHOWDHURY owning the company that operated the pub and restaurant and continuing to do so in the immediate future and that those

Signature: 

Signature witnessed by:

proposing to transfer the premises licence to themselves were close family members who would not have ownership of the premises.

After some discussion about the premises licence, challenge 25 posters and other matters Mrs Powell and myself left the premises.

I produce the signed Interview Report Book as exhibit GA/1.

This statement completed at 14.12 hours 17th July 2018.



Gordon Ashford

Signature: Signature witnessed by:

[APPLICANT'S] [OCCUPIER'S] COPY



WARRANT TO ENTER AND SEARCH PREMISES

Magistrates' Courts in South East England
FIm 04.07.18 5 DONALDSON

On this day an application was made by:

Name

██████████ DONALDSON Immigration Officer ██████████

State under which
Section warrant to be
issued

for the issue of a warrant under **Paragraph 17(2) of Schedule 2 of the Immigration Act 1971 (as amended)**

Specify premises

to enter and search the premises situated at:

Identify so far as
possible, the articles
or persons to be
sought.

79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL including any business located at the address and any outbuildings associated with the main building.

and search for:

Any persons present who are subject to immigration control and have no permission to reside or work in the United Kingdom.

Authority is hereby given for any Constable or Immigration Officer, accompanied by such person or persons as are necessary for the purpose of the search, to enter the said premises on one occasion only, within one month from the date of issue of this warrant and to search for the person(s) in respect of which the application is made.

Date: 4 7 18

██████████

Justice of the Peace / District Judge

Any queries regarding this document should be directed to the Legal Support Team, Essex Magistrates' Court, PO Box 10754, Chelmsford, CM1 9PZ

APPLICATION FOR SEARCH WARRANT

(Criminal Procedure Rules, rule 6.32; sections 15 & 16, Police and Criminal Evidence Act 1984)

Use this form ONLY for an application for a search warrant under a power to which sections 15 & 16 of the Police and Criminal Evidence Act 1984 (PACE) apply, other than section 8 of PACE. There is a different form of application for the court to issue a search warrant under section 8. A magistrates' court cannot authorise a search for excluded or special procedure material. See also the notes for guidance at the end of this form.

Application to the Magistrates' Court

This is an application by Immigration Officer [REDACTED] DONALDSON [REDACTED]
Of the Home Office, Immigration Compliance and Enforcement, East of England

Address: I.C.E East of England, Custom House, Viewpoint Road, Felixstowe, Suffolk, IP11 3RF

Email address: [REDACTED]

Phone: [REDACTED]

Mobile: [REDACTED]

Booking Application Code: Flm 04.07.18 5 DONALDSON

I am a constable or
another person authorised to apply for a search warrant¹

I estimate that the court should allow 10 minutes to read this application and 10 minutes for the hearing.²

I expect any warrant issued to be executed on Friday 6th June 2018

I wish to attend the hearing by live link (if available) Yes No

1. Complete the box above and boxes 1 to 8 below. If you use an electronic version of this form, the boxes will expand³. If you use a paper version and need more space, you may attach extra sheets.
2. Complete the declaration in box 9 and the authorisation in box 10.
3. Attach the draft warrant(s) you are asking the court to issue.
4. Send or deliver a copy of the completed form and draft warrant(s) to the court. You may send them by secure email. Make sure the court knows if the application is urgent. Your time estimates will help the court to allow enough time to prepare for the hearing.

1) The main search power. Make sure the court has a copy of the legislation which allows it to issue the warrant(s) for which you are applying (the main search power), and any legislation which allows you to make this application if you are not a constable. If necessary, attach a copy of the legislation when you send or deliver this form to the court.

(a) What legislation allows the court to issue the warrant(s) for which you are applying? This is the main search power.

Paragraph 17(2) schedule 2 of the Immigration Act 1971AA

(b) If you are not a constable, how does the legislation allow you to make this application?
The Immigration Act 1971 (as amended) identifies an Immigration Officer by statute.

¹ E.g. an officer of HM Revenue and Customs or of the National Crime Agency. See guidance note 3 at the end of this form. In box 1, specify the legislation which allows you to apply.

² See guidance note 4 at the end of this form.

³ Forms for use with the Rules are at: www.justice.gov.uk/courts/procedure-rules/criminal/formspage.

2) The Investigation. What you need to explain will depend on the terms of the main search power.

(a) What are you investigating? Explain briefly.

I am investigating suspected immigration offenders liable to be detained and have removal directions served under Schedule 2 of the Immigration Act 1971 as amended.

(b) Why do you think the offence or activity under investigation has taken place? Explain briefly. The main search power may require you to show that you 'suspect' or 'believe' it has taken place.

An allegation was received by the Home Office on 13/05/2018 that JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL is employing illegal workers. The allegation further states:

- There are four illegal workers all from Bangladesh
- They mainly work Friday, Saturday and Sunday afternoons and evenings
- They work in the kitchen and in the main restaurant
- They are paid low wages and cash in hand
- Many of them have fake IDs and paperwork
- The restaurant owner Zia CHOWDHURY has organised fake IDs for his workers

Although the allegation does not name any offender it provides details such as the nationality of the offenders, hours of work, specific days of the week and details of the manager and how he pays his staff.

A search of the Premises Licence Register conducted on 29/06/2018 revealed that 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL holds an entertainment and alcohol licence. The business is named as QUEEN VICTORIA and the designated premises supervisor is listed as ZIAUL ISLAM CHOWDHURY.

During a previous enforcement visit it was noted that both QUEEN VICTORIA and JALSA GHAR operate from 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL. There are no internal boundaries between the two businesses and the same staff work for both businesses at the same time during working hours.

JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL has long been associated with immigration offenders illegally working at the premises:

- On 12/08/2016 Home Office intelligence Officers visited the business and conducted staff record checks. Three immigration offenders from Bangladesh were found to be working illegally.
- In July 2014, an immigration enforcement visit was conducted to the premises and four immigration offenders were arrested, all from Bangladesh.
- In December 2013, an immigration enforcement visit was conducted to the premises and eight immigration offenders were arrested, all from Bangladesh.

During the planned enforcement visit any person found to be illegally present in the UK is liable to be detained under Sch2 Para 16(2) of the Immigration Act 1971 as amended and removed from the United Kingdom.

3) Articles or person(s) sought.⁴ Identify what, or who, you are looking for in as much detail as practicable. Explain how those things, or people, meet the criteria for the issue of a search warrant prescribed by the main search power.

Any persons present who are subject to immigration control and have no permission to reside or work in the United Kingdom.

⁴ See guidance notes 6 to 8 at the end of this form.

4) Premises to be searched which CAN be specified. Use this box if you are applying for a search warrant in respect of one set of premises which you can specify. If you are applying for the issue of warrants in respect of more than one set of premises which you can specify, tick this box and complete the table at the end of this form instead. If you want to search premises that you CANNOT specify, see box 5 below.

(a) Address or other description of the premises:

79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL including any business located at the address and any outbuildings associated with the main building.

(b) Why do you think the articles or person(s) you are looking for is / are on those premises? Explain briefly. The main search power may require you to show that you 'suspect' or 'believe' they are there.

The allegation has been made to the Home Office detailing illegal working at the premises. The information has been checked and clarified, there is strong information to suggest that immigration offenders are on the premises. The business has a long history of employing illegal workers from Bangladesh.

(c) How do the circumstances satisfy any access conditions prescribed by the main search power? What you need to explain depends on the terms of the main search power. For example, you may need to satisfy the court that entry will not be granted without a warrant, or that an attempt to search without a warrant would frustrate the investigation.

Those encountered will know their immigration status' in the UK. It is therefore suspected that should any illegal workers be encountered and the intentions of Officers are made clear consented entry will not be granted. The purpose of the search may be frustrated or seriously prejudiced unless an Immigration Officer arriving at the premises can gain immediate access to them. There is a significant incentive not to cooperate if a warrant cannot be produced.

The use of a search warrant to enter premises ensures that the officers involved have sufficient legal powers to conduct their duties whilst in addition ensuring that their legal rights are protected by the impartiality of the Magistrates' Court and that there is independent accountability for the visit to the premises.

5) Premises to be searched which CANNOT be specified. Use this box only if you are applying for a search warrant in respect of premises that you cannot specify, which are occupied or controlled by a person you can identify (an 'all premises warrant'). Whether the court can issue an all premises warrant depends on the terms of the main search power. If you want to search premises that you CAN specify, see box 4 above.

(a) Whose premises do you want to search? Name or describe the person in occupation or control of the premises.

(b) If you have been able to specify some of that person's premises, why is it not reasonably practicable to specify all the premises which you want to search?

(c) Why is it necessary to search more premises than you can specify? There may be nothing to add to the answer to (b) above.

(d) Why do you think the articles or person(s) you are looking for are on those premises? Explain briefly. The main search power may require you to show that you 'suspect' or 'believe' they are there.

6) Search on more than one occasion. Use this box only if you are applying for the court's authority to search premises on more than one occasion. Whether the court can give that authority depends on the terms of the main search power.

(a) Which premises do you want to search on more than one occasion? List them.

(b) Why do you want to search on more than one occasion?

(c) How many times do you want to be able to search those premises? Specify any maximum number of occasions, or state 'unlimited'.

7) Search with additional persons. Use this box only if you are applying for the court's authority to conduct the search with people who are not constables and who are not otherwise authorised by law to conduct or take part in the search.

(a) Which other persons do you want to take part in the search? Identify those people by function or description (e.g. scientists, IT experts, accountants).

(b) Why do you want those people to take part in the search?

8) Duty of disclosure.⁵ See also the declaration in box 9.

Is there anything of which you are aware that might reasonably be considered capable of undermining any of the grounds of this application, or which for some other reason might affect the court's decision? Include anything that reasonably might call into question the credibility of information you have received, and explain why you have decided that that information still can be relied upon.

No

9) Declaration

To the best of my knowledge and belief:

(a) this application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of the grounds of the application, and

(b) the content of this application is true.

Signed:⁶ ■ Donaldson (electronic signature) ■ DONALDSON [applicant]

Date: 29/06/2018 Time: 1258 hrs.

⁵ See guidance note 9 at the end of this form.

⁶ If an electronic version of this form is used, instead of a signature it may be authenticated electronically (e.g. by sending it from an email address recognisable to the recipient). See Criminal Procedure Rules, rule 5.3.

10) Authorisation

I have reviewed this application and I authorise the applicant to make it.

Authorising officer's name: [REDACTED]

Rank or grade: Chief Immigration Officer

Signed:⁶ [REDACTED]

Date: 29/06/2018 Time: 1352 hrs

Decision

I heard this application today.

The applicant satisfied me about his or her entitlement to make the application.

The applicant confirmed on oath or affirmation the declaration in box 9.

The applicant gave me additional information, the essence of which was:⁷

I [issued] [refused to issue] [a warrant] [warrants] because:⁸

Signed: [REDACTED]
Name: .. [Justice of the Peace]
[District Judge (Magistrates' Court)]
Date:

⁷ Delete if not applicable.

⁸ Delete as applicable, and give brief reasons for your decision.

List of specified premises to be searched. See box 4. Use the table on this and the next page if you are applying for the issue of warrants in respect of more than one specified set of premises.

In column (a), give the address or other description of the premises. In column (b), explain briefly why you think the articles or person(s) you are looking for is/are on those premises. (The main search power may require you to show that you 'suspect' or 'believe' they are there.) In column (c), explain how the circumstances satisfy any conditions prescribed by the main search power. (What you need to explain depends on the terms of the main search power. For example, you may need to satisfy the court that entry will not be granted without a warrant, or that an attempt to search without a warrant would frustrate the investigation.)

| (a) Address or description of premises | (b) Reasons for thinking articles / persons are on those premises | (c) Reasons why access conditions are met |
|--|---|---|
| | | |
| | | |
| | | |
| | | |

| (a) Address or description of premises | (b) Reasons for thinking articles / persons are on those premises | (c) Reasons why access conditions are met |
|---|--|--|
| | | |
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| | | |
| | | |

Notes for Guidance

1. Use of this form

This form is for use in connection with an application for a search warrant under legislation (the main search power) to which sections 15 and 16 of the Police and Criminal Evidence Act 1984 (PACE) apply, other than section 8 of PACE (for which there is a different application form).

By section 15(1), "This section and section 16 ... have effect in relation to the issue to constables under any enactment, including an enactment contained in an Act passed after this Act, of warrants to enter and search premises; and an entry on or search of premises under a warrant is unlawful unless it complies with this section and section 16"

Other search powers include section 26 of the Theft Act 1968, section 23 of the Misuse of Drugs Act 1971 and paragraph 1 of Schedule 5 to the Terrorism Act 2000.

2. Applicant's contact details

The court may need to contact the applicant urgently. In choosing the address and telephone number(s) to give, applicants should be aware that details entered in this application form may be disclosed in subsequent legal proceedings, unless the court orders them to be withheld.

3. Status of the applicant

The applicant must satisfy the court about his or her entitlement to make the application. Officers of some other investigating authorities can apply for and execute warrants to enter, search and seize as if they were constables, under the legislation which applies to them. Examples include members of the National Crime Agency designated with the powers of a constable; officers of HM Revenue and Customs; and, in the case of an application under section 26 of the Theft Act 1986, or under section 23 of the Misuse of Drugs Act 1971, a person designated as an investigating officer under section 38 of the Police Reform Act 2002, to whom relevant paragraphs of Part 2 of Schedule 4 to that Act apply.

4. Making an application: time estimates and live links

The court needs an estimate of how long to allow for reading and hearing the application. If in doubt, consult the justices' legal adviser.

To help assess the urgency of the application compared with others, the court also needs to know when it is expected that the warrant will be executed.

Where a live link is available, it can be used for the applicant to attend before the court, if the court so allows. The application must have been delivered to the court (delivery may be by email), and the applicant will be required to take an oath (or affirm) as required by the Criminal Procedure Rules.

5. Special requirements of the main search power under which the warrant is issued

The main search power may require the applicant to demonstrate either suspicion or belief as to the presence of the articles or persons sought on the premises to be searched, and either suspicion or belief as to other grounds or conditions about which the court must be satisfied. One of those other grounds is likely to be that nothing sought consists of or includes items subject to legal professional privilege. When completing box 3, applicants must take care to satisfy the court about these requirements, or it may not be possible for the court to issue the warrant.

The main search power may prescribe criteria that must be met in relation to the premises to be searched, for example that giving the occupant notice would frustrate the purpose of the search, or that access has been refused, or that a person who could and would allow access cannot be found. When completing box 4, or the table at pages 5 & 6, applicants must take care to satisfy the court about these requirements, or again it may not be possible for the court to issue the warrant.

6. The articles or persons sought (see also notes 7 & 8)

The applicant must explain what the search is for in as much detail as practicable. A corresponding description must be entered in the draft warrant for the court (and the applicant must take care that the words used in the warrant can be understood without reference to the rest of the application).

The search may be unlawful if the warrant does not sufficiently identify the material for which it authorises search, or if it leaves the identification of that material to the discretion of those who conduct the search.

Powers to seize additional material beyond the scope of the warrant are given by section 19 of PACE and section 50 of the Criminal Justice and Police Act 2001.

7. Legal privilege

Unless, exceptionally, permitted by the main search power, the court cannot issue a warrant to search for items subject to legal privilege. Unless the items in question are held with the intention of furthering a criminal purpose, section 10 of PACE defines those items as:

(a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;

(b) communications between a professional legal adviser and his client or any person representing his client or between such an adviser or his client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and

(c) items enclosed with or referred to in such communications and made—

(i) in connection with the giving of legal advice; or

(ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

when they are in the possession of a person who is entitled to possession of them.

8. 'Seize and sift'

Under section 50 of the Criminal Justice and Police Act 2001, if a person executing a search warrant (a) finds something which he or she has reasonable grounds to believe may be, or may contain, something for which that person has authority to search under the warrant, and (b) it is not reasonably practicable there and then to determine whether that is so; then that person can seize so much of what he or she has found as it is necessary to remove to enable that to be determined.

Under that same section, if such a person (a) finds something which he or she would be entitled to seize under the warrant but for its being comprised in something which he or she is not entitled to seize, and (b) it is not reasonably practicable there and then to separate the seizable property from the other property; then that person can seize both the seizable and the other property.

9. Information that might undermine the grounds of the application

Information that might undermine any of the grounds of the application must be included in the application, or the court's authority for the search may be ineffective. The court will not necessarily refuse to issue a warrant in every case in which there is information that undermines the grounds of the application.

The applicant must explain why information is thought to be credible where it comes from a source that cannot be tested (for example, a report from an anonymous informant).

The applicant must inform the court if there is anything else that might influence the court's decision to issue a warrant. This may include whether the premises have been searched before, and with what outcome, or whether there is any unusual feature of the investigation or of any potential prosecution.

10. Other powers to Issue search warrants

This form can be adapted for use in connection with applications for search warrants under other legislation, but applicants must note that:

(a) they must give all the information required by that legislation to satisfy the court that the warrant sought should be issued; and

(b) the legislation under which the application is made will determine whether the court can authorise the search of more than one set of premises, the search of unspecified premises, or the search of premises on more than one occasion (and see sections 15 and 16 of PACE); and may determine the power to search persons found on the premises.

2) The investigation. What you need to explain will depend on the terms of the main search power.

(a) What are you investigating? Explain briefly.

I am investigating suspected immigration offenders liable to be detained and have removal directions served under Schedule 2 of the Immigration Act 1971 as amended.

(b) Why do you think the offence or activity under investigation has taken place? Explain briefly. The main search power may require you to show that you 'suspect' or 'believe' it has taken place.

An allegation was received by the Home Office on 13/05/2018 that JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL is employing illegal workers. The allegation further states:

- There are four illegal workers all from Bangladesh
- They mainly work Friday, Saturday and Sunday afternoons and evenings
- They work in the kitchen and in the main restaurant
- They are paid low wages and cash in hand
- Many of them have fake IDs and paperwork
- The restaurant owner Zia CHOWDHURY has organised fake IDs for his workers

Although the allegation does not name any offender it provides details such as the nationality of the offenders, hours of work, specific days of the week and details of the manager and how he pays his staff.

A search of the Premises Licence Register conducted on 29/06/2018 revealed that 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL holds an entertainment and alcohol licence. The business is named as QUEEN VICTORIA and the designated premises supervisor is listed as ZIAUL ISLAM CHOWDHURY.

During a previous enforcement visit it was noted that both QUEEN VICTORIA and JALSA GHAR operate from 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL. There are no internal boundaries between the two businesses and the same staff work for both businesses at the same time during working hours.

JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL has long been associated with immigration offenders illegally working at the premises:

- On 12/08/2016 Home Office intelligence Officers visited the business and conducted staff record checks. Three immigration offenders from Bangladesh were found to be working illegally.
- In July 2014, an immigration enforcement visit was conducted to the premises and four immigration offenders were arrested, all from Bangladesh.
- In December 2013; an immigration enforcement visit was conducted to the premises and eight immigration offenders were arrested, all from Bangladesh.

During the planned enforcement visit any person found to be illegally present in the UK is liable to be detained under Sch2 Para 16(2) of the Immigration Act 1971 as amended and removed from the United Kingdom.

| Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected) | | |
|---|---|-----|
| Home Office ref (if known) | | |
| Police Officer | | |
| Police email address | | |
| Subject's name | Saydu ISLAM | |
| Subject's nationality | Bangladeshi | |
| Subject's date of birth | | |
| Male / female | Male | |
| Subject's address | Unknown | |
| Additional information | <p>This is one of 4 requests link to an ICE team raid on 6th July 2018 at Jalsa Ghar restaurant 79 Stortford Road, Great Dunmow. CM6 1DL and in consequence Essex Police are submitting review paperwork under the Licensing Act 2003 in accordance with existing working arrangements with ICE Felixstowe.</p> <p>We request the following information in regards the above: Any information as to previous entry to the UK together with status at that time; Details of any expired visas and what type; Any previous prior interactions with immigration service; Any applications and outcomes of any asyleum claim; Any failure to report. Current status. Right to work. Leave to remain (and type) This is to show to a licensing committee the scope of the offending and seriousness</p> | |
| Justification / legislation : Section 53 Licensing Act 2003 and Crime and Disorder Act 1988 – sharing of information to prevent crime (deterrent impact of revocation of licence) and in accordance with Home Office Guidance relating to the targeting of offenders facilitating the employment of illegal workers. | | |
| Below: Home Office official use only | | |
| Cid/Personal ID/HO | | |
| Check(s) requested | Response | |
| Confirmation of details | Is there a trace of the subject? | Yes |
| Current status | Valid leave to remain in the UK? | No |
| Right to work | Does the individual have the right to work in the UK? | No |
| Recourse to public funds | Does the individual have recourse to public funds in the UK? | No |
| Other | Subject was issued with a United Kingdom Entry Clearance - Working Holiday (Subject to work restrictions) visa valid from 20/03/2011 until 20/03/2013. VAF number: 572886. | |

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| | |
|--|---|
| Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected) | |
| Home Office ref (if known) | |
| Police Officer | |
| Subject's name | Saydul ISLAM |
| Subject's nationality | Bangladeshi |
| Subject's date of birth | |
| | <p>an application for Leave to Remain on the basis of Family/Private Life which was refused with No right of appeal on 11-Sep-2013.</p> <p>31-May-2016- Subject claimed asylum which was refused on 22-Nov-2016 and all appeal rights exhausted on 14-Jun-2017.</p> <p>10-Jul-2018- Subject submitted further submissions which remains outstanding.</p> <p>No current valid leave.</p> |

Send to ICESSVECWorkflow@homeoffice.gsi.gov.uk placing EEREQUEST in the subject field

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| Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected) | | |
|---|---|-------------------------|
| Home Office ref (if known) | | |
| Police Officer | | |
| Police email address | | |
| Subject's name | Md Shoulder Atik RAHMAN | |
| Subject's nationality | Bangladesh | |
| Subject's date of birth | | |
| Male / female | Male | |
| Subject's address | Unknown | |
| Additional information | This is one of 4 requests linked to an ICE team raid on 6 th July 2018 at Jalsa Ghar restaurant 79 Stortford Road, Great Dunmow. CM6 1DL and in consequence Essex Police are submitting review paperwork under the Licensing Act 2003 in accordance with existing working arrangements with ICE Felixstowe. | |
| | <p>We request the following information in regards the above:</p> <p>Any information as to previous entry to the UK together with status at that time;</p> <p>Details of any expired visas and what type;</p> <p>Any previous prior interactions with immigration service;</p> <p>Any applications and outcomes of any asyleum claim;</p> <p>Any failure to report.</p> <p>Current status.</p> <p>Right to work.</p> <p>Leave to remain (and type)</p> <p>This is to show to a licensing committee the scope of the offending and seriousness</p> | |
| Justification / legislation : Section 53 Licensing Act 2003 and Crime and Disorder Act 1988 – sharing of information to prevent crime (deterrent impact of revocation of licence) and in accordance with Home Office Guidance relating to the targeting of offenders facilitating the employment of illegal workers. | | |
| Below: Home Office official use only | | |
| Cid/Personal ID/HO | | |
| Check(s) requested | Response | |
| Confirmation of details | Is there a trace of the subject? | Yes |
| | Name | Md Shohidur Atik Rahman |
| Current status | Valid leave to remain in the UK? | No |
| Right to work | Does the individual have the right to work in the UK? | No |
| Recourse to public funds | Does the individual have recourse to public funds in the UK? | No |
| Other | Home Office records show subject was issued an entry clearance visa SBS Work Permit valid from 12/10/2005 until 12/10/2006. Sponsor | |

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| | |
|--|--|
| Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected) | |
| Home Office ref (if known) | |
| Police Officer | |
| Police email address | |
| Subject's name | Md Shoulder Atik RAHMAN |
| Subject's nationality | Bangladeshi |
| Subject's date of birth | |
| | <p>On 14/12/2006 Admin Removal: Overstayer subject was served with RED.0001. Notice of Immigration Decision of Notice of Removal: Persons who require, but no longer have leave to enter or remain are liable to removal from the United Kingdom under section 10 of the Immigration and Asylum Act 1999 (as amended by the Immigration Act 2014)</p> <p>On 15/02/2012 an Asylum claim was received this was refused on 15/12/2014.</p> <p>On 14/01/2015 older live cases unit review no basis to grant leave.</p> <p>Subject currently detained at [REDACTED] Immigration Removal Centre from 06/07/2018.</p> |

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| Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected) | | |
|--|--|-----|
| Home Office ref (if known) | | |
| Police Officer | | |
| Police email address | | |
| Subject's name | Md Rukon MIAH | |
| Subject's nationality | Bangladeshi | |
| Subject's date of birth | | |
| Male / female | Male | |
| Subject's address | Unlawfully at large – escaped during ICE operation | |
| Additional information | <p>This is one of 4 requests link to an ICE team raid on 6th July 2018 at Jalsa Ghar resturant 79 Stortford Road, Great Dunmow. CM6 1DL and in consequence Essex Police are submitting review paperwork under the Licensing Act 2003 in accordance with existing working arrangements with ICE Felixstowe.</p> <p>We request the following information in regards the above: Any information as to previous entry to the UK together with status at that time; Details of any expired visas and what type; Any previous prior interactions with immigration service; Any applications and outcomes of any asyleum claim; Any failure to report. Current status. Right to work. Leave to remain (and type) This is to show to a licensing committee the scope of the offending and seriousness</p> | |
| Justification / legislation : Section 53 Licensing Act 2003 and Crime and Disorder Act 1988 – sharing of information to prevent crime (deterrent impact of revocation of licence) and in accordance with Home Office Guidance relating to the targeting of offenders facilitating the employment of illegal workers. | | |
| Below: Home Office official use only | | |
| Cid/Personal ID/HO | | |
| Check(s) requested | Response | |
| Confirmation of details | Is there a trace of the subject? | Yes |
| | Address | |
| Current status | Valid leave to remain in the UK? | No |
| Right to work | Does the individual have the right to work in the UK? | No |
| Recourse to public funds | Does the individual have recourse to public funds in the UK? | No |
| Other | Home Office computer records show that the subject submitted an application for Leave To Remain as a Tier 4 General Student 09-Sep-2011, this was granted as | |

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| Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected) | |
|--|---|
| Home Office ref (if known) | |
| Police Officer | |
| Police email address | |
| Subject's name | Md Rukon MIAH |
| Subject's nationality | Bangladeshi |
| Subject's date of birth | |
| | <p>Oct-2011, valid until 29-Dec-2014.</p> <p>Leave was the curtailed to 11-Nov-2013.</p> <p>Subject was recorded as an Absconder 09-Feb-2016.</p> <p>Subject Served with IS151A 24-Oct-2014.</p> <p>On 13-Dec-2014, the subject submitted an application for Leave To Remain as Human Rights Article 8, this was Refused 23-Mar-2015.</p> <p>On 13-Dec-2014, the subject submitted an Asylum claim, this was Withdrawn by Applicant 12-Feb-2015.</p> <p>Subject was Served with RED Overstayer 08-Jul-2018.</p> |

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| Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected) | | |
|---|---|-----|
| Home Office ref (if known) | | |
| Police Officer | | |
| Police email address | | |
| Subject's name | Ahmed JEWEL | |
| Subject's nationality | Bangladeshi | |
| Subject's date of birth | | |
| Male / female | Male | |
| Subject's address | Unlawfully at large – escaped during ICE operation | |
| Additional information | <p>This is one of 4 requests linked to an ICE team raid on 6th July 2018 at Jalsa Ghar restaurant 79 Stortford Road, Great Dunmow. CM6 1DL and in consequence Essex Police are submitting review paperwork under the Licensing Act 2003 in accordance with existing working arrangements with ICE Felixstowe.</p> | |
| | <p>We request the following information in regards the above: Any information as to previous entry to the UK together with status at that time; Details of any expired visas and what type; Any previous prior interactions with immigration service; Any applications and outcomes of any asyleum claim; Any failure to report. Current status. Right to work. Leave to remain (and type) This is to show to a licensing committee the scope of the offending and seriousness</p> | |
| Justification / legislation : Section 53 Licensing Act 2003 and Crime and Disorder Act 1988 – sharing of information to prevent crime (deterrent impact of revocation of licence) and in accordance with Home Office Guidance relating to the targeting of offenders facilitating the employment of illegal workers. | | |
| Below: Home Office official use only | | |
| Cid/Personal ID/HO | | |
| Check(s) requested | Response | |
| Confirmation of details | Is there a trace of the subject? | Yes |
| Current status | Valid leave to remain in the UK? | No |
| Right to work | Does the individual have the right to work in the UK? | No |
| Recourse to public funds | Does the individual have recourse to public funds in the UK? | No |
| Other | <p>Home Office records show subject was issued an entry clearance visa T4 general student valid from 28/12/2014 until 26/09/2016 with No recourse to public funds & Work prohibited.</p> <p>On 13/04/2015 Curtailment Consideration - T4 General Student.</p> | |

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| Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected) | |
|--|---|
| Home Office ref (if known) | |
| Police Officer | |
| Police email address | |
| Subject's name | Ahmed JEWEL |
| Subject's nationality | Bangladeshi |
| Subject's date of birth | |
| | <p>On 30/06/2015 Leave to remain was curtailed so as to expire on 29/08/2015 subject was expelled for non attendance.</p> <p>On 26/09/2016 an application for leave to remain was received Outside the Rules Compassionate Grounds.</p> <p>On 02/05/2017 Application was refused with an out of country right of appeal.</p> <p>On 08/05/2017 Returns Preparation case Transferred to Other Unit on 08/08/2017</p> <p>On 27/07/2017 an Asylum claim was received this was refused on 11/01/2018.</p> <p>On 23/01/2018 an Appeal was lodged which remains outstanding to date.</p> |

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RESTRICTED (when complete)

WITNESS STATEMENT

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

URN

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Statement of: [REDACTED] **DAVIS**

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

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

Signature [REDACTED] Date: 14 July 2018

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

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

At the request of Essex Police Licensing Team, I have examined Home Office records relating to immigration offenders encountered during an enforcement visit conducted to the premises of "Jalsa Ghar" located at 79 Stortford Road, Great Dunmow, Essex CM6 1DL.

Home Office records show that on 6 July 2018 Immigration Officers from this team executed a search warrant at the premises of "Jalsa Ghar" as previously detailed. The warrant was issued to locate and arrest persons subject to immigration control who were suspected of working illegally in

Signature [REDACTED]

Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: **Jack DAVIS**

Page 2

the United Kingdom.

Home Office records show that a total of four immigration offenders were recorded as being encountered by the officers during the execution of the search warrant. They are recorded as:

Saydul ISLAM a Bangladeshi national born [REDACTED] who originally travelled to the United Kingdom with a working visa valid from 20.03.2011 to 20.03.2013. He overstayed and made an application to remain on 19.08.2013, this was refused on 11.09.2013 and nothing more was heard from him until he was arrested during an Immigration Enforcement Illegal Working operation at an Indian restaurant in Horley, Sussex on 31.05.2016. Having been detained for removal, he then claimed asylum and this application was considered and subsequently refused on 22.11.2016 and was finally concluded after an unsuccessful appeal, on 14.06.2017. In the meantime, ISLAM Had been released from detention. He was then arrested again by Immigration Enforcement during the illegal working operation, on 06.07.2018 at a restaurant in Great Dunmow, Essex and was detained in order to progress his removal from the United Kingdom. On 10.07.2018 he made a further application to remain in the United Kingdom. ISLAM last had permission to remain and to work in the United Kingdom, on the day of his expiry of his original visa, 20.03.2013.

Md Shohidur Atik RAHMAN a Bangladeshi national born [REDACTED] was originally refused a visa to travel to the United Kingdom in July 2004. He was subsequently issued a twelve-month work permit for an Indian restaurant in High Wycombe, Buckinghamshire valid until 12.10.2006. On 15.12.2006 he was arrested by Immigration Enforcement during an illegal working operation at an Indian restaurant in Axminster, Devon. He was served notice as an overstayer but was released and then absconded from his reporting conditions. On 08.02.2012 he was arrested during an Immigration Enforcement illegal working operation at an Indian restaurant in Whitehaven, Cumbria having been detained he then made an application for asylum and was bailed by an adjudicator, absconding again in 2013. On 06.07.2018 he was arrested during an Immigration Enforcement illegal working operation at an Indian restaurant in Great Dunmow, Essex. He last had permission to work in the United Kingdom on the expiry date of his original visa, 12.10.2006.

Md Rukon MIAH a Bangladeshi national born [REDACTED] arrived in the United Kingdom as a student with a visa valid to 11.09.2011, he then gained an extension of his visa to 29.12.2014 but this was curtailed after he was expelled from his college; his last leave then expired on 11.11.2013. On 18.10.2014 he was arrested during an Immigration Enforcement illegal working operation at an

Signature:
2004/05(1)


Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of:  DAVIS

Page 3

Indian take-away in Newbridge, South Wales. On facing a flight home, he submitted various applications to remain in the United Kingdom under Human Rights, asylum and a judicial review case. On 06.01.2016 he was listed as an absconder for his reporting conditions as he had failed to comply with contact with the Home Office. On 06.07.2018 he was identified and his passport was recovered after he evaded arrest during an Immigration Enforcement illegal working operation at an Indian restaurant in Great Dunmow, Essex.

Ahmed JEWEL a Bangladeshi national born  arrived in the United Kingdom with a visa valid as a student from 28.12.2014 to 29.09.2016, when his college informed the Home Office that he was no longer studying, this visa was curtailed to expire on 29.08.2015. On 27.07.2017 he applied for asylum and although this was refused on 11.01.2018 he was released pending an appeal hearing to the Upper Tier Tribunal, which is yet to be listed for a hearing. He has not had any form of limited permission to work in any capacity since 29.08.2015. On 06.07.2018 he was encountered by Immigration Enforcement during an illegal working operation at an Indian restaurant in Great Dunmow, Essex but due to his pending appeal, he was not detained.

I make this statement of my own free will from records that I have seen and accessed today, 14 July 2018. I am willing to attend court or any other judicial or review hearing if necessary.

Signature
2004/05(1)



Signature Witnessed by:

TROTTER (1)

RESTRICTED (when complete)

MGII (M)

WITNESS STATEMENT

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

URN

Statement of: TROTTER.....

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer

This statement (consisting of (3) THREE) pages, 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 Date: SUNDAY 8TH JULY 2018

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

I am an arrest trained Immigration Officer TROTTER employed by the Home Office currently serving at EAST OF ENGLAND IMMIGRATION, COMPLIANCE AND ENFORCEMENT TEAM, based at UNIT 2, FRANKLIN COURT, STANNARD WAY, PRIORY BUSINESS PARK, BEDFORD MK44 3JZ. on FRIDAY 6TH JULY 2018 I was on duty and part of the arrest team for enforcement visit; reference TS31DDA1100 to JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX CM6 1DL.

The arrest team consisted of DONALDSON as otc, CLOTUING, GEAR, KEEN, McFAUL, TUTTLE-PROWSE, VALENTINE and myself.

I entered the premises at approximately 18:05 hours via the rear kitchen door and made my way to the sterile area identified in the restaurant by the OIC and I commenced screening to ascertain the identity and nationality of each subject;

Subject one identified himself to me as Bangaldeshi national and was cleared as naturalised British.

Subject two identified himself to me as Md Shohidur RAHAMN AT1K. He wrote this name in my Pocket Note Book. He gave his date of birth as and stated he was a national of Bangladesh and that his work permit expired in 2005. Home Office checks via telephone revealed subjects correct details as Md Shohidur Atik RAHAMN who was a Failed Asylum Seeker who had failed to report.

At 18:21 hours J arrested RAHAMN as a Person Liable to be Detained under Schedule 2, Paragraph 17(1) of the Immigration Act 1971, as amended. He stated that he understood.

I then commenced Illegal Working interview with RAHAMN in English, which he spoke clearly and understood; Q1. "WHAT HAVE YOU DID TO YOUR THUMB?" RAHMANS left thumb was in a bandage.

A1. " I CUT IT IN THE KITCHEN."

Q2. "THIS KITCHEN?" I pointed to the kitchen restaurant.

A2. "YES. THREE DAYS AGO."

Q3. "HOW LONG HAVE YOU BEEN WORKING HERE?"

TROTTER (2)

Signature:



Signature witnessed by.....

2010/11 1

UKBA

RESTRICTED (when complete)

 RESTRICTED (when complete)

VEN

TROTTER (2)

A3. "THREE DAYS." _____

Q4. "HOW LONG HAVE YOU BEEN SLEEPING UPSTAIRS?"

A4. "JUST THREE DAYS.*"

Q5. "WHO GAVE YOU THE JOB?"

A5. *THE BANGLADESHI JOBCENTRE. IT'S IN EAST LONDON,
WHITECHAPEL.
GAVE THEM E20, I HAD NO JOB.."

I PAD THEM E20-E3

Q6. "HOW DID YOU END UP HERE?"

A6. "THE JOBCENTRE GAVE ME THE ADDRESS."

Q7. "WHEN YOU GOT HERE WHO DID YOU SPEAK TO?"

A7. RAHMAN indicates to the manager, Xiaul. _____

Q8. "HOW MUCH DO YO GET PAID?"

A8. "NOT PAID YET. THE SYSTEM IS END OF WEEK."

Q9. "HOW MUCH WERE YOU GOING TO GET PAID?"

A9. "PER WEEK." _____

Q10. "js ACCOMMODATION INCLUDED?"

A10. "YES." _____

Q11. "WHAT ABOUT FOOD?"

A11. "YES." _____

Q12. "WHAT IS YOUR POSITION HERE?"

A12. "CHEF.#" _____

Q13. "HEAD CHEF?" _____

A13. "SECOND CHEF."

Q14. "WERE YOU ASKED TO SHOW ANY DOCUMENTS WHEN YOU CAME
_____ RE?"

A14. "NO." _____

TROTTER (4)

Q15w "WHEN DID YOU CUT YOUR THUMB?"

AI 5. "TUESDAY MORNING."

Q16. "THAT'S FOUR DAYS AGO, NOT THREE?"

AI 6. "YES THAWS RIGHT." _____

QJ 7. "WHAT TIME DID YOU START TODAY?"

AI 7. THE MORNING HALF ELEVEN. HALF TWO FINISH. THEN FIVE O'CLOCK." _____

OCK. FINISHI AT

Signature: _____



Signature witnessed by:.....

RESTRICTED (when complete)

At UKBA 18:47 hours

RESTRICTED (when complete)

Schedule 2 of the

TRAITZEL (S) Act

RAHMAN 1971, as amended, to aid his escape and it was

was searched by 10 KEEN under Section 25B of ensure s not concealing implements which could cause al: Iieved he may be concealing evidence of his

danger to Immigration Identity. im and other bject or

At 18:52 hours I applied in front stack due to the to his attempt to abscond

andcuffs (Section 146 of the Immigration and Asylum Act possible risk of escape during transportation from the from ie premises when immigration officers arrived.

1999, as due hises to the ended) tc llular vehicle I did

At 18:57 hours RAHMAN not re-enter the building.

was escorted by me from the premises to the cellular

ehicle in the cort position.

TROTTER(6)

Signature:



Signature witnessed by

.....

4/7/18 TS31DAA1100 - CIL ADMIRALTY
 1735 - BRUCE @ BIRMINGHAM
 GEAR/CL/MEL/CRD/ROY/MCE/KEEN
 NO NAMED OPERATOR
 JALSA SHAR, 79 STATION RD
 GREAT BURNWOOD, CMC 10L
 LAMMS 4/7/18 17:00
 GWD: DOMINATE MEXICO
 SWL: MIKE WOODS SYDNEY
 BRUCE: [REDACTED] DOMINATE
 ROLE: COVER ①
 - RECEIVED OF VIDEOS AT
 ADDRESS.
 LOSS OF PREVIOUS @ HAMMERS
 - GEAR ARRIVED
 RUNNING,
 SHORT CHASE, STOPPED MARE,
 HANDCUFFED,
 1806: ARRIVED FOR MARE ENTRY
 - REMAINS UNDER SURVEILLANCE

TS31DAA1100
 To GEAR [REDACTED]
 M

1810 - GO TO STATION AREA,
 NOW CAUTIONED, FULL ADMIRALTY
 CAUTION.
 - HE WAS HANDCUFFED, TO
 PREVENT ESCAPE, HE WAS
 ENCOURAGED RUNNING FROM
 US,
 - QUESTIONS, - KNOWN NAME
 NAME
 SAYDUL ISLAM
 DATE OF BIRTH,
 [REDACTED]
 NATIONALITY,
 BGD.
 STATUS IN UK
 LO STATUS.
 - EXPLAINING ANSWERS, HE CAME TO UK
 WHEN CAME TO UK
 2011 ME

- STARTED WORKING HOURLY
- DID YOU HAVE VISA.
- YES IT EXPIRED,
- WHAT IS OPT,
- LOST.

- 1818 - CHECK - WITH [REDACTED]
- [REDACTED] MAY, REF
 - SEEMS 2/15/16.
 - FEL REASO.
 - PPT, NOTHING OUTSTANDING
 - EC 20/03/11 - 20/03/13,
 - PPT - NO DOC'S HELP.
 - FELLO TO REPORT, 27/06/17
 - REF: J1953315,
 - ILLEGAL WORKING QUESTIONS.
 - HOW LONG WORKING AT JAMESA
 - 5 MONTHS.
 - HOW MANY HOURS.
 - 4 DAYS, 1100-1400 1700-2300
 - HOW MUCH DO YOU GET PAID.

TSJ10004100
 TO GEAR [REDACTED]



- £150 WEEK.
- WHO IS YOUR BOSS.
- JIA MANAGER
- WHO PAYS YOU.
- MAN BEHIND THE BAR, THE OTHER ONE
- WHEN, WHAT FEEL YOU DID THEY
- ASK TO SEE PPT.
- NO.
- DID MANAGER ASK YOU IF YOU
- ARE ALLOWED TO WORK.
- NO.
- WHERE DID YOU LIVE.
- UPSTAIRS.
- HOW MUCH DID YOU PAY
- PART OF MY WAGES.
- SUBJECT TRAVEL TO LAW
- TRANSPORT TO HARLOW
- BOOKED IN.
- RETURN TO FELLSWANE

WITNESS STATEMENT

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

URN

| | | | |
|----|----|-----|------|
| TS | 31 | DDA | 1100 |
|----|----|-----|------|

Statement of: [REDACTED] McFAUL

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

Occupation: Immigration Officer [REDACTED]

This statement (consisting of 4 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] McFAUL [Electronically signed]

Date: 08/07/2018

I am an Immigration Officer, (IO) Warrant Number [REDACTED] based at the Immigration Enforcement Office in Bedfordshire, Franklin Court, Bedford, MK44 3JZ.

On 6 July 2018, I was an Officer as part of an Enforcement Visit to The JALSA GHAR, 79 STORFORD ROAD, LITTLE DUNMOW, CM6 1DL I was in full arrest uniform, wearing issued Personal Protective Equipment (PPE) and other officers present were: IO DONALDSON (Officer in Command), IO TROTTER, IO GEAR, IO TUTTLE-PROWSE, IO KEEN and IO VALENTINE.

A search warrant under Paragraph 17 (2) Schedule 2 of the Immigration Act 1971, as amended, had been obtained from South East Magistrates Court on 4 JULY 2018 to enter the premises and search for any Immigration Offenders who were working illegally on site.

At 1807 hrs the team deployed at the request of the OIC and attempted to contain the premises. On entry, three Asian males attempted escape and this was relayed via Airwave. I was in position of rear cover and entered the premises by jumping the 6 foot fence and headed to the rear of the premises, where I apprehended one of the subject's who had attempted to escape. IO GEAR detained another male and one male evaded officers and escaped. Officers then cleared staff and I spoke to Ahmed JEWEL. He stated he had identification upstairs in the room, but had only started working at the premises that day. I escorted the subject upstairs into a bedroom with three beds, where he pointed to a bed on the right hand side of the room claiming this was where

Signature: Derek McFAUL [Electronically signed]

Signature witnessed by:

He was sleeping and produced an ARC card. The card was valid, but on the card it stated the subject could not work, nor was he entitled to any recourse to public funds. I carried out illegal working questions:

Q. "HOW LONG HAVE YOU WORKED HERE?"

A. "I STARTED TODAY."

Q. "WHO SAID YOU COULD WORK?"

A. "ZIA CHOUDHURY." (Points to the manager).

Q. "HOW MUCH DO YOU GET PAID?"

A. "I WAS TOLD £50 A DAY FROM 1700 – 2330 HRS."

Q. "WHAT ID DID YOU SHOW TO MT CHOUDHURY TO GET EMPLOYMENT?"

A. "I SHOWED NOTHING."

Q. "HOW DID YOU GET HERE TODAY?"

A. "I CAME FROM REDBRIDGE STATION WHERE MR CHOUDHURY PICKED ME UP IN HIS BLACK MERCEDES."

Q. "DOES MR CHOUDHARY KNOW YOU ARE HERE ILLEGALLY?"

A. "I AM NOT SURE."

I read the questions back to Mr JEWEL in a language he understood (English) He is informed he has no right to be on the premises and signed my notebook to confirm he understood this.

On conclusion of these questions, I asked the subject to leave the premises, as he was

Signature: [REDACTED] MCFaul [Electronically signed]

Signature witnessed by:

not allowed to work.

The subject stated "I want to pack my things and go home to HARPENDEN." At this stage, IO GEAR and VALENTINE arrived in the room with a subject who had been detained and started to conduct a Sched 2 25 A search of the subject's bed in order to attempt to find a valid travel document for removal. No document was found and as the officers and subject were leaving the room, Mr JEWEL, sat on the third bed in the room and by doing this, disturbed the pillow and bedclothes to reveal what appeared to be a passport. I asked Mr JEWEL if the document was his and he stated "NO." I then looked at the document and it was a valid BGD passport belonging to MD Rukon MIAH, DoB [REDACTED]. Checks revealed that the subject was an immigration offender and the subject who IO GEAR had detained and conducted a 25 a search on stated "He was the male who ran away when officers entered this evening." I seized the passport under the IA (TOC) 2004 Act Chapter 19, Para 17 a and b to assist in removing the subject if encountered at a later date. Located under the pillow with the passport, was a wallet that contained an amount of cash which on counting was £1000. I asked Mr JEWEL if the cash was his and he stated "NO." Mr JEWEL was then escorted from the premises. I took control of the cash and put it in an evidence bag on site. Evidence bag number BA0271101 in case the owner of the cash came forward. Prior to leaving the premises, I asked the owner Mr Zia CHOWDHURY did he know where the cash had come from? He said "I HAVE NO IDEA WHO OWNS THE CASH." I asked if he would take possession of the cash and sign for it, as I did not want to leave the cash unattended in case of accusations that Home Office officials had stolen the cash on departure from the premises, but he refused to do so. I then informed the manager that I was seizing the cash under POCA and I was taking control of the cash and the manager signed my PNB to confirm this. I believed at this time that given the circumstances surrounding the finding of the valid passport and cash in the area where Mr MIAH slept, the cash belonged to Mr MIAH. As he had evaded Immigration Officers on arrival at the premises that evening, I believe that this cash was gained by illegal working due to the allegations received that allowed Officers to be granted the warrant to enter the premises.

Signature: [REDACTED] MCFAUL [Electronically signed]

Signature witnessed by:

At 1923 hrs officers left the premises and travelled to HARLOW Police Station and I called the on duty CIO [REDACTED] BROUGH to refer the case in order to formally seize the cash. Authority to seize the cash was given, due to the circumstances of the find of the cash and I then removed the cash from the Evidence Bag sealed on site and put it into Evidence bag TO416411 with my latex gloves and secured the cash and Evidence Bag in a second Evidence Bag T0416410 (Exhibit DSM/01). This was witnessed by IO VALENTINE. On return to the office, I placed the seized cash into the POCA seizure safe outside the CFI office @ 0010 hrs, this was also witnessed by IO VALENTINE and my PNB signed to reflect this.

Seizure paperwork was initiated and a copy of Form A and HO1387 has been sent to Mr MIAH's last known address via Next Day 1300 hrs Recorded Delivery serial number AD881988646GB and was sent by myself on 7/07/2018, receipt attached as Exhibit DSM/02.

This statement is made from my recollection of events and my PNB, 013158, pages 29 – 39.

Exhibits:

DSM/01 – CASH SEIZURE EVIDENCE BAGS- TO416411and TO416410

DSM/02 – COPY OF RECORDED DELIVERY RECEIPT

NOTEBOOK COPY PNB IE 013158 Pages 29 – 39.

Signature: [REDACTED] MCFAUL [Electronically signed]

Signature witnessed by:

MK/01

06/07/18

Visits of Dunmow

██████ KEEN 168298

Immigration Enforcement

OFFICIAL - SENSITIVE
(when completed)

IMMIGRATION ENFORCEMENT
NOTEBOOK

Name of user: ██████ KEEN

Date taken into use: _____

Date taken out of use: _____

Serial number: IE 013954

OFFICIAL - SENSITIVE
(when completed)

IE100A

Version 0.0.0

I.O. KEEN

3:45 Manager contacted 15 78
 G.R. To security area, 4:00
 Gary Simpson. I accompany in
 McArthur to 1st floor room with
 a P.D. male wearing written
 uniform, he showed us APC card
 which showed no right to work.
 He is a FAS, not removable, he
 picked belonging and escorted off
 premises by Det DM —

16:45 I searched male arrested by
 To TROTTER at Lee airport
 under PZSC sub 2 1971/21A
 reason he was found working
 he may have items such as kitchen
 equipment concealed on his person
 which could harm me. —

18:55 I exit premises travel on rail van
 to HARLOW p.l.s. with 2 prisoners

19:55 Arr p.l.s., I cover CT who
 backed in made ATIK, no incidents

I.O. KEEN

I searched ATIK PZSC sub 271A
 on instruction of police DO.

20:45 Book in concluded, to the room I took
 A/pants, CT completes ETD forms

21:30 Left p.l.s., arr FC 22:55. —
 No incidents

KEEN To 8790 —

Dunmow restaurants face heavy fines after illegal workers arrested

PUBLISHED: 14:23 10 December 2013 | **UPDATED:** 14:23 10 December 2013

Immigration chiefs arrested 13 illegal workers at two of Dunmow's Indian restaurants last week – leaving the businesses staring down the barrel of a maximum £130,000 fine.

Home Office enforcement officers, acting on intelligence, conducted simultaneous raids on Jalsa Ghar in Stortford Road and Pride of Sylhet in High Street last Thursday evening (December 5).

Checks revealed that eight members of staff at Jalsa Ghar and five at Pride of Sylhet were breaking the UK's immigration rules.

All 13 offenders were Bangladeshi men ranging in age from 22 to 54. Eight had overstayed their visas, three had entered the UK illegally and two were working in breach of their visa conditions, the Home Office said.

Two of the men, both aged 34, have been taken into immigration detention pending their return to Bangladesh.

The others were released on immigration bail to report to the Home Office while work to remove them from the country is carried out.

The businesses now face potential fines of up to £10,000 for each of the illegal workers unless they can demonstrate that appropriate pre-employment checks were carried out, such as seeing a passport or Home Office document.

Speaking to the *Broadcast*, Zia Chowdhury, who is joint manager of the two restaurants alongside business partner Omar Sharif, said employment checks were carried out but that some of the men had provided fake documents.

“Even the immigration officer said the fake documents we were given were good ones and we weren’t to know,” he said.

“There were also a number of students here whose visas were breached because they weren’t attending college – but it’s not my duty to make sure they are attending, I’ve got a business to run.

“We have now been advised by Immigration Enforcement of other things we can check, so have learned our lesson.

“We wouldn’t defraud anybody. Me and Omar have been in business for 16 years and are very successful at what we do – we are hard working people.

“We both live in Dunmow and are part of the community so we wouldn’t do anything to damage our reputation. Money isn’t everything in life.”

Phil Schinkel, from Home Office Immigration Enforcement, said: “Of the 19 people we encountered on the visits more than two thirds were working illegally. Employers have a legal responsibility to ensure their foreign staff are entitled to work in the UK.”

“Illegal working is not victimless. It undercuts honest employers, cheats legitimate job hunters and defrauds the public purse.”

Copyright

<http://www.dunmowbroadcast.co.uk/news/dunmow-restaurants-face-heavy-fines-after-illegal-workers-arrested-1-3094491>

WITNESS STATEMENT

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

Statement of [REDACTED] DONALDSON URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer.....

This statement (consisting of:2 pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: [REDACTED] Date: 09/07/2018

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

I am currently employed as an Immigration Officer on the East of England ICE – Felixstowe team;

On Friday 6th July 2018, I led an Immigration Enforcement illegal working visit to JALSA GHAR, 79 STORTFORD ROAD, GREAT DUNMOW, ESSEX, CM61DL. I was the Officer in charge of the visit and my team consisted of the following Immigration Officers: IO CLOUTING, IO GEAR, IO KEEN, IO MCFAUL, IO TROTTER, IO VALENTINE and IO TUTTLE-PROWSE.

The team entered the premises at 1805hrs and I immediately executed the warrant on the manager, a man I now know to be ZIAUL ISLAM CHOWDHURY. The owner of the business, a FAZLUL BARI CHOWDHURY born [REDACTED] was also present at the address but his lack of English meant that I dealt with the manager.

Immediately after entering the premises I was made aware over the radio that a member of staff had run away and Officers were pursuing. I called off this pursuit as I was aware that my team were outnumbered by the remaining members of staff.

Through questioning and during a Section 25A (2) of the Immigration Act 1971 search later in the evening the runner was identified as a MD RUKON MIAH born [REDACTED] a national of Bangladesh. He is an Immigration offender.

In total x12 members of staff were questioned by my Officers. The runner made the total employees x13. The following members were identified as Immigration offenders and were arrested:

SAYDUL ISLAM [REDACTED] a national of Bangladesh

MD SHOHIDUR ATIK RAHMAN [REDACTED] a national of Bangladesh

AMED JEWEL [REDACTED] a national of Bangladesh

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of [REDACTED] DONALDSON

Section 25A (2) of the Immigration Act 1971 searches were carried out by my Officers in living accommodation above the main restaurant and bar area in relation to the arrested persons. During one of these searches, IO MCFAUL found and seized a quantity of cash under POCA legislation and a CFI referral was made.

At 1900hrs I served and explained an Illegal Working Referral Notice to ZIAUL ISLAM CHOWDHURY. I also served and explained a completed Notice to Occupier to CHOWDHURY. He confirmed his understanding.

All Officers were off the premises by 1921hrs and ISLAM and RAHMAN were taken to Harlow Custody and booked in with Essex Police.

This statement was compiled at Custom House, Viewpoint Road, Felixstowe, IP11 3RF on Monday 9th July 2018 at 1330hrs with reference to my PNB no. IE008783 pages 65-68

Signature: .. [REDACTED] Signature witnessed by:

Immigration
Enforcement

OFFICIAL - SENSITIVE
(when completed)

IMMIGRATION ENFORCEMENT
NOTEBOOK

Name of user

Date taken into use

Date taken out of use

Serial number: IE

013166

OFFICIAL - SENSITIVE
(when completed)

IE100A

Immigration U. S.

TSBI DOA 1100
FRIDAY 06/07/18
JALSA GHAR

TO TOTTGE

FRIDAY 6TH JULY 2018

15:00 On duty - BED

16:30 Departed

16:50 Arrived BIRCHINGBORO SERVICES

17:37 Briefing

(VI) TS31 DDA 1100

IAC

No named offenders

JALSA GHAR, 79

STORTFORD RD, GREAT

DUNMON, ESSEX

CM6 1DL

17(2) Warrant ISS

04/01/18

9- ETO NEWBURY

5- NOOTON - SEEVCK

6/OTC - RONALDSON

A2 - CLAYTON

C2 - GEAR

A2 - KEEN

Frotter

C2 - McFAUL

A3 - TROTTER

C3 - LTP

A4 - VALENTINE

13/05/18 - allegation of illegal working.

4 x BGD males;

false documents

Ziaul Islam CHOWDHURY (manager)

Previous EV - offender encountered

No warning markers

N. ENT / PNC

2005 trials at (VI)

Rear cover as directed by OTC, with McFAUL,

who accesses rear by rear fence, airwaves that person has absconded.

Enter via kitchen. 4 x males directed to stairs area

TROTTER

① Md. HalalMiah

[redacted] BGD M

claimed GBR - NBT 1988 - cleared - omnibus

② MD. SHOHIDUR RAHMAN

[redacted] BGD M / ATIK

Work Permit - exp.

2005 - identified as FAS absconded

B:21 Arrested (2) person

liable to be detained

Q Fit & well?

A Eggs operations in London 2 years ago.

Q What medication

are you currently taking?

A. Just paracetamol.

Q What have you did to gear thumb?

(left) thumb in
plaster)

A. I cut it in the
kitchen

Q. This kitchen? (points
to restaurant kitchen)

A. Yes 3 days ago

Q. Family in UK?

A. No. Son, daughter
& wife in BGD.

Q. Partner?

A. Single?

Q. Any reason you cannot
return to PSD?

A. No.

Q. No reasons?

A. No

Q. How long working
here?

A. 3 days.

Q. How long have you
been sleeping

upstairs?

A. Just 3 days

Q. Who gave you the job?

A. The Bangladeshi Job-
Centre. It's in East
London, Whitechapel

I paid them £30, £30

I gave them £20,

I had no job.

Q. How did you end up
here?

A. The Jobcentre gave
me the address.

Q. When you got here
who did you speak
to?

A. ② indicators to
manager, Ziaul

Q. How much do you get
paid?

A. Not paid yet. The

TOUTER

system is end of ¹²
week

Q. How much were you
going to get paid?

A. £350 per week

Q. IS accommodation included
A. Yes

Q. What about food?

A. Yes

Q. What is your position
here?

A. Chop?

Q. Head chop?

A. Second chop

Q. Were you asked to
show any documents
when you came here?

A. No.

Q. When did you cut
your thumb?

A. Tuesday morning.

Q. That's 6 days ago,¹³
not 3.

A. Yes that's right

Q. What time start today?

A. In the morning half
11, half 2 finish
Then 5 o'clock.

Finishing 11 o'clock

18:47 250 Search by KEA2:
DIE

18:52 Handcuffs applied -
front stack; to prevent
escape due to sub
attempting to abscond
from premises on
arrival (notified by
McFALL)

18:57 Departed premises; sub
escorted to cell van
in transport position.

19:35 Arrived at HARLOW.

TROTTER

P.D. sub booked into
custody without
incident. Doberman
auth Sgt [REDACTED]
Driving license CA X284
5773 in progress
EP's photo & bio data
completed

23:05 Arrived back BEO

23:15 off duty C. TROTTER [REDACTED]

SATURDAY 7TH JULY 2018
SED

SUNDAY 8TH JULY 2018

15:00 On duty - BEO

Briefing

16

TROTTER

EXHIBIT DSM/63
Dufford
15429

Immigration Enforcement

OFFICIAL - SENSITIVE
(when completed)

IMMIGRATION ENFORCEMENT
NOTEBOOK

Name of user: [redacted] Mcfaul

Date taken into use: 08/06/18

Date taken out of use:

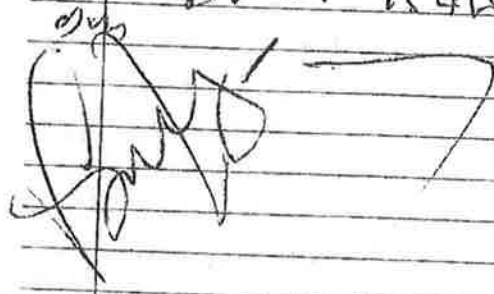
Serial number: IE 013158

OFFICIAL - SENSITIVE
(when completed)

IE100A

10/10/10 02/10

BAG 271101 AND
SCALE? IN PRESENCE
OF ZIA CHOWDHURY
EO OWNER AS NO
ONE TAKES OWNER
SHIP OR CASH
DOWN 15419



DM

1983 DEPART PREMISES NO
DAMAGE AND TRANSIT TO
HARLOW PS
1955 ARRIVE HARLOW PS
FURTHER NOTES TO VISIT
ON ENTRY TO PREMISES
I WAS ON REAR COVER
AND ON EXECUTION OF
WARRANT A CALL WAS
PLACED ON AIRWAYS
TO STATE MALES RUNNING
I LIMBED GATE AND
AN ASIAN MALE RAN
TOWARDS ME AND I
PREVENTED HIM FROM
LEAVING PREMISES
IOTF AND IO RU STATED
A MALE HAD LEFT PREMISES
AND RAN CUCK THE ROAD
AND WAS NOT RECOVERED

DWN 15429 MCFAM
 IS WILLING TO TAKE
 CASE ON CIVIL RIGHTS
 SEIZED CASH PLACED
 INTO EVIDENCE BAG
 TO 416411 WITH 10
 MCFAM'S GLOVES
 AND SECURED IN EV
 TO 416410
 DWN 15429 AND
 WITNESSED BY
 10 VALENTINE [REDACTED]
 17 VALUABLE

2115
 1978
 2235 DEPT WALLON
 ARRIVE FC NO INCIDENT
 VISITS COMPLETE
 DWN 15429
 10 VALUABLE WITNESSES
 10 MCFAM PLACING CASH
 IN POLA SAFE

DWN 15429 MCFAM
 @ 0010 HRS
 R. VALENTINE 10608
 17 VALUABLE

06/07/18 - Self briefing FGL.
 1522 TS310DA1100. No named
 offenders. Jalsa Ghur,
 79 Startford Road Great
 Dunmow, Essex, CM6 1DL.
 W - 04/07/18 SE Mag
 A - NEW
 S - W-SERVICK
 B - DON
 A1 - CLO
 C2 - GEA
 A2 - [REDACTED] KEEN
 C2 - McFAUL
 A3 - [REDACTED] TROTIER
 C3 - T-PROWSE
 A7 - [REDACTED] Valentine
 Allegation 13/03/18 x 4
 illegal workers

TS310DA1100
 J. Donaldson

J. Donaldson

M. Hinger - ZIAUL ISLAM ⁵⁰
 CHIONDHURY. ⁵¹
 x2 businesses on site: -
 Quaker & Jabs & Gher
 W. Womers 79 Shortford Rd.
 complete.
 Prisoner visits 08/16 x3
 offenders (writel only)
 07/14 - x4 arrested
 12/13 - x8 arrested.
 1736 - Briefing given to team at
 Birmingham Services.
 1805 - Enter premises Warrant
 Executed on manager
 ZIAUL ISLAM CHIONDHURY
 x12 members of staff located
 x1 runner left to run in
 order to contain premises
 - To give radio transmission
 to not pursue runner as
 I had x8 members of staff
 & we were outnumbered had

staff who were located all
 over the premises.
 Staff cleared by IDS in
 safe area. x3 male offenders
 as follows & arrested
 SAYDUL ISLAM (GFA)
 AMED ZENEL (KF)
 Md SA RAFIMAN (TRO)

1900 - Served NOPL & Notice to
 occupier on Z.I. CHIONDHURY.
 1905 - Despatched cell van containing
 GFA & TRO arrested males
 to Harlow custody - GFA,
 TRO, PRO, KEE sent
 1906 - Seized McF & VAL upstairs
 CW in attendance - CFJ
 referred for cash made by
 McF. Cash taken by McF
 & handed into Harlow custody
 1921 - All officers off premises
 Travel to Harlow PS.
 1957 - Arrive Harlow PS. ⁵⁷

2106 - PRO McE, VAZ stand down⁶⁸
to BEO.

2116 - TRO, KEG stand down to BEO.

2136 - (Dev. of unshy - left off return
to FEL.

2015187 ■ DUNALOGAN 07/07/18 0075-

Immigration OFFICIAL - SENSITIVE
Enfreement (when completed)
'IMMIGRATION ENFORCEMENT'
NOTEBOOK

Z. Gr-ce-æauæ.

013154

OFFICIAL;
SENSITIVE
e(Wben
complete<)

IO TUTTLE - PROWSE

T33100A1100-

6th JULY 2018 BEDFORD ICE - 75
 TEAM
 TS21 DDA 1100
 NON NAMED OFFENDERS
 JALSA SHAR, 79 STORTFORD ROAD
 GREAT DUNMOW, ESSEX, CM6 1DL
 17(2) WARRANT: SE MAS: 4/7/18
 GOLD: [REDACTED] NEWBURY
 SILVER: [REDACTED] W.S.
 BRONZE: [REDACTED] DONALDSON - [REDACTED]
 A1: [REDACTED] L. LOUTINS - [REDACTED]
 C1: [REDACTED] SEAR [REDACTED]
 A2: [REDACTED] KEEN
 A2: [REDACTED] McFAUL
 A3: [REDACTED] TROTTER
 C3: LTP
 A4: [REDACTED] VALENTINE
 - 13/05/18 EMPLOYING ILLEGAL WORKERS
 FRI - SAT - SUN EVENINGS BSP
 CASH IN HAND.
 FAKE ID'S AND PAPERWORK

I.O. TUTTLE-PROUSE

RESTAURANT OWNER ZIALCHANDHURY
HAS ORGANISED FAKE ID'S, BRANCHES
29/6/18 SHOWS ENTERTAINMENT AND
LICENSE ALCOHOL.
BUSINESS NAME QUEEN VICTORIA
JALSA SHAH OWNER.

18.00 IN. - TIPU HASAN - [REDACTED]
- RES PERM: R53925392
PASS NO: [REDACTED]
RES PERM: [REDACTED]

DEPLOYED TO REAR COVER - DOOR AND
GATEWAY WENT TO GATEWAY
LEADS TO A GARDEN AREA TWO
MALES CAME RUNNING TOWARDS
ME I SHOUTED IMMIGRATION
AND STOP. ONE MAN DID.
ONE MALE RAN TOWARDS A
DOOR WHICH WAS INTO PUB

I.O. TUTTLE-PROWSE

THROUGH ANOTHER DOOR TO THE 77
FRONT OF PUB - I SHOUTED
STOP AND STARTED TO RUN AFTER
MAN - 10 VALENTINE COME FOR COM
THE OTHER FRONT DOOR AND
STARTED TO RUN HE SHOUTED STOP
THE MALE RAN ACROSS BUSH ROAD
DID NOT CONTINUE AS HEAD TO
BUSH - MALE RAN OVER ROAD -
AND INTO ANOTHER ROAD. HE
DID NOT STOP.

ARRIVED AT PREMISES THROUGH THE
DOOR I WAS COVERING I COULD SEE
A MAN THROUGH ANOTHER DOOR
HOLDING WHAT APPEARED TO BE A
HAMMER. THERE WERE 10 MALES
INSIDE BETWEEN THE TWO DOORS.
THERE WAS A GATEWAY / FENCE TO

IT LED INTO A GARDEN AREA I CAME
 OUT AND PULLED GATE CLOSED AGAIN
 I WALKED BACK TO DRIVEWAY AND
 IO VALENTINE WAS COVERING THE
 OTHER FRONT DOOR
 I HEARD SHOUTING AND WENT BACK
 TO THE GATEWAY. I HEARD MORE
 SHOUTING AND WENT THROUGH THE GATE
 TWO MALES WERE RUNNING THROUGH.
 ONE STOPPED AND ONE RAN THROUGH
 THE PUB AS PREVIOUSLY NOTED.
 UNSAFE TO CONTINUE.
 ENTERED THE PREMISES AT OIC REQUEST
 MYSELF AND IO VALENTINE WENT
 UPSTAIRS TO THE RIGHT WAS A BEDROOM
 WITH 3 BEDS. TO THE LEFT WAS A
 ROOM WITH 3 BEDS - STRAIGHT THROUGH
 THIS ROOM WAS AN OFFICE ROOM WITH
 3 BEDS. ADVISED OIC 3 ROOMS 3
 BEDS EACH AND CLEARED UPSTAIRS

I.O. TUTTLE - PROUSE

DOWNSTAIRS AND SPOKE TO 79
 PREVIOUSLY NOTED SUBJECT
 DOES NOT SPEAK OR UNDERSTAND
 ENGLISH VERY WELL.
 MANAGER PRODUCED PAPERWORK FOR
 EMPLOYEES. RES PERM COPY.
 DETAILS CHECKED BY CIO NEWBURY
 WHO SENT THROUGH PICTURE IO
 CONFIRM.
 MALE LEGALLY ENTITLED TO BE IN THE
 UK.
 I ACCOMPANIED IO SCAR TO THE CELL
 VAN WITH HIS ARRESTED PERSON.
 IO TROTTER ESCORTED HER ARRESTED
 SUBJECT TO VAN WITH IO SCOUTING.
 LEFT THE PREMISES.
 ADVISED HARLOW CUSTODY
 ARRIVED AT HARLOW CUSTODY AT
 APPROX 19:35 HOURS.
 I TOOK FINGERPRINTS AND PHOTO (S&P) (E)

AT APPROX 18:00 HOURS I WENT UPSTAIRS WITH IO VALCANTINE THE STAIRS WERE 46-48 DEGREE AND VERY NARROW - SMALLER THAN NORMAL STAIRS - I USED THE HANDRAILS AND THE STAIRS WERE COVERED IN AN OLD CARPET WHICH WAS VERY SMOOTH. ON COMING DOWN THE STAIRS I SLIPPED AND FELL DOWN THE LAST FEW STEPS I ENDED UP ON MY BACK WEDGED BETWEEN THE BOTTOM STAIR - MY RIGHT ARM STUCK ON MY STAIR VEST AN EAR PIECE FOR RADIO WHICH I WORE IN MY RIGHT EAR WAS STUCK ON MY GLASSES. MY LEFT ARM WAS STUCK BETWEEN MY STAIR VEST AND THE WALL FOR THE BAR IO GEAR ASSISTED ME TO GET UP AND IO VALCANTINE THEN CAME DOWN THE STAIRS.

IOA TITTLE-PROWSE 9300 6/7/18.

IOA TITTLE-PROWSE

TS31DDA1100

EC

TO CLOUTING

[REDACTED]

07/07/18 Briefing held by OIC DONALDSON
@ Birchanger services
Officers present are DONALDSON
GEAR, CLOUTING, VALENTINE,
TROTTER, McFAUL, KEEN, TOTTLE-
TS31DDA1100
No named offenders
Jalsa Ghar, 79 Startford
Road, Gt Dunmow, CM6 1DL
Para 17(2) Sch 2 Warrant
- NEWBURY
- WOOTTON
B/OIC - DONALDSON
Was assigned Arrest 1
Allegation of 4 illegal
workers.

Ziavul ISLAM CHOUDHURY
Manager above

No markers on address from
police

18:05 Arrived SWC 1 male ran. Attempted
pursuit but no chance of catching

① Md Abdul QUAYYUM [REDACTED]
BGO.

LTR until 09/03/2018
States application w/ HD now
for extension.

Granted on basis of [REDACTED]

② Shaked AHMED [REDACTED]
BGO. Photo of RE card
REF. RG 4594025
States has claimed asylum.

① Outstanding family and
private life since earlier
this year.

② Asylum refused 14/02/2018

I.O. CLOUTING

22/03/17. - Tier 4. —
Refusal sent to reps —
02/03/2018 - Appeal. —
29/04/2018 - concluded —
PTA not sought. —
Expired passport —
A1875113. —
Cleared from investigations
checks w/ IO WOOTTON. Sub
allowed to work. —
① Sent back to work w —
② Sent back to work. —
18:45 Both males cleared and sent
back to work. Assumed cover
position. —
18:55 Went upstairs w/ DON to assist
IO McFAUL + VALENTINE. —
McFAUL has located/come across
over £1,000 of money in cash. —
19:15. Went back downstairs —

19:20 IO McFAUL seizes cash under
POCA. Manager signs to say —
that cash sealed in evidence —
bag —
19:22 All officers leave premises —
19:45 Arrived at custody. Remained
outside in vehicle. —
22:00 All officers leave custody —
2 males detained by IO's TROTTER
and GEAR. —
00:29 Notes made on return to office.
On entry to the premises, [REDACTED]
executed the warrant and IO GEAR
and I made way to kitchen. —
I heard over airwave an IO shout
'RUNNER' and I saw a male in the
distance run out of premises on
far end of premises. I pursued
this male immediately however
when I got to the door he'd run
out of, he had already ran —

across a busy road and was ^{ou}
running down a street across
the road. I saw IO's TUTTLE-P
+ VALENTINE were also in pursuit
and therefore stopped my
pursuit and returned to premises
18:08 All officers stopped pursuit at
instruction of OIC and returned
to premises where 13 members
of staff were encountered.
IO E. CLOUTING 15114 ECLT

I.O. CLOUTING

Return of Final Meeting in a Creditors' Voluntary Winding Up

Pursuant to Section 106 of the Insolvency Act 1986

To the Registrar of Companies

S.106

Company Number

3637369

Name of Company

Jalsa Ghar (UK) Ltd t/a Jalsa Ghar & Queen Victoria

I / We-

Elizabeth Arakapiotis, Mountview Court, 1148 High Road, Whetstone, London, N20 0RA

Note The copy account must be authenticated by the written signature(s) of the Liquidator(s)

1 give notice that a general meeting of the company was ~~duly held or~~ summoned for 06 May 2015 pursuant to section 106 of the Insolvency Act 1986, for the purpose of having an account (of which a copy is attached) laid before it showing how the winding up of the company has been conducted, and the property of the company has been disposed of, and that ~~the same was done accordingly~~ no quorum was present at the meeting,

2 give notice that a meeting of the creditors of the company was ~~duly held or~~ summoned for 06 May 2015 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having the said account laid before it showing how the winding up the company has been conducted and the property of the company has been disposed of and that ~~the same was done accordingly~~ no quorum was present at the meeting

The meeting was held at Mountview Court, 1148 High Road, Whetstone, London N20 0RA

The winding up covers the period from 5 March 2012 (opening of winding up) to the final meeting (close of winding up)

The outcome of any meeting (including any resolutions passed) was as follows

There was no quorum at the meeting and therefore the following resolutions were deemed to have been passed

- 1 that the liquidator's final receipts and payments account and report be approved
2 that the winding-up of the company's affairs be concluded and the liquidator be released

[Redacted signature area]

06 May 2015

Kallis & Company
Mountview Court
1148 High Road
Whetstone
London, N20 0RA

Ref JAL2502/EA/KG/BK/OC

THURSDAY



A23 'A46WL4Q1' 07/05/2015 #70 COMPANIES HOUSE

**Jalsa Ghar (UK) Ltd t/a Jalsa Ghar & Queen Victoria
(In Liquidation)
Liquidator's Abstract of Receipts & Payments
From 5 March 2012 To 6 May 2015**

| S of A £ | | £ | £ |
|--------------------|-----------------------------------|--------------------|---------------|
| | ASSET REALISATIONS | | |
| 7,000 00 | Furnishings, Fixtures & Equipment | 7,000 00 | |
| 300 00 | Motor Vehicles | 300 00 | |
| 2,700 00 | Stock | 2,700 00 | |
| 1,000 00 | Intangible assets | 1,000 00 | |
| Uncertain | Corporation Tax Refund | NIL | |
| | Cash at Bank | 320 13 | |
| | Bank Interest Gross | 12 57 | |
| | | <u>11,332 70</u> | 11,332 70 |
| | COST OF REALISATIONS | | |
| | Specific Bond | 50 00 | |
| | Preparation of S of A | 5,000 00 | |
| | Office Holders Fees | 3,814 20 | |
| | Office Holders Expenses | 57 30 | |
| | Accountancy Fees | 1,250 00 | |
| | Agents/Valuers Fees (1) | 1,000 00 | |
| | Corporation Tax | 2 20 | |
| | Statutory Advertising | 159 00 | |
| | | <u>(11,332 70)</u> | (11,332 70) |
| | UNSECURED CREDITORS | | |
| (6,089 71) | Trade & Expense Creditors | NIL | |
| (40,000 00) | Directors | NIL | |
| (2,888 84) | Barclays Bank plc | NIL | |
| (18,387 42) | HM Revenue & Customs (PAYE) | NIL | |
| (20,617 20) | HM Revenue & Customs (VAT) | NIL | |
| | | <u>NIL</u> | NIL |
| | DISTRIBUTIONS | | |
| (1,200 00) | Ordinary Shareholders | NIL | |
| | | <u>NIL</u> | NIL |
| <u>(78,183.17)</u> | | | <u>(0.00)</u> |

REPRESENTED BY



 kapiotis
 Liquidator

JALSA GHAR (UK) LTD T/A JALSA GHAR & QUEEN VICTORIA (IN LIQUIDATION)

Liquidator's Final Report to Members and Creditors

STATUTORY INFORMATION

Company name Jalsa Ghar (UK) Ltd
Registered office Mountview Court, 1148 High Road, Whetstone, London, N20 0RA
Former trading address 79 Stortford Road, Great Dunmow, Essex, CM6 1DL
Registered number 3637369
Liquidator's name Elizabeth Arakapiotis
Liquidator's address Mountview Court, 1148 High Road, Whetstone, London, N20 0RA
Liquidator's date of appointment 05/03/2012

INTRODUCTION

Jalsa Ghar (UK) Ltd ("the Company") was placed into liquidation by a Special Resolution of the members followed by a meeting of the creditors convened under Section 98 of the Insolvency Act 1986 on 05/03/2012

The Company traded as a Restaurant & Pub from premises at 79 Stortford Road, Great Dunmow, Essex, CM6 1DL. Difficulties arose due to low levels of turnover and high overheads which resulted in a drop in profit margins together with a demand from HM Revenue & Customs for approximately £20,000 for non-compliance of preparation of P46 for a couple of employees several years ago

According to the statement of affairs lodged in these proceedings, the assets of the Company had an estimated realisable value of £11,000, of which £11,332.70 has been realised to date. In the course of my administration, I have reviewed the Company's affairs to establish whether there were any potential undisclosed asset recoveries or conduct matters that justified further investigation. I can confirm that there were no major assets identified other than those already listed on the director's Statement of Affairs and there were no matters that justified further investigation in the circumstances of this appointment.

I have now concluded my administration of the liquidation and present a draft of the report which I shall lay before the final meetings of members and creditors convened under Section 106 of the Insolvency Act 1986. My report should be read in conjunction with my previous correspondence with creditors.

RECEIPTS AND PAYMENTS ACCOUNT

My receipts & payments account for the period from 05 March 2014 to 02 March 2015 and cumulative figures for the whole liquidation to 2 March 2015 is attached at Appendix 1 and is further explained below.

As the Company was registered for VAT, all items are shown as net of VAT on the receipts & payments account, and the VAT was recovered for the benefit of the insolvent estate.

ASSETS

Furnishings, Fixtures & Equipment

The company's fixtures, fittings and equipment comprising of restaurant furnishings, fixtures, fittings, and catering equipment were valued by Centaur Chartered Auctioneers and Valuers. The book value of these assets was £13,067 with an estimated to realise value based on an "in situ" valuation on a going concern basis of £7,000.

An offer was received from Aldbrook Limited and based on the agent's advice received, this was accepted as the best offer.

Jalsa Ghar (UK) Ltd t/a Jalsa Ghar & Queen Victoria (In Liquidation)
Liquidator's Final Report

These assets were all sold to Aldbrook Limited T/A Jalsa Ghar & Queen Victoria on 8 March 2012, a connected company by virtue of common directors. Payment in full was received on 8 March 2012. It is not known whether the purchaser was independently advised in respect of this transaction.

Motor Vehicles

The company had one motor vehicle, a Ford Mondeo Estate car with a book value of £300 and the same realisable value. This was sold to Aldbrook Limited for £300. Full payment has been received.

Stock

The company's stock comprised of a small quantity of cleaning and disposable items and some food and drinks. The book value of this was approximately £2,700 and this was sold to Aldbrook Limited for this sum. Full payment was received on 8 March 2012.

Intangible Assets

The company's intangible assets comprised of telephone numbers, directory entries, website, email addresses and literature. The approximate value for these was £1,000 and this has been received from Aldbrook Limited on 8 March 2012.

Corporation Tax Refund

The company had a possible corporation tax refund of £3,650, however the estimated to realise value was uncertain. An amended tax return for the year ended 30/09/10 was submitted and HMRC have acknowledged that the company had overpaid tax of £3,613.26. However this has not been received as HMRC have advised that this would be set off against other Crown liabilities. No realisations will therefore be possible in this regard.

Cash at Bank

Cash at bank of £320.13 has been received which had not been expected at the date of liquidation. This related to credits received in the company's bank account after the date of liquidation, none of which were received in the current reporting period.

Bank Interest Gross

I would advise that all asset realisations within the liquidation are held within an interest bearing account. I can confirm that interest totaling £12.57 accrued on the account.

OUTCOME FOR CREDITORS

Secured Liabilities

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the Company has no current charges over its assets.

The legislation requires that if the Company has created a floating charge after 15 September 2003, a prescribed part of the Company's net property (i.e. the money that would otherwise be available to the charge holder) should be ring-fenced for distribution to unsecured creditors. In this case there were no creditors secured by a floating charge such that the prescribed part provisions do not apply.

Preferential Creditors

The statement of affairs did not anticipate any preferential creditors and no claims have been received.

**Jalsa Ghar (UK) Ltd t/a Jalsa Ghar & Queen Victoria (In Liquidation)
Liquidator's Final Report**

Unsecured Creditors

The statement of affairs included 8 unsecured creditors with an estimated total liability of £87,983 17, of which £39,004 62 is owed to HMRC. I have received claims from 5 creditors at a total of £74,549 55, including HMRC's final claim of £34,549 55. To date I have not received claims from 3 creditors with original estimated claims in the statement of affairs of £8,978 55.

A dividend will not be declared to non-preferential unsecured creditors as the funds realised have been used to make payments to meet the expenses of the Liquidation.

INVESTIGATION INTO THE AFFAIRS OF THE COMPANY

I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved.

There were no matters that justified further investigation in the circumstances of this appointment.

Within six months of my appointment, I was required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present director would make him unfit to be concerned with the management of the Company. I would confirm that my report has been submitted.

PRE-APPOINTMENT REMUNERATION

The creditors previously authorised the payment of a fee of £5,000 plus VAT for assistance with preparing the statement of affairs, producing and circulating the notices for the meetings of members and creditors prior to my appointment at a meeting held on 05 March 2012. Of this 1,250 plus VAT was to be paid to Messrs Ahmed & Co for their assistance with preparing accounts in connection with the statement of affairs.

The fee for the statement of affairs and meetings was paid from first realisations on appointment and is shown in the enclosed receipts and payments account.

LIQUIDATOR'S REMUNERATION

My remuneration was previously authorised by creditors at a meeting held on 05 March 2012 to be drawn on a time cost basis. My total time costs to 2 March 2015 amount to £10,830 66, consisting of 72 12 hours which have been charged at an average charge out rate of £150 17, of which £2,532 00 was charged in the period between 5 March 2014 and 2 March 2015, consisting of 13 58 hours at an average charge out rate of £186 45. I have drawn £3,814 20 to date none of which was drawn in the period between 5 March 2014 and 2 March 2015. The balance of my time costs will remain unpaid due to lack of funds. A schedule of my time costs incurred is attached as Appendix 2 and information about current charge out rates and routine work undertaken in the Liquidation is attached as Appendix 3.

A copy of 'A Creditors Guide to Liquidators' Fees' published by the Association of Business Recovery Professionals and 'Statement of Insolvency Practice 9' are available at the link <http://www.kallis.co.uk/services/creditors>. Hard copies can be obtained on request to my office.

LIQUIDATOR'S EXPENSES

As per my receipts and payments account various expenses have been incurred and paid which are detailed below, together with expenses which have yet to be paid. Unpaid expenses will be written off due to lack of funds.

The disbursements listed are all Category 1 disbursements, with the exception of storage which is a Category 2 disbursement. My firm's disbursements recovery policy is attached as Appendix 3 and I would advise that I have used the services of professional advisors and agents in this matter as follows:

Professional Advisor

Nature of Work

Fee Arrangement

3

Jalsa Ghar (UK) Ltd t/a Jalsa Ghar & Queen Victoria (In Liquidation)
Liquidator's Final Report

Centaur Chartered Auctioneers & Valuers
Messrs Ahmed & Co

Valuer/Auctioneer
Accountancy Fees

Time costs
Percentage Basis

The choice of professionals was based on my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of my fee arrangement with them. The fees charged have been reviewed and I am satisfied that they are reasonable in the circumstances of this case.

The following table details the disbursements that were incurred, paid and which remain outstanding in the Liquidation

| Disbursement | Period from 05/03/2014 to 02/03/2015 | | To date | |
|--------------------------|--------------------------------------|--------------|----------|--------------|
| | Paid £ | To be paid £ | Paid £ | To be paid £ |
| Specific Bond | | | 50 00 | |
| Office Holder's Expenses | | | 57 30 | |
| Statutory Advertising | | | 159 00 | |
| Agents/Valuers Fees | | | 1,000 00 | |
| Accountancy Fees | | | 1,250 00 | |
| Corporation Tax | | | 2 20 | |
| Postage | | 11 00 | | 23 14 |
| Storage | | 15 00 | | 45 00 |

Amounts listed as Office Holder's Expenses relate to the following

| | Paid to date £ |
|-----------------------|----------------|
| Statutory Advertising | 57 30 |

FURTHER INFORMATION

An unsecured creditor may, with the permission of the court or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question) request further details of the Liquidator's remuneration and expenses, within 21 days of receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the court or with the concurrence of 10% in value of the creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Liquidator's fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

SUMMARY

The winding up of the Company is now for all practical purposes complete and I am able to summon final meetings of the Company's members and creditors to receive my final report and seek my release as liquidator.

Creditors should note that if I obtain my release as liquidator at the final meetings of members and creditors on 6 May 2015, my case files are placed in storage thereafter. If creditors have any queries they are asked to contact Bina Kotecha on 020 8446 6699



LIQUIDATOR

