



PUBLIC REDACTED VERSION

Premises Licence Review

Indian Villa

20 Watling Street, Thaxted, Essex, CM62PE

Supplementary documentary information in
support of review



CONTENTS

1.0 Outline of Circumstances Leading to Review	Page 3
2.0 Reasons for Review	Page 6
3.0 Outcome Sought	Page 7
4.0 Immigration Offences	Page 9
5.0 Steps to Avoid Employment of Illegal Worker	Page 10
6.0 Relevance/Irrelevance of Civil Penalty Prosecution	Page 10
7.0 Statutory Guidance (s182 LA 2003)	Page 11
8.0 Case Law	Page 13
Appendix A – Right to Work Checks Guidance	Page 16
Document 1. Statement of Immigration Officer [REDACTED]	Page 18
Document 2. Statement of PC [REDACTED]	Page 21
Document 3. Statement of PC [REDACTED]	Page 23
Document 4. Statement of PC [REDACTED]	Page 26
Document 5. Statement of PC [REDACTED]	Page 31
Appendix B – Police review submission from 2017 (under separate cover)	

1.0 Outline of the Circumstances leading to the Review Application

- 1.1 At approximately 17:00 hours on Friday 21st June 2019 police officers attended Indian Villa situated at 20 Watling Street, Thaxted, Dunmow, CM6 2PE. This was in relation to a report of harassment regarding a male who was known to work at this location.
- 1.2 Upon arrival officers saw a male who was working front of house in the restaurant and was dealing with customers, taking orders and processing them. This male identified himself as A [REDACTED] HUSSAIN (see document 3) and stated that he was the restaurant owner, that he rented the premises from the landlord and he resided at the address.
- 1.3 When speaking to officers he appeared very nervous, visibly shaking and being very evasive when questioned. When questioned about the subject of the police enquiry (and was shown a photo) HUSSAIN first said the person wasn't working there, then that he had worked there for only one day and then he did not know the person's name. After being shown around the premises, including a room with multiple beds in obvious use, officers suspected that persons were being housed illegally. Based on the information provided officers left the premises to make enquiries with border force.
- 1.4 Police re-entered the premises and requested details of all staff working at the location which included full names, date of birth and place of birth. Almost immediately [REDACTED] [REDACTED] all staff from the kitchen area fled but were caught. Another male escaped out of a bedroom window on to the street while [REDACTED]. The male who escaped was later detained by assisting special constables after being sighted nearby. In all 4 immigration offenders were identified and detained.
- 1.5 [REDACTED] [REDACTED] In questioning Mr HUSSAIN stated that offender 4 (below) was his brother (see document 2).
- 1.6 Companies House shows that on the date of the above visit, the legal entity listed at this address was India Villa Thaxted Ltd, incorporated 26th July 2017. The sole director at the time was a M [REDACTED] A [REDACTED] HUSSAIN (date of birth September 1969), who was present during the visit. Also connected with the address is Smart Spice Thaxted Ltd, incorporated 8th August 2016 and dissolved on 5th June 2018. The sole director of this business was an A [REDACTED] HUSSAIN (date of birth September 1969). It is believed that these 2 individuals are one and the same person and that Mr HUSSAIN uses both forms of the name.
- 1.7 Mr HUSSAIN has been met and spoken to on numerous occasions by an Essex Police licensing officer. On these visits Mr HUSSAIN has identified himself as the manager. This was also confirmed during a visit by Essex Police on 9th March 2017, where officers established that A [REDACTED] HUSSAIN was leasing the premises and he was the manager of Indian Villa. When officers encountered A [REDACTED] HUSSAIN at Indian Villa on 21/06/19 he clarified that he was the restaurant owner and that he also resided at

the address (See Doc 3). Mr HUSSAIN was known as 'the boss' with one worker stating that he was paid in cash by Mr HUSSAIN.

- 1.8 Immigration checks were conducted (see Document 2). Subsequently four persons were detained under paragraph 17 (1) schedule 2 of the Immigration Act 1971 due to having no right to work in the UK and no leave to remain in the UK, conveyed to police stations and afterwards dealt with by the immigration service.
- 1.9 Attendance and subsequent events were captured on Body Worn Video (BWV) cameras worn by the police officers. Should it be possible in the timescales to do so, Essex Police will seek to show some of this evidence at the hearing.
- 1.10 Police officers in attendance were:
 - OFFICER 1 – [REDACTED]
 - OFFICER 2 – [REDACTED]
 - OFFICER 3 – [REDACTED]
 - OFFICER 4 – [REDACTED]
- 1.11 Those detained for illegal working were:
 - OFFENDER 1 – [REDACTED] (see documents 2 and 3)
 - OFFENDER 2 – [REDACTED] (see documents 2 and 3)
 - OFFENDER 3 – [REDACTED] (see documents 2 and 3)
 - OFFENDER 4 – [REDACTED] (see document 4)
- 1.12 The immigration status of the 4 persons detained is detailed in a statement from Immigration Compliance and Enforcement Officer [REDACTED] (see document 1).
- 1.13 OFFENDER 1 Entered the UK on 02/10/03 as a visitor with conditions of no recourse to public funds and no right to work. On 12th May 2015 he was encountered by immigration officers and served as an over stayer, he was required to report to immigration at a later date but absconded (See Document 1 detailing offender status). Offender 1 was located in the kitchen at Indian Villa, wearing blue chequered trousers and a white double buttoned chefs top. He was stood over a stove cooking. Offender 1 later got changed in to his personal clothes which were upstairs in a multi-occupancy bedroom (see document 2).
- 1.14 OFFENDER 2 Entered the UK on a family visit visa valid between 11/05/09- 11/11/09 with conditions of no recourse to public funds and no right to work. Detained as an over stayer at Indian Villa and had not been encountered in the 10 years since entering the UK (see Document 1). Offender 2 was located in the kitchen at Indian Villa and was wearing chef attire. Difficulties were found in extracting information as English was very poor. Offender 2 later got changed out of his work clothes in to his personal clothes which were upstairs in a multi-occupancy bedroom (see document 2).
- 1.15 OFFENDER 3 Entered the UK on 13/07/08 on a visitor's visa valid until 13/01/09. Offender 3 was encountered working illegally by Immigration enforcement in

Basingstoke on 14/04/16 and served as an over stayer. Offender 3 was placed on immigration bail in which he failed to report and was listed as an absconder on 07/06/16 (See Document 1). Offender 3 was dressed in formal black attire with a long sleeve shirt and formal trousers. Working alongside Mr HUSSAIN in front of house at Indian Villa, serving food, taking orders and receiving payments from customers. Offender 3 stated he was paid in cash and had been working at the restaurant for a while (see documents 2 and 4).

- 1.16 OFFENDER 4 Entered the UK with family on a family visit visa which was valid for 6 months from 10/01/05-10/07/05 with conditions of no recourse to public funds and no right to work. Offender 4 was served notices as an over stayer by immigration on 06/07/15 and was placed on immigration bail, but failed to report (See Document 1). Offender 4 was encountered on 21/06/19 in the kitchen at Indian Villa and was wearing a maroon coloured top and black tracksuit bottoms. Offender 4 had fled from the premises and was located nearby at Thaxted Park, where he again ran off and was pursued by special constables, eventually being detained in a car park in Little Maypole (See document 4).
- 1.17 Officer 1 has described in his statement (see document 4) that the living conditions were cramped, unhygienic and not suitable to live in. It is evident that a lot of people were residing at the property. Officer 2 described in her statement that there were approximately 7 single beds upstairs in numerous different rooms and all the beds looked slept in.
- 1.18 This is not the first time Indian Villa or Mr HUSSAIN have been caught employing illegal workers. Following intelligence received by the Home Office Immigration Service, a Magistrates' Court warrant was obtained and the premises was visited on 14/06/17, a team of immigration enforcement officers along with an Essex Police county licensing officer and a Detective Constable attended Indian Villa and found two illegal workers at the premises. The two persons were detained due to having no right to work in the UK and one person for having no leave to remain.
- 1.19 It is particularly noteworthy that in June 2017 when the premises was previously 'raided' and illegal workers discovered – Mr M [REDACTED] A [REDACTED] HUSSAIN was present on the premises and described himself as the manager; though when questioned by the police licensing officer who was in attendance with the immigration officers - he seemed unable to assist with the whereabouts of the premises licence holder or DPS or even their identity – all very suggestive that then, as now, he was the controlling mind behind the venture.
- 1.20 A review of the premises was applied for in July 2017 for immigration offences. This review of the premises licence was withdrawn as the premises licence was surrendered ahead of the hearing – though subsequently an application for a new premises licence was applied for – allegedly by a new owner – and this was granted.
- 1.21 Following the last occasion when illegal workers were discovered and a review initiated and then discontinued because of new owners, Essex Police gave credence

to the possibility that there had really been a change in ownership and management and those running the premises would abide by the law and take steps to prevent employing illegal workers.

- 1.22 That view was mistaken – in May 2018 the licence was transferred to a Mr Miah (with Mr Miah also being the DPS) but quite clearly Mr Hussain is running the business and was running the business in 2017 and cynically chose to pretend to the authorities (after the licence was surrendered and a new one obtained) that his involvement had ceased – putting up ‘front men’ instead.
- 1.23 Not only does it seem that no application has been made to transfer the licence or DPS to himself (to which the police would have objected) but Mr HUSSAIN has failed to comply with immigration law yet again. In 2017 having been caught ‘red handed’ the first time he knew he should conduct right to work checks and working under appropriate legislation. We see evidenced here, total disregard for legality, authority and requirements. It is clear the operator wilfully ignored legislation, endangering employees and members of public.
- 1.24 Allowing this premises to continue to operate with the benefits of a premises licence will merely serve to perpetuate the criminal activity and human exploitation which is already apparent from the findings from both recent and past visits by immigration and police, thereby undermining the licensing objective for Crime and disorder. It is evident that no lessons have been learnt from past events and illegal activity is still taking place.
- 1.25 Mr HUSSAIN has successfully ‘pulled the wool over the eyes’ of the authorities in 2017 – he should not be allowed to do so again.

2.0 Reason for review

Whether by negligence or wilful blindness several 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. The sub-committee may take the view that this being the second time Mr HUSSAIN has been involved in employing illegal workers that this was a deliberate decision. 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.

- 2.1 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.

2.2 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 4.3 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
- 4.6 highlights this as relevant irrespective of whether a civil penalty is imposed or a prosecution launched for employing an illegal worker.

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

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 and 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

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]

Age if under 18 **Over 18** (If over 18 insert "over 18") Occupation: Immigration Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true

Signature [REDACTED] Date: 26/06/2019

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

am an Immigration Officer currently based at EAST OF ENGLAND ICE, CUSTOM HOUSE, VIEWPOINT ROAD, FELIXSTOWE, SUFFOLK, IP11 3RF.

On 23/06/2019 I was tasked to attend a Police call out following FOUR persons subject to immigration control being arrested by Police Officers on the 21/06/2019.

At the request of Essex Police Licensing Team, I have examined the Home Office records relating to the immigration offenders encountered in Clacton custody, following them being arrested at India Villa, 20 Watling Street, Thaxted, Essex, CM6 2PE.

Home Office records show the following recorded:

A [REDACTED] H [REDACTED] - [REDACTED] - BGD

Home Office records show that on the 02/10/03 entered UK as a visitor, with conditions of no recourse to public funds and no right to work.

28/10/07 - Submitted [REDACTED] application - this was refused on the 23/05/14.

23/11/12 - Submitted outside rules application for Leave to Remain - this was refused on the 28/11/14 with no right of appeal.

Signature: [REDACTED] Signature Witnessed by: Page 18

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] [REDACTED] [REDACTED]

Page 2

12/05/15 – Subject was served as an Overstayer, placed on reporting and failed to report.

08/06/15 – Submitted [REDACTED] – [REDACTED] application, this was refused on the 12/06/15.

23/02/18 – Submitted a [REDACTED] to remain application, this was refused on the 14/12/18.

21/06/19 – Encountered by Police Officers at India Villa and arrested for immigration matters.

During interview on the 22/06/19 H/[REDACTED] stated that his profession was a chef.

S [REDACTED] M [REDACTED] – [REDACTED] – BGD

Home Office records show that on the 13/07/2008 entered UK on a visitor's visa valid until the 13/01/2009, with conditions of no recourse to public funds and no right to work.

14/04/16 – Subject was encountered working illegally by Immigration Enforcement in Basingstoke. He was served as an Overstayer and placed on Immigration bail, in which to report fortnightly. He failed to comply with this

07/06/16 – Listed as an absconder.

21/06/19 – Encountered by Police Officers at India Villa and arrested for immigration matters.

During interview on the 22/06/19 M/[REDACTED] was dressed smartly in a black shirt and trousers. He mentioned that he was earning £5-6 per hour.

M [REDACTED] M [REDACTED] – [REDACTED] – BGD

Checks on Home Office Systems revealed the subject entered the UK with a family visit visa valid for 6 months from 10/01/05 - 10/07/05, with conditions of no recourse to public funds and no right to work.

14/12/09 [REDACTED] application received – this was refused on the 06/05/10 with no right of appeal.

Signature: [REDACTED] Signature Witnessed by:

2004/05(1)

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] HENRY... [REDACTED]

14/06/10 Reconsideration request received. Outcome to be Reconsidered by the Home Office

06/07/15 – Subject served as an Overstayer and reporting on Immigration bail requested. Failed to report as requested.

02/10/2015 Listed as an absconder.

21/06/19 Encountered by Police at a restaurant and arrested for immigration matters.

During interview on the 22/06/19 M [REDACTED] stated that he was a kitchen porter/cook.

N [REDACTED] H [REDACTED] – [REDACTED] - BGD

Checks on Home Office Systems revealed the subject entered the UK on a Family Visit Visa valid for 6 months from 11/05/2009 - 11/11/2009, with conditions of no recourse to public funds and no right to work.

21/06/19 – Encountered by Police Officers at India Villa and arrested for immigration matters.

22/06/19 – Subject served as an Overstayer.

During interview on the 22/06/19 H [REDACTED] stated that he worked as a baker, receiving food from time to time.

I make this statement of my own free will from records that I have seen and accessed today, 26 June 2019. I am willing to attend court or any other judicial or review hearing if necessary.

Signature: [REDACTED]
2004/05(1)

Signature Witnessed by:

WITNESS STATEMENT

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

URN

--	--	--

Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable [REDACTED]

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] (witness) Date: 24/06/2019

I wish to provide a further statement in relation to incident I attended on **FRIDAY 21 JUNE 2019** at **INDIA VILLA RESTAURANT, 20 WATLING ST, THAXTED, DUNMOW** whereby I arrested multiple males for immigration related offences.

I wish to clarify details surrounding the persons I encountered at the restaurant during this incident. Firstly, I will refer to **A [REDACTED] HUSSAIN [REDACTED]**. **HUSSAIN** confirmed he was the restaurant owner and resided at the address. **HUSSAIN** spoke clear English and was working front of house in the restaurant dealing with customers, taking orders and processing them.

HUSSAIN was questioned by myself around the layout of the residential flat upstairs, above the restaurant and was asked to account for why there was 7 to 8 single beds, all clearly being occupied with dirty bedding and personal items scattered around. **HUSSAIN** gave an account which was ever changing, stating that only he and his partner resided there to that the workers downstairs would occasionally use the accommodation to that no one was using.

It was evident **HUSSAIN** was lying and the accommodation I suspected was clearly being used by the workers who were currently downstairs in the restaurant.

A [REDACTED] H [REDACTED] [REDACTED]; **H [REDACTED]** was located in the kitchen wearing a typical chef's outfit with blue chequered trousers and white, double buttoned chef's top. **H [REDACTED]** was stood over the stove, cooking what appeared to be a curry. **H [REDACTED]** once being arrested, later got changed into his own personal clothes which were upstairs in the multi-occupancy bedroom.

S [REDACTED] M [REDACTED] [REDACTED]; **M [REDACTED]** was dressed all in black, in formal attire with a long sleeve black shirt and formal trouser pants. **M [REDACTED]** was working alongside **HUSSAIN** in front of house and was serving customers food, taking orders and receiving payments from customers. I asked **M [REDACTED]** questions around his banking profile and he explained although he had been in the UK he did not need a UK bank account as he was paid cash by **HUSSAIN** and had been working at the restaurant for a while.

Signature: [REDACTED] Signature witnessed by:

N [REDACTED] H [REDACTED]; H [REDACTED] was first located in the kitchen and was also wearing chef attire however I cannot remember the exact style or provide a description. H [REDACTED] confirmed he had been working at the restaurant for the a few weeks and that **HUSSAIN** was the boss. Due to H [REDACTED]'s English being very poor it was difficult to extract a lot of information from him surrounding his work and reason for being there. However, I wish to add H [REDACTED] also went upstairs following his arrest and changed his attire to casual wear from the bedroom upstairs indicating he was also residing there.

As per my original statement, the whole incident was captured on my body worn camera and has been exhibited as LW/01 and will be able to provide further details on conversations had between myself and the staff at **INDIA VILLA RESTAURANT, 20 WATLING ST, THAXTED, DUNMOW.**

This further statement is true and accurate to the best of my knowledge and is made as of 22:35 HOURS on 24/06/2019.

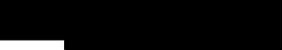
[REDACTED SIGNATURE]

Signature: [REDACTED] Signature witnessed by:

WITNESS STATEMENT

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

URN

Statement of: 

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable 77458

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

Signature:.....  (witness) Date: 22/06/2019

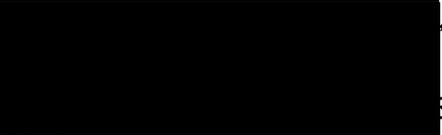
At **14:00 HOURS** on **FRIDAY 21 JUNE 2019** I was on duty at Saffron Walden Police Station in uniform attached to callsign NR30 in company with PC 

At around **17:00 HOURS** PC  and I attended **INDIA VILLA RESTAURANT, 20 WATLING ST, THAXTED, DUNMOW** in relation to an ongoing enquiry completely unrelated to the outcome of this statement.

Upon entering the restaurant we spoke with the owner **A  HUSSAIN ** who was very evasive and wasn't making a great deal of sense surrounding the questions I was asking him about an allegation made against one of his employees. It was very quickly, evident that **HUSSAIN** was lying to us about who was working there, who his employees were and who he actually had present on site. As a result of this, I asked **HUSSAIN** to show me around the restaurant to which he complied. Upon going into the residential upstairs flat, where **HUSSAIN** stated he lived, it was evident a lot of people were using the address to reside at. There were approximately 7 to 8 single beds all clearly in use crammed into three tiny rooms. I would describe the location as crammed, over accommodated and unhygienic and definitely not suitable to live in.

I questioned **HUSSAIN** around this and his account changed multiple times varying from that only he and his partner resided there to that the accommodation is used on a temporary basis by workers to that no one was residing there. Clearly **HUSSAIN's** account was inaccurate due to the fact there were suitcases and clothes everywhere including personal belongings indicating clearly a lot of people were residing there. **HUSSAIN** was clearly lying and appeared very shaky, sweaty and nervous especially when pressuring him for answering surrounding who resides at the address.

I suspected now that **HUSSAIN** was accommodating persons who had illegally entered the United Kingdom as this type of layout is a classic MO of accommodation used to house illegal immigrants.

Signature:.....  Signature witnessed by:

Based on this PC [redacted] and I left the restaurant to make enquiries with the UK Border Force. Border Force directed us to re-enter the premises and obtain all personal details of the occupants working/living inside the address and pass them back to Border Force so they could conduct checks to legitimacy of their residential status in the United Kingdom.

PC [redacted] and I re-entered the premises and spoke with **HUSSAIN** again. I told **HUSSAIN** I wanted to see all the workers and a form of their identification so I could establish who they were and their current immigration status. **HUSSAIN** became very sketchy, telling me that he would get them and asking me not to follow him. I knew immediately **HUSSAIN** was going to warn them of our presence so I located myself out the rear of the restaurant watching the back.

Almost immediately I heard **HUSSAIN** say something in the kitchen in his own language, two males wearing chef clothing then came out of the back and were trying to hide in a shed. I grabbed a hold of the two males straight away and escorted them back inside the building to try and contain them.

This became a very difficult task for myself and PC [redacted] to contain as there were workers everywhere and I didn't know how many more we were going to find that coupled with the fact we were in a live kitchen with household weapons at an arm's reach and very obstructive males in front of us, I called up by back up.

Callsigns NR250, NS100 and N328 were all dispatched to assist us. PC [redacted] was then shouting for my help through the restaurant and when I got to her she told me **HUSSAIN** was blocking her from getting upstairs and two unknown males had just run up there. PC [redacted]

I looked out onto the roof where the upstairs room was from the garden and the window was wide open. It was obvious the males had jumped out the window, ran over the roof and jumped down into the street.

Once further units arrived, we managed to get **HUSSAIN** and the three workers that were left, who I now know as; **A [redacted] H [redacted] [redacted], S [redacted] M [redacted] [redacted] and N [redacted] H [redacted]**

I passed all these details back to Border Force who explained to me that **M [redacted]** was absconder who was due to be deported but had failed to appear. **H [redacted]** was an overstayer who's VISA had expired and was now in the currently illegally in the UK and **H [redacted]** was no trace on their system. As such based on the fact **H [redacted]** had no formal ID and claimed he was homeless but working and living at the restaurant I suspected he was also illegally in the United Kingdom.

As a result of this at around **18:20 HOURS** I arrested **M [redacted], H [redacted] and H [redacted]** on suspicion of being in the UK illegally and then cautioned them to which they made no reply.

PC [redacted] and I then had a discussion around **HUSSAIN** who we had identified as having UK Citizenship. However, we now suspected he was housing and employing the males knowing

Signature: ...

[redacted signature]

Signature witnessed by:

full well the males were illegal entrants in the UK. [REDACTED]

[REDACTED]

During the process of organising custody spaces for the males who had been arrested, NS100 located one of the males who had fled the address out of the window and PC [REDACTED] then went to assist and arrest him. This male is now known to me as M [REDACTED] M [REDACTED] [REDACTED]

All detainees were then conveyed to Clacton Police Station where their detention was authorised.

This incident has been captured on my bodyworn which I can produce as my exhibit;

[REDACTED]

These are my original notes made at Clacton Police Station at 00:30 HOURS on 22/06/2019.

[REDACTED]

[Handwritten mark]

Signature: [REDACTED]

Signature witnessed by:

WITNESS STATEMENT

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

URN

--	--	--	--

Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable 76596

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] (witness) Date: 21st June 2019

On Friday 21st JUNE 2019 I was on duty in full uniform in company with PC [REDACTED]

[REDACTED] On a duty from 14:00-23:00 under call sign NR30.

At approximately 17:00 hours I attended INDIA VILLA, 20 WATLING STREET, THAXTED. This was for an enquiry to do with a male who worked at this location harassing a female from a local pub. We entered the restaurant and a male who is A [REDACTED] HUSSAIN DOB- [REDACTED] spoke with us he stated he was the owner of the restaurant. PC [REDACTED] explained the reason that we were there and HUSSAIN stated that the suspect involved had left and no longer worked there. I asked HUSSAIN for the name and the address of the male and he refused stating he did not know his details. I challenged him on this as if he had been working for him surely he would know the males details. Again he stated he did not know any details. I asked how long this male had been working for HUSSAIN and he stated he worked one day and then left and he lived in London. HUSSAIN continued to be difficult stating he knew no details then would say he lived in London and then said he didn't know anything. Myself and PC [REDACTED] continued to ask questions regarding this male and then HUSSAIN was asked how this male stated working for him and he said he didn't know. I asked if someone had introduced him to him and he stated no one had introduced this male, it was not clear how this male had worked from him. From the account HUSSAIN provided this male was a complete stranger who worked for him for one day. HUSSAINS account did not make any sense and after a while he started to write the males details down and handed it to PC [REDACTED]. PC

Signature [REDACTED] .. Signature witnessed by:

██████████ asked to look around the premises for the male and HUSSAIN agreed and showed us around. HUSSAIN showed us around there were approximately 6-7 males working in the kitchen and in the premises. Upstairs there were approximately 7 single beds and numerous different rooms upstairs. HUSSAIN stated no one was staying there but all of the beds looked slept in.

Based on the account provided by HUSSAIN and his lack of knowledge of staff working for him I and PC ██████████ contacted the immigration centre for advice. The male on the phone advised us to obtain everyone names, date of birth and place of births and to contact them back and they would advise us if they were in this country illegally.

We went back into the restaurant and HUSSAIN was still there and we asked him for the details of all the staff and their ID's. HUSSAIN kept trying to get us to sit at a table and didn't want us to go with him to see the members of staff. HUSSAIN'S hands were visibly shaking and he appeared nervous. Both I and PC ██████████ went with him and tried to contain everyone and get details one at a time however, this was impossible.

Some of the males ran off and PC ██████████ ran out a side door saying on the radio some of the people were trying to run away. There were too many people for us to contain especially as everyone was trying to walk off in different directions.

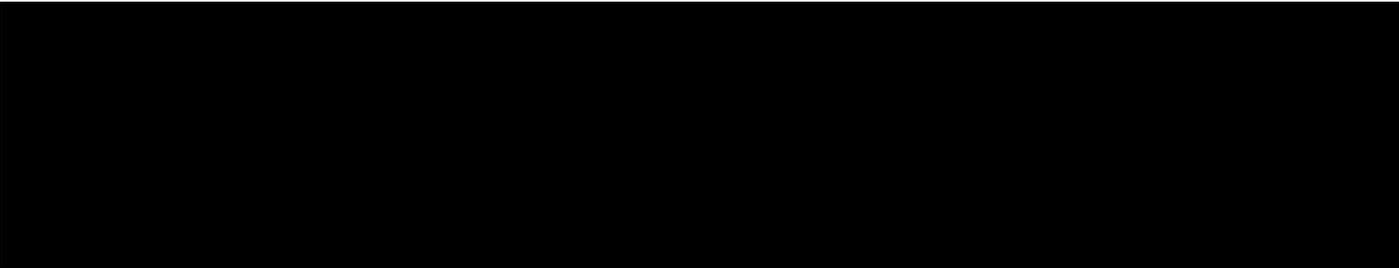
My other main concern was this was a working kitchen with numerous weapons including knives. Another unit was asked for and I asked them to come on an emergency response. PC ██████████ managed to bring three males back who were trying to get away. At this point HUSSAIN was with another male whom he had previously informed me was his brother. This male I would describe as an Asian male, approximately 5'4 height, chubby, with black short shaven hair he was wearing a maroon coloured t-shirt I would describe it as purply brown in colour and I thought dark blue jeans. HUSSAIN kept saying he needed to get this males ID, this male kept trying to walk away and was one of the males PC ██████████ had bought back and I was genuinely concerned he was going to run away. HUSSAIN and this male walked off towards the stairs and I told them to stop. The male is now known to me as M ██████ M ██████ DOB-██████████. I could not keep an eye on them and everyone else. I again said to them to stop and they continued to walk off HUSSAIN positioned himself in front of M ██████ and was blocking my way stating he M ██████ was getting his ID and he would be back soon.

Signature: ██████████ Signature witnessed by:

I started going up the stairs following HUSSAIN up the stairs and then was mental banging noise I tried to get past HUSSAIN



I was also very aware that I and my colleague were massively outnumbered. There was a banging noise of metal upstairs I was unsure if this male had a weapon or if he had escaped. I called up on the radio asking for other unit's eta and communicated with PC [redacted] with what was happening. I was also concerned that PC [redacted] were with numerous men downstairs who were near to the kitchen. I had a quick look upstairs and the direction the noise was coming from the male was no longer there. I called up and asked if there was a way out of the address from outside and PC [redacted] confirmed there was. Based on all this information I relayed a description of this male to other attending units so that they could look out for this male.

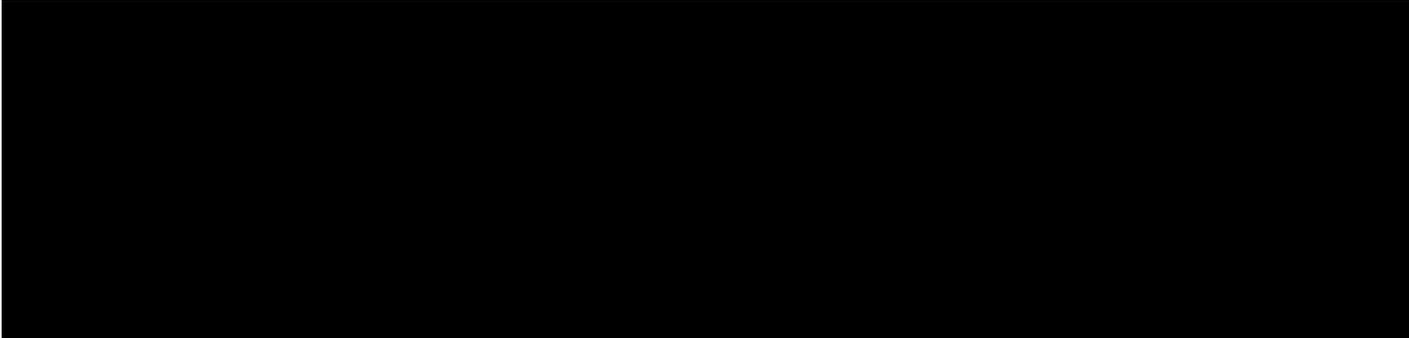


I then went downstairs and tried to contain everyone as best as I could until other officers arrived. PC [redacted] was waiting with some people sat in the dining room and I was in the kitchen with the remaining men. I asked the chef for his details and he told me he was A [redacted] H [redacted] DOB- [redacted]. I asked for his address which he took a long time to reply and looked as if he was trying to make one up. PC [redacted] came down with a photo copy of this males ID and it was completely different details of H [redacted] PC [redacted] has then arrested HABIB on suspicion of being an illegal immigrant.

At this point all of the males were in the dining room whilst immigration checks were being completed and other units had arrived on scene helping us to keep everyone in one place. Four of the males came back as illegal Immigrants and the immigrations officer informed us that we

Signature: [redacted]

Signature witnessed by:



PC [REDACTED] was still conducting checks with immigration and another unit and left to conduct an area search for the outstanding male. I heard on the radio one of these officers shouting they had found the male and he was running away from them to our direction. I ran down the road trying to find them along NEWBIGGEN STREET towards the playing field in THAXTED. I heard them call up on the air stating they have detained the male. I continued to make my way up to them. I approached and saw M [REDACTED] that had gone upstairs earlier and escaped out of the window. Due to this at 18:50 hours I arrested him on suspicion of being an illegal immigrant I cautioned him to which he made no reply. I then placed him in front stack handcuffs and removed my colleague's ones M [REDACTED] was compliant.

I went back to the restaurant with PS [REDACTED] who had picked me and M [REDACTED] up in the marked police van. We went back to the restaurant and arranged a place in custody for each of these males and also to arrange conveyance for the five males arrested. We were cleared for CLACTON custody however, before we could leave we wanted to make sure the premise was secure. I asked HUSSAIN where the keys were but he kept telling us his friend would lock it. I informed he would need to tell us where the keys were so that we could secure it. Again HUSSAIN was being very unhelpful he kept saying he did not know where the keys were, then would say let me out and I will show you where they are. [REDACTED]

[REDACTED] be leaving the car and if he told me where they were my colleague would get them and lock up. This conversation went round and round in circles HUSSAIN kept wanting to use his phone which i informed him he would not be able to do due to him being under arrest. HUSSAIN just kept saying he wanted to get out and show us and then would state his friend would lock up. I informed him none of these things would be happening and all he needed to do was to tell us where the keys were

Signature: [REDACTED]

Signature witnessed by:

PC [REDACTED] had gone into the address to try and find the keys and sorted out the other chef locking up. Once this was complete myself and PC [REDACTED] conveyed [REDACTED] to CLACTON CUSTODY where his detention was authorised by the custody Sgt.

I can produce my body worn as exhibit [REDACTED]

[REDACTED]

Signature: ...

[REDACTED]

Signature witnessed by:

WITNESS STATEMENT

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

URN

--	--	--	--

Statement of: [Redacted]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable 76596

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 in it anything which I know to be false, or do not believe to be true.

Signature: [Redacted] (witness) Date: 24th June 2019

Further to my statement completed on 21/06/2019 I would just like to clarify a few points.

On 21st June 2019 I attended INDIA VILLA, THAXTED for an enquiry when I attended a male A [Redacted] HUSSAIN DOB- [Redacted] who confirmed he was the owner of the restaurant was stood in the front of the premises greeting people when they arrived.

There were no people in the restaurant when we arrived however, an elderly couple came in whilst we were present and they were shown to their seats by S [Redacted] M [Redacted]. It appeared S [Redacted] was the waiter, he was taking their order and serving their food. S [Redacted] was wearing black trousers and a black shirt. S [Redacted] also collected money from the customers and provided their change back.

Initially when we arrived everyone else was in the kitchen they all appeared to be working however, the only person I saw cooking the food was A [Redacted] H [Redacted] DOB- [Redacted] A [Redacted] was wearing kitchen wear, he was wearing blue and white striped trousers and a top.

I also saw N [Redacted] H [Redacted] [Redacted] in the kitchen wearing the same blue and white striped uniform however, I did not see exactly what he was doing.

M [Redacted] M [Redacted] DOB- [Redacted] was in the kitchen he was wearing a maroon coloured top and black tracksuit bottoms. A [Redacted] stated that M [Redacted] was his brother. I did not see a lot of what M [Redacted] was doing other than he was doing something in the kitchen.

PC [Redacted] conducted checks with immigration and it was confirmed these males were all illegal immigrants.

Signature: [Redacted] Signature witnessed by:

All of these males were working for A [REDACTED]. Upstairs there were numerous single beds all very close together and all appeared to have been slept in. A [REDACTED] denied this was the case stating that no one stayed up there. Throughout all of my interactions with A [REDACTED] he lied to us on numerous occasions and his accounts kept changing. A [REDACTED] also prevented me going upstairs and this assisted M [REDACTED] to escape through an upstairs window. M [REDACTED] was later detained by officers down the road and the arrested. [REDACTED]

Signature: [REDACTED] Signature witnessed by:



Licensing Officer
 Uttlesford District Council
 Council Offices
 London Rd
 Saffron Walden
 Essex
 CB11 4ER

County Licensing Hub
 Braintree Police Station
 Blyths Meadow
 Braintree
 Essex
 CM73DJ
 20/07/2017

LICENSING REVIEW APPLICATIONS

Licensing Act 2003 Sec 51. Essex Police are seeking a licensing review at the following premises: Premises Licence No: PL0182. Indian Villa Restaurant, 20 Watling St, Thaxted, Essex CM6 2PE

Further evidence submitted by Essex Police.

It has come to my attention that during the Immigration enforcement visit at Indian Villa on 14/06/2017 a simultaneous Immigration enforcement visit was carried out at The Curry Queen 106 Mill Rd Cambridge. Mrs Delara MALIQUE is currently the Premises Licence Holder and DPS of Curry Queen and DPS of Indian Villa. Mr Mohammad Abdul Malique is the current Premises Licence Holder of Indian Villa Thaxted.

During the visit Cambridge Police encountered four immigration offenders at the Curry Queen, three of whom were working illegally. A civil penalty notice was issued to [REDACTED] the assistant manager/owner. I have enclosed a witness statement of PC Clare Metcalf who dealt with this matter. Cambridgeshire Police will now be seeking a review of the licence.

It is of concern to Essex Police that Mrs Delera Malique is connected to both premises where illegal workers were employed and the balance of probability indicates that Mr Mohammad Abdul Malique – Delera's husband - would have been aware of the unlawful employment of these persons.

[REDACTED] must be known by both Mr Mohammad Abdul Malique Premises Licence Holder of Indian Villa and the manager/joint lease holder of Indian Villa Mohammad HUSSAIN due to HUSSAIN and [REDACTED] having signed a lease agreement for Indian Villa from Mr Malique on 11 October 2016. I have enclosed a copy of the lease agreement supplied to Essex Police by Uttlesford District Council.



It is the contention of Essex Police that the persons responsible for the promotion of the licensing objectives at Indian Villa have not only infringed Immigration legislation at Indian Villa but the same individuals, who have a strong business relationship, have also done so at a second premises – albeit in another county. This clearly demonstrates a disregard for the law and undermines the crime and disorder objective of the Licensing Act 2003.

I submit this further evidence to be included in the police bundle for the review of Indian Villa

Yours faithfully



6895 Stephen Sparrow
Essex Police County Licensing Officer



DATED 11 October 2016

Mohammed Abdul Malique (1)

and


Akther Hussain (2)

LEASE
relating to 20 Watling Street, Thaxted, Dunmow
CM6 2PE


Solicitors and Commissioners for Oaths

5 Clifton Plaza
31 Greatorex Street
London
E1 5NP

PRESCRIBED CLAUSES

LR1. Date of lease

11 October 2016

LR2. Title number(s)

LR2.1 Landlord's title number(s)

EX401802

LR2.2 Other title numbers

None

LR3. Parties to this lease

Landlord

Mohammed Abdul Malique of [REDACTED]
[REDACTED]

Tenant

[REDACTED] of [REDACTED] & Akther Hussain of [REDACTED]
[REDACTED]

Other parties

Guarantor

LR4. Property

In the case of a conflict between this clause and the remainder of this lease then, for the purposes of registration, this clause shall prevail.

All the building known as 20 Watling Street, Thaxted CM6 2PE as edged red on the Plan attached to the Lease.

LR5. Prescribed statements etc.

LR5.1 Statements prescribed under rules 179 (dispositions in favour of a charity), 180 (dispositions by a charity) or 196 (leases under the Leasehold Reform, Housing and Urban Development Act 1993) of the Land Registration Rules 2003.

None.

APPENDIX B -ABRIDGED POLICE REVIEW SUBMISSION OF 2017

THIS LEASE is dated 11 October 2016

PARTIES

- (1) Mohammed Abdul Malique of [REDACTED] (Landlord).
- (2) [REDACTED] of [REDACTED] & Akther Hussain of [REDACTED] (Tenant).

AGREED TERMS

1. INTERPRETATION

1.1 The definitions and rules of interpretation set out in this clause apply to this lease.

Act of Insolvency:

- (a) the taking of any step in connection with any voluntary arrangement or any other compromise or arrangement for the benefit of any creditors of the Tenant or any guarantor; or
- (b) the making of an application for an administration order or the making of an administration order in relation to the Tenant or any guarantor; or
- (c) the giving of any notice of intention to appoint an administrator, or the filing at court of the prescribed documents in connection with the appointment of an administrator, or the appointment of an administrator, in any case in relation to the Tenant or any guarantor; or
- (d) the appointment of a receiver or manager or an administrative receiver in relation to any property or income of the Tenant or any guarantor; or
- (e) the commencement of a voluntary winding-up in respect of the Tenant or any guarantor, except a winding-up for the purpose of amalgamation or reconstruction of a solvent company in respect of which a statutory declaration of solvency has been filed with the Registrar of Companies; or
- (f) the making of a petition for a winding-up order or a winding-up order in respect of the Tenant or any guarantor; or
- (g) the striking-off of the Tenant or any guarantor from the Register of Companies or the making of an application for the Tenant or any guarantor to be struck-off; or
- (h) the Tenant or any guarantor otherwise ceasing to exist (but excluding where the Tenant or any guarantor dies); or
- (i) the presentation of a petition for a bankruptcy order or the making of a bankruptcy order against the Tenant or any guarantor.

The paragraphs above shall apply in relation to a partnership or limited partnership (as defined in the Partnership Act 1890 and the Limited Partnerships Act 1907

APPENDIX B -ABRIDGED POLICE REVIEW SUBMISSION OF 2017

respectively) subject to the modifications referred to in the Insolvent Partnerships Order 1994 (SI 1994/2421) (as amended), and a limited liability partnership (as defined in the Limited Liability Partnerships Act 2000) subject to the modifications referred to in the Limited Liability Partnerships Regulations 2001 (SI 2001/1090) (as amended).

Act of Insolvency includes any analogous proceedings or events that may be taken pursuant to the legislation of another jurisdiction in relation to a tenant or guarantor incorporated or domiciled in such relevant jurisdiction.

Annual Rent: rent at an initial rate of Twenty Six Thousand Pounds (£26,000) per annum and then as revised pursuant to this lease and any interim rent determined under the LTA 1954.

Building: 20 Watling Street, Thaxted CM6 2PE as edged red on the Plan attached to the Lease and registered at the Land Registry under Title Number EX401802.

Contractual Term: a term of 7 years beginning on and including the date of this lease and ending on, and including 16 August 2023, excluding the provisions of sections 24 to 28 of the LTA 1954. 17 August 2016

CDM Regulations: the Construction (Design and Management) Regulations 2007.

Default Interest Rate: four percentage points above the Interest Rate.

Fire Safety System: the fire safety system integrated in the Building.

Insurance Rent: the aggregate in each year of:

- (a) the Tenant's Proportion of the gross cost of the premium before any discount or commission for:
 - (i) the insurance of the Building, other than any plate glass, for its full reinstatement cost (taking inflation of building costs into account) against loss or damage by or in consequence of the Insured Risks, including costs of demolition, site clearance, site protection and shoring-up, professionals' and statutory fees and incidental expenses, the cost of any work which may be required under any law and VAT in respect of all those costs, fees and expenses; and
 - (ii) public liability insurance in relation to the Building;
- (b) the gross cost of the premium before any discount or commission for insurance for loss of Annual Rent from the Property for three years; and
- (c) any insurance premium tax payable on the above.

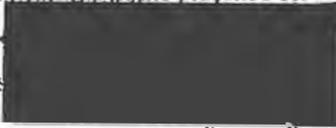
Insured Risks: means fire, explosion, lightning, earthquake, storm, flood, bursting and overflowing of water tanks, apparatus or pipes, impact by aircraft and articles dropped from them, impact by vehicles, riot, civil commotion, terrorism and any other risks against which the Landlord decides to insure against from time to time and **Insured Risk** means any one of the Insured Risks.

APPENDIX B - ABRIDGED POLICE REVIEW SUBMISSION OF 2017

Signed as a deed by **Mohammed Abdul Malique** in the presence of:-



Witness



Witness Name **Teerun Ram Ochan**
Solicitor and Commissioner
for Oaths

Witness Address **Radleys**

Witness Occupation Solicitors and Commissioners for Oaths
5 Clifton Place, 29-31 Great George Street, London E1 5NP
Tel. 0203 617 1993

Signed as a deed by [Redacted] in the presence of:-

Witness Signature

Witness Name

Witness Address

Witness Occupation

Signed as a deed by **Akther Hussain** in the presence of:-

Witness Signature

Witness Name

Witness Address

Witness Occupation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

APPENDIX B - ABRIDGED POLICE REVIEW SUBMISSION OF 2017

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I STEPHEN SPARROW 42006895 County Licensing Officer Essex Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

INDIAN VILLA RESTAURANT
20 WATLING STREET

Post town Thaxted, Essex

Post code CM6 2PE

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

Mr Muhammed Abdul Malique

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

PL0182

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

3) a member of the club to which this application relates (please complete (A) below)

APPENDIX B -ABRIDGED POLICE REVIEW SUBMISSION OF 2017

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address ESSEX POLICE COUNTY LICENSING HUB BRAINTREE POLICE STATION BLYTHS MEADOW BRAINTREE CM7 3DJ
Telephone number (if any) [REDACTED]
E-mail address (optional) Licensing.applications@essex.pnn.police.uk

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

This premise has been granted a premises licence by Uttlesford District Council authorising the sale of alcohol on and off the premises Monday - Saturday 10.00 - 23:00, Sunday 12:00 - 22:30 and 10:00 with Christmas and New Year's Eve variations and regulated entertainment.

The premises operates as an Indian Restaurant

The Premises Licence Holder is Muhammed Abdul MALIQUE

The current Designated Supervisor is Mr Dilara MALIQUE. It should be noted that Mohammad Akhtar HUSSAIN has applied to be DPS to which Essex Police are objecting to under a separate application.

The current licence was granted by Uttlesford District Council on 09/01/2012

Following intelligence held by the Home Office Immigration Service, a Magistrates Court Warrant was obtained and this premise was visited on 14/06/2017 at 18:03hrs by a team of Immigration Enforcement Officers.

Essex Police County Licensing Officer [REDACTED] and Detective Constable [REDACTED] attended also to undertake licensing enquires. It should be noted that both the DPS and premises licence holder were not present at the time of our visit. Both officers spoke with the manager Mohammad Akhtar HUSSAIN regarding the DPS and the Premises Licence Holder but he could not provide any useful information. HUSSAIN appeared very nervous at our presence.

The targets of the operation were two immigration offenders, [REDACTED] and [REDACTED], both Bangladesh nations. These persons were not encountered during the operation.

APPENDIX B -ABRIDGED POLICE REVIEW SUBMISSION OF 2017

Upon arrival IO [REDACTED] encountered a male who only gave his name as [REDACTED]. He admitted to the officer that his visa expired 6-7 years ago, that he did not know who the boss was and did not know how much he was paid. [REDACTED] stated that he had no work documents. [REDACTED] was then arrested and taken to Chelmsford Police Station custody suite.
(See appendix A statement and PNB of IO [REDACTED])

IO [REDACTED] encountered a male named [REDACTED] a national of Bangladesh, working in the kitchen. [REDACTED] said he had been working in the kitchen for two days and said he was not paid and that "The Boss" brought him to the premises. [REDACTED] had no right to work and was instructed to leave the premises and not return. [REDACTED] has an outstanding appeal to remain in the UK.
(See appendix B statement and PNB of IO [REDACTED])

IO [REDACTED] was the officer in charge of this operation and issued the manger, Mohammad Akhtar HUSSAIN, a civil penalty referral notice with the two illegal workers named.
(See appendix C statement and PNB of IO [REDACTED])

It has been confirmed by the Home Office that both [REDACTED] and [REDACTED] had no right to work in the UK. (See appendices D & E Home Office employment status certificates)

It is the contention of Essex Police that no right to work checks are being carried out at this premises, a lack of management control has been demonstrated and that the Prevention of Crime and Disorder Objective of the Licensing Act 2003 has been engaged.

SEC 182 HOME OFFICE GUIDANCE

This review application is respectfully submitted as relevant to the Licensing objective namely the prevention of crime and disorder

The Licensing Act 2003 is clearly intended to prevent crime and disorder from occurring in relation to licensed premises but also to deter and prevent criminals from operating a premise under the auspices of a Premises Licence granted by the local authority.

Section 11.26 states that it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Section 11.27 states that there is certain criminal activity which should be treated particularly seriously, one of these being employing a person who is disqualified from that work by reason of their immigration status in the UK.

(It is pertinent to note that the previous guidance issued under s.182 in October 2011 did not include this offence in paragraph 11.29. This indicates the offence has now become a particular concern.)

Section 11.28 states that '*where 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.*'

APPENDIX B -ABRIDGED POLICE REVIEW SUBMISSION OF 2017

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

Appendix A: Statement & PNB notes of Immigration Officer [REDACTED]

Appendix B: Statement & PNB notes of Immigration Officer [REDACTED]

Appendix C: Statement & PNB notes of Immigration Officer [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

APPENDIX B - ABRIDGED POLICE REVIEW SUBMISSION OF 2017

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 - Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

4 July 2017

Capacity for and on behalf of Chief Constable of Essex Police

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

STEPHEN SPARROW
COUNTY LICENSING OFFICER
WITHAM POLICE STATION
NEWLAND STREET

Post town
WITHAM

Post Code
CM8 2AS

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Licensing.applications@essex.pnn.police.uk

Notes for Guidance

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

WITNESS STATEMENT

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

Statement of [redacted] 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: Tuesday 20th June 2017

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

I am an Immigration Officer based at ICE EAST OF ENGLAND SUFFOLK AND ESSEX, CUSTOM HOUSE, VIEWPOINT ROAD, FELIXSTOWE, SUFFOLK, IP11 3RF. I was on duty in full Immigration Enforcement uniform on Wednesday 14th June 2017 when I attended, with other colleagues, Essex Police Licensing Officer [redacted] the address of THE INDIA VILLA, 20 WATLING STREET, THAXTED, ESSEX, CM6 2PE.

Power of entry to the premises was using a warrant under paragraph 17(2) schedule 2 of Immigration Act 1971AA. The target of the visit was a [redacted] born [redacted] national of BANGLADESH and a [redacted] born [redacted] national of BANGLADESH.

I arrived at the premises at approximately 1803 hrs and made my way to the front of the premises, as I entered through the front door I saw three males stood in the customer seating area, two males were in black trousers, black shirt and black bow-tie and the third male was in white shirt and trousers. I swept the toilet area of the restaurant before returning to the two males who were stood with IMMIGRATION OFFICER [redacted]. As I did this I heard one of the males state to [redacted] that he was in the UK illegally. At 1804hrs I arrested this male under paragraph 17(1) schedule 2 of the Immigration Act 1971AA and stated to him that it was due to the admission he had just made to an officer. I sat him at a table nearby and asked for his details. He stated his name wa [redacted] m [redacted]

- Q)' Nationality'?
- A)'Bangladesh'
- Q)'Immigration status?'
- A)'I don't have any'
- Q)'Did you have a visa?'
- A)'Visit visa'
- Q)'When run out?'

Signature: [redacted] Signature witnessed by:

Continuation of Statement of

A)'6-7 years ago'

Q)'Where is your passport?'

A)' At Home Office'

Q)'Why there?'

A)'Made application work permit'

Q)'Where do you live?'

A) [REDACTED]

Q)'Any meds?'

A)'Diabetes, diet controlled'

Q)'How long worked here?'

A)'Just today'

Q)'Who is the boss?'

A)'Don't know, just came today'

Q)'Did you show any documents to prove you could work in the UK?'

A)'I don't have'

Q)'How much will you get paid?'

A)'I just came today, I don't know'

Checks were made with the Home Office and they showed that he had been served immigration papers as an overstayer in the UK and he had no permission to work in the UK.

At 1817hrs I escorted the male to his room above the restaurant with HM INSPECTOR [REDACTED] to collect his belongings. His room appeared to be very established for somebody who had only arrived at the restaurant that day. I returned downstairs with the male, his suitcase and [REDACTED] at 1831hrs and escorted him out to the waiting Immigration Enforcement vehicle. I left the premises with all officers and arrested male at 1832hrs before arriving at Chelmsford Police station at 1913hrs.

I write this statement as soon as practicable after the event on Tuesday 20th June 2017 in the Felixstowe office at 1040hrs with reference to my personal issued notebook pages 19, 20, 21,22,23 and 24. Also with reference to my own recollection of events.

[REDACTED]

Signature:

[REDACTED]

Signature witnessed by:

010 11 (1)
UKBA

RESTRICTED (when complete)

[REDACTED]

[Redacted]

WITNESS STATEMENT

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

Statement of

[Redacted]

URN:

[Empty boxes for URN]

Age if under 18

Over 18

(if over 18 insert 'over 18')

Occupation:

Immigration Officer

This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it known that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I do not believe to be true.

Signature

[Redacted Signature]

Date:

FRIDAY 16TH JUNE 2017

Tick if fully recorded

(supply witness details on rear)

I am an Immigration Officer currently based at the ICE EAST OF ENGLAND SUFFOLK & NORTH EAST ESSEX, CUSTOM HOUSE, VIEWPOINT ROAD, FELIXSTOWE, SUFFOLK, IP11 3RF. Whilst on duty on Wednesday the 14th of June 2017 at 15:45 hours, I attended a briefing held by Officer in Charge IO [Redacted]. An enforcement visit was to be carried out by execution of a paragraph 17(2) Schedule 2 warrant at THE INDIA VILLA, 20 WATLING STREET, THAXTED, ESSEX, CM6 2PE following an allegation of illegal working. I was allocated the role of an arresting officer [Redacted] acting as my cover. At approximately 18:00 hours, I arrived at the target address and entered via the rear access point and headed straight into the kitchen where I encountered three males preparing food. I displayed my Home Office identification and explained that I was there to investigate reports of illegal working and asked them to put knives down and turn off the cookers. I directed all three males along a corridor leading to a designated area within the restaurant. I began my investigation by speaking with one of the males I had located in the kitchen who was wearing chefs whites and a blue apron which he removed as he realised I was an Immigration Officer. "WHAT IS YOUR NAME?" I said, [Redacted] he said. "WHAT IS YOUR DATE OF BIRTH AND NATIONALITY?" I asked, [Redacted] "BANGLADESHI" he replied. "WHAT IS YOUR STATUS IN THE UNITED KINGDOM?" I asked, [Redacted] failed to reply shaking his head mumbling he didn't understand. "WHERE IS YOUR PASSPORT?" I asked, [Redacted] "HOME OFFICE" he replied. Before asking any further questions I contacted AO Kate NAUNTON via telephone to conduct a status check. Checks were conducted on Home Office and VISA systems which revealed [Redacted] was a [Redacted] who had a JR hearing (oral) outstanding and scheduled for the 13/07/2017 and did not have permission to work. It was evident that [Redacted] understanding of English wasn't good enough to continue so asked a Ben [Redacted] speaking colleague of his to translate. "WHAT IS YOUR HOME ADDRESS?" I asked, [Redacted] he replied. "HOW LONG HAVE YOU BEEN WORKING AT THIS RESTAURANT?" I asked, "FOR THE LAST TWO DAYS" he said. "HOW MUCH ARE YOU PAID?" I questioned, "IM NOT PAID" he responded. "DID YOU SHOW ANY DOCUMENTS TO THE BOSS TO EVIDENCE YOU HAD THE RIGHT TO WORK IN THE UK?" I asked, "I WAS GOING TO SHOW HIM SOMETHING NEXT WEEK" he said, "BUT YOU DON'T HAVE PERMISSION TO WORK" I added. "WHO IS THE BOSS? WHAT IS HIS NAME?" I asked, "MR [Redacted] HE IS A BANGLADESHI MAN" he said. "HOW DO YOU GET HERE FROM LONDON?" I asked, "THE BOSS BRINGS ME HERE" he replied. "DO YOU WORK ANYWHERE ELSE?" I asked, "NO" he replied. Considering the outstanding barrier of the JR hearing I had little option but to make it very clear to [Redacted] that he was not allowed to work and requested that he leave the premises immediately and not return. I supplied [Redacted] details to OIC [Redacted] to apply to the civil penalty referral which was served on the person in position of responsibility. At approximately 18:30 hours, OIC [Redacted] stood me down from my role and I left the premises returning to the enforcement vehicle. I have completed this statement at my home station in FELIXSTOWE on Friday the 16th of June 2017 at 20:00 hours referring to notes I made in my pocket notebook numbered IE004470 on pages 73-76 on scene and my recollection of events.

Signature

[Redacted Signature]

Signature witnessed by:

NA

RESTRICTED (when completed)

WITNESS STATEMENT

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

Statement of

[REDACTED]

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:

IMMIGRATION OFFICER [REDACTED]

Date:

TUESDAY 20th June 2017

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am an Immigration Officer currently based at the ICE EAST OF ENGLAND SUFFOLK & NORTH EAST ESSEX, CUSTOM HOUSE, VIEWPOINT ROAD, FELIXSTOWE, SUFFOLK, IP11 3RF. Whilst on duty wearing personal protective equipment clearly identifying myself as an Officer of Immigration Enforcement, at 1803hrs on WEDNESDAY 14th JUNE 2017 I attended THE INDIA VILLA, 20 WATLING STREET, THAXTED, ESSEX, CM62PE after I provided the briefing to staff with the intention to enter and search for two named Immigration Offenders. I approached the premises and entered via the front door, there were three males at the front of house, there was a male and female seated as customers eating. I encountered a male I now know to be Hussain AKHTAR wearing a white shirt and black tie, he stated that he was in charge. I showed my warrant card, introduced officers and served the paragraph 17(2) of Schedule 2 to the IA1971 on AKHTAR. Within a minute or so I overheard IO [REDACTED] arrest a male. The 3 males were requested to be seated and Officers made enquiries into the persons employed at the restaurant and I remained as a cover officer. At 1830hrs I served a referral notice on Hussain AKHTAR in respect of [REDACTED] and [REDACTED]. I left the premises at 1835hrs and returned to the vehicle. I make this statement as soon as practicable with

Signature:

[REDACTED]

Signature witnessed by:

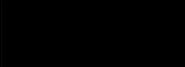
.....

WITNESS STATEMENT

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

URN

--	--	--	--

Statement of:  76871

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

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  (witness) Date: 19/07/2019

I am a police licensing officer and have arranged for selected footage from the body worn cameras worn by officers on 21/06/2019 to be downloaded onto digital media, my exhibit ref RS/1. This media consists of 8 clips taken at the India Villa between 16:14:28 and 17:02:56 hours. The footage shows Mohammed Akther HUSSAIN (aka Akther HUSSAIN) interacting with officers, a number of workers in the premises and Mr HUSSAIN obstructing officers and enabling the absconding of Offender 4. I have viewed this selected footage and in exhibit RS/2 I describe what the footage shows.

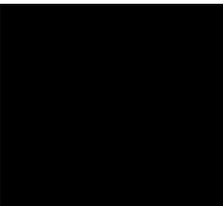
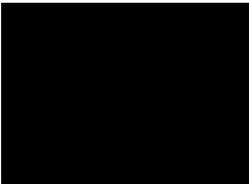
Signature:  Signature witnessed by: 

Exhibit RS/2 Transcript of Body Worn Video from officers that attended Indian Villa on 21/06/19

Ref - X81284908

16:14:28 - Mr Hussain stating that he doesn't know the persons working for him. He is unsure about the names of the persons and is being very obstructive in answering questions.

16:18:19 – One male can be seen working

16:20:29 - Mr Hussain is seen showing officers around the premises, showing officers upstairs in the premises where it is evident a lot of persons are staying.

Ref – X81286471

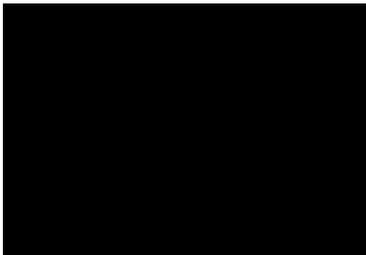
16:23:03 - Mr Hussain advising that he rents the property and has lived at the address for 20 years. Mr Hussain also states that 5 workers live at the address.

Ref - X81284908

16:52:26 - Officers asking Mr Hussain to provide IDs of the persons working for him.

16:55:26 - Officers asking workers for IDs, 5 individuals can be seen some of which appear to be wearing uniform. 1 of the workers provided officers with ID the others did not and were later found to be working illegally.

The persons are:



16:56:12 - Mr Hussain being asked to get the workers IDs which he has advised are upstairs.

16:57:26 - One of the workers is seen walking away and trying to exit out of the front door, then goes upstairs. This worker left the premises out of a window on to the street.

16:58:21- Hussain can be seen obstructing an officer on the stairs so that the worker can escape.

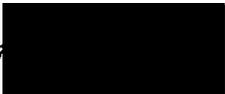
17:02:27 – Persons can be seen working in the Kitchen.

WITNESS STATEMENT

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

URN

42	DZ	16802	18
----	----	-------	----

Statement of: PC 78807 

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

This statement (consisting of one 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:  Date: 15/07/2019

This statement relates to the owner of an Indian restaurant in THAXTED, ESEEX.

On FRIDAY 21st JUNE 2019 police attended INDIA VILLA, THAXTED, CM6 for a job relating to harassment. Whilst on scene, officers found grounds to inspect the identification of all people present. During the inspection, a number of males attempted to run away from the premises. They were all stopped and arrested for immigration offences and dealt with by the Home Office. During the time officers spent on scene, the defendant evaded questions and physically blocked officers attempted to gain access to certain parts of the building. When asked where people had run away to, he repeated the same sentences over and over again and was unhelpful in assisting police with their inquiries. He was finally arrested by PC 77458 WILKINSON for obstructing police because the defendant stood in the way of PC 76596 THORNDYKE and a male who climbed out of an upstairs window to escape from police. When challenged on the stairs by police, the defendant appeared slow in movement and again did not answer police when asked where the male had gone.

BWV of the incident was captured by officers and uploaded to the case. This footage clearly shows males attempting to leave the building, the defendant not answering questions or giving the same answer time and time again and also the defendant blocking the path of officers attempting to gain access to the first floor to speak to staff.

During the interview, the defendant explained that he did not know who the males were that were arrested on scene. He said he had visitors from the Bangladeshi community from London in his premises at the time police attended but as far as he is aware none of the males arrested

Signature:  Signature witnessed by: 

were staff. This was challenged but he remained sure that none were staff. During interview he advised me that he takes staff on from word of mouth in the Bangladeshi community on a two week trial basis. He houses them upstairs in the restaurant and if he is happy with their work, he hires them on a permanent basis and at this point requests to see paperwork/passports/ID/Visas. At no point before this would he need to see any form of documentation so the defendant said he would not necessarily know the immigration/visa status of trail staff. However, once staff are working permanently then the paperwork is kept on file and checked regularly. I asked him what the process would be if he found a member of staff were breaking the law in relation to immigration offences and he said he would contact the relevant authority. In relation to the obstruct police, he also denied this offence. The defendant said he wasn't aware people attempted to run from police and didn't know why they would need to. He said he wasn't purposely getting in the way of officers and they were welcome to go where they pleased in the building.

RL

Signature:



Signature witnessed by:

