



Licensing Authority

Uttlesford District Council
Council offices
Licensing department
London Road
Saffron Walden
CB114ER

Essex police
Licensing Unit
Braintree police station
Essex
CM7 3DJ

Date: 28TH August 2019

APPLICATION TO TRANSFER PREMISES LICENCE (S42 LICENSING ACT 2003)

Essex police received on the 22 August 2019 an application to Transfer the premises licence of Indian Villa, 20 Watling Street, Thaxted.

Essex Police objects to the transfer under the crime and disorder objective, which includes the prevention of illegal working.

This transfer application is no more than an attempt to deceive sub-committee members. The application purports to be a new start with an applicant unconnected with how the premises has been run in recent years. Essex police believes they are connected and that there are clear associations.

Case law details that the Licensing Act 2003 is a 'prospective' looking piece of legislation Whose intent is to prevent criminality from occurring when that is a likelihood.

The outgoing Premises Licence Holder facilitated a criminal offence taking place and as stated there are clear associations between the old and new Premises Licence Holder; and suggest the employment of illegal workers and failure to conduct right to work checks will continue. The sub-committee is entitled to exercise common sense and its own judgement based on the life experiences of its members.

- On Friday 21st June 2019 police officers attended Indian Villa situated at 20 Watling Street, Thaxted, Dunmow. This was in relation to a report of harassment regarding a male who was known to work at this location. Subsequently the outcome of this visit was that 4 persons were arrested for immigration offences. This is not the first time Indian Villa 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 Essex Police 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.

From the incident occurring on the 21/06/19 another application for a review of the premises licence was submitted by Essex police on 28/06/19.

Companies House shows that a new company was registered on 07/08/19 under Surma Villa LTD. Essex Police contend that this is an attempt to create a 'phoenix company' to avoid a Civil Penalty Fine that is likely to be levelled by Immigration Enforcement in consequence of the illegal workers being discovered.

Company's house shows Indian villa was previously registered under Smart Spice Thaxted LTD which was incorporated on 08/08/16-05/06/18. Indian villa is currently registered under India Villa Thaxted LTD which was incorporated on 26/07/17.

The sole director of Smart Spice Thaxted was Akther Hussain and the sole director and shareholder of Indian Villa Ltd is Mohammad Akther Hussain. It is believed that these 2 individuals are one and the same person and that Mr HUSSAIN uses both forms of the name.

The Proposed DPS and director of the company Surma Villa LTD is a Mr Shakil Hassain who resides at the same address as Mr Akther Hussain. It is reasonable to presume the persons are known to one another and that Mr Hussain is aware of this arrangement.

The applicant is, in the police's view, a nominal to hold the licence whilst Mr Hussain continues to operate the restaurant in the same manner he has done for years, a manner that ignores the Immigration Act and whose management continues to knowingly employ illegal workers. This is evident when considering the fact that Mohammed Akther Hussain is the sole director of Indian Villa Ltd with the latest confirmation statement dated on 10/06/19, yet his involvement in the running of the premises was shielded from the licensing authorities by placing Ashik Miah as the Premises Licence Holder and as DPS from May 2018.

The Chief Officer of Police hereby objects to the proposed transfer and proposes to adduce further documentary and other material ahead of the hearing date in accordance with the statutory guidance and the relevant Hearing Regulations.

Please advise me of when the Licensing Panel will be meeting to hear this so I can be in attendance.