



Protecting and serving Essex

PUBLIC REDACTED VERSION

Objection to Transfer of Premises Licence

**Indian Villa
20 Watling Street, Thaxted**

Supplementary documentary information in support of objection.



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1.0 Outline of circumstances leading to the objection to transfer the premises licence.

- 1.1 The grounds for objection are that the crime and disorder objective of the Licensing Act has been undermined in that Police officers found persons working illegally at the premises. Paragraph 11.26 Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England & Wales (6 April 2017, Home Office).
- 1.2 The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated "particularly seriously".
- 1.3 On Friday 21st June, police officers attended Indian Villa situated at 20 Watling Street, Thaxted, Dunmow, CM6 2PE for a report not related to immigration.
- 1.4 Police Officers conducted checks of those present and found a total of four persons listed as immigration offenders. **Document 1** is a statement from an Immigration Officer summarising the offenders.
- 1.5 The premises has previously been found to be employing illegal workers and was subject to an immigration enforcement operation in June 2017 when 2 persons were found to be immigration offenders. Contemporary records pertaining to that operation show the manager at that time to be a Mr [REDACTED] Hussain, who was still in post at the most recent visit.
- 1.6 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 This review of the premises licence was withdrawn as the premises licence was surrendered ahead of the hearing – though subsequently an application for a new Premises Licence was applied for – allegedly by a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. After the incident on 21st June this year. A review of the licence was submitted on 28th June, A hearing date was set for 21st August which Essex police attended but was adjourned to which a new date has been set for 1st October 2019.
- 1.7 A mere 10 days after the application for a review of the Premises Licence was submitted, an application was made to transfer the Premises Licence to Surma Villa Ltd on 7th July.
- 1.8 Essex Police object to transfer the premises licence to Surma Villa based on the concerns that this transfer does not represent a significant change in the way the business will continue to be operated. Land registry records show that Akther Hussain is still believed to be a leaseholder and has been since 11th October 2016. (**Document 6**) is a Land Registry [REDACTED] (ct). Hussain remains a leaseholder; and therefore regardless of this transfer remains financially linked to the premises and Essex Police suggest will remain involved in the operation of the premises.
- 1.9 It is worth noting that on Companies House a company connected to the premises address is active with a proposal to strike off.
- India Villa Thaxted Ltd was incorporated on 26th July 2017 and shows the sole director is a Mr [REDACTED] Hussain. An application to strike the company off the register was applied for on 19th July this was 2 days before the Review Hearing, on the 22nd August a strike –off suspension was applied for (a day after the Hearing)

- 1.10 Essex Police Licensing also brings to your attention that the director of the company Surma Villa Ltd is a ██████ Hassain who resides at the same address as Mr ██████ Hussain. It is reasonable to presume the persons are known to one another and that Mr ██████ Hussain is aware of this arrangement.
- 1.11 Given the information to hand and provided within, it is no stretch to conclude that the controlling party remains Mr ██████ Hussain and that the transfer to Surma Villa has been put up as a front to attempt to deceive the Licensing Committee and avoid business limiting action.
- 1.12 It is contended that the changes are not significant enough to assure Essex police that the business will operate in a different manner with regards to illegal workers than it has done previously. Mr ██████ Hussain remains the manager of the premises and likely to be responsible for the day to day running of the business.
- 1.13 It is also pointed out that as shown in **Document 5**, this is the 2nd occurrence of illegal workers being found at this premises whilst ██████ Hussain has been a controlling party in the business.
- 1.14 This transfer is not a change of operational management and the total disregard for the framework of regulatory legislation is liable to continue if the transfer were to be granted. The Licensing Act 2003 is prospective (what is likely to happen) (see East Lindsey District Council v Abu Hanif (t/a Zara's restaurant and take away) [2016] EWHC 1265 Admin. (Appendix 8.11)).
- 1.15 **A.** Paragraph 8.101 of the Statutory Guidance states that: in exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

Paragraph 2.6 of the Guidance explicitly states that “*the prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters.*”

Thus on occasions where evidence of illegal working exists, either the police or Immigration Enforcement may object to the transfer. In this particular case, Immigration Enforcement has provided evidence to Essex Police which supports the police’s belief that the crime prevention objective will be undermined if this transfer takes place. This evidential material has been provided to the police under section 185 of the Licensing Act 2003 to enable Essex Police to submit the earlier review application and this objection to transfer of the licence; both because the crime prevention objective has been engaged. Essex Police believe that this transfer is an attempt to circumvent the legal process (review proceedings and potential revocation of the licence).

Essex Police therefore strongly believe that on the balance of probabilities it is likely that the current applicant, Surma Villa Ltd, is applying for this licence transfer on behalf of the current premises licence holder India Villa Ltd, and that it is more than possible that he is applying for the role as purely a “figure head”, with the objective of enabling a ruse to prevent sanction against the illegal activity carried out within the business.

No proof of assignment of lease or proof of segregation of the above relationship in the business has been submitted with the application or subsequently to show a clear separation between the new applicant and the outgoing licence holder.

B. In a recent appeal court judgement in June 2018 District Judge Julie Cooper at Camberwell Green Magistrates Court regarding Peckham Food & Wine v London Borough of Southwark upheld the decision of the London Borough of Southwark to revoke a convenience store’s premises licence and refuse the transfer of the licence following allegations of illegal workers being employed.

In its successful submission, the Council relied on Lord Justice Griffiths observations in R v Knightsbridge Crown Court ex parte International Sporting Club (London) Ltd [1982] 1 QB 304. This case concerned three London casinos which had operated in breach of the relevant gaming laws. Each lost its licence. The licence holders appealed and then sold the companies to third parties in the interim. The new owners replaced the entire previous management with new staff, the sale amounted to a restructuring of the business and a transfer of the licences was applied for.

However, in its judgement, the Court stated:

“We have no hesitation in saying that past misconduct by the licence holder will be in every case be a relevant consideration to take into account when considering whether to cancel a licence. The weight to be accorded to it will vary according to the circumstances of the case. There may well be cases in which the wrong doing of the company licence holder has been so flagrant and so well publicised that no amount of restructuring can restore confidence in it as a fit and proper person to hold a licence; it will stand condemned in the public mind as a person unfit to hold a licence and public confidence in the licensing justices would be gravely shaken by allowing it to continue to run a casino”

Of direct relevance to this police objection to the transfer of the licence in circumstances where the police have called for a review of the licence to prevent crime, the court commented (LJ Griffiths) that:

“it risks bringing the licensing regime into disrepute if reckless licence holders can avoid the consequences of their behaviour by simply transferring the licence into someone else’s name or selling the business when they got caught and so, effectively, get away with it. The deterrent effect of licensing enforcement would be lost and licensing authorities are right to take a robust stance against such transfers, particularly those which appeared to be a ruse.”

In its successful submission, the Council relied on Lord Justice Griffiths observations in R v Knightsbridge Crown Court ex parte International Sporting Club (London) Ltd [1982] 1 QB 304.

- 1.16** The concern is this application has been made in an attempt to circumvent the current review process relating to this premises and if granted will likely lead to the continuation of poor practice and a failure to uphold the licensing objectives. Essex Police believe that that the proposed licence holder will have no day to day control of this business and that he is, in

effect, applying for a licence on behalf of someone else – notably the pre-existing business owner who has committed serious criminal offences at the premises. One only has to look at what has happened in the past to glimpse what is likely to happen in the future. On two occasions illegal workers were found at the premises. The controlling mind will remain as [REDACTED] Hussain – the person responsible for employing a number of illegal workers in the past.

- 1.17** The Licensing Authority is required to take steps to promote the prevention of crime and disorder (which includes illegal working) and Essex Police would ask that the sub-committee rejects the transfer of the premises licence.
- 1.18** A review of the premises licence has also been submitted by Essex police. The supplementary documentary is available on request.

2.0 Immigration Offences

- 2.1 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.
- 2.2 Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document checks, i.e. that they were duped by fake or forged documents.
- 2.3 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*".
- 2.4 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.
- 2.5 Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant employer, an illegal worker cannot work. Such an employer facilitates a criminal offence and Essex Police highlights this as relevant irrespective of whether a civil penalty is imposed or a prosecution launched for employing an illegal worker.
- 2.6 In this context, under section 3(1)(C)(i) Immigration Act 1971 (as amended by the 2016 Act) restrictions are not limited simply to employment (i.e. paid work) but now includes all work.
- 2.7 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'.

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

3.1 Whilst this is an objection to a transfer, Essex Police believes that part of the guidance relating to reviews is appropriate in considering whether allowing this transfer would undermine the licensing objective of preventing crime and disorder, which includes illegal working. In particular; Essex Police submits that paragraphs 11.24 – 11.29 of the Guidance are relevant.

3.2 *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.

3.3 Thus the financial hardship occasioned by the existing 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).

3.4 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.

3.5 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.

3.6 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.

3.7 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.

3.8 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”.

- 3.9** Since the main draw for illegal migration is work, and since low-skilled migrants are increasingly vulnerable to exploitation at the hand of criminal enterprises, the government has strengthened enforcement measures and the statutory Guidance to deter illegal workers and those that employ them.
- 3.10** 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

4.0 Case Law

4.1 Deterrence as a legitimate consideration by a licensing sub-committee has been considered before the High Court where remedial measures (such as the imposition of additional conditions) were distinguished from legitimate deterrent (punitive) measures such as revocation.

4.2 *R (Bassetlaw District Council) v Worksop Magistrates' Court*; [2008] WLR (D) 350. 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.

4.3 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.

4.4 *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.***

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

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

4.6 *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway)*, [2016] EWHC 1265 (Admin)

4.7 This is a recent High Court decision (published April 2016) which has established that in considering whether the licensing objectives may be undermined one should look at what is likely to happen in the future.

4.8 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 or likely to be 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.

- 4.9** 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)
- 4.10** 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)

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

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Statement of: 

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 ...  Date: 26/06/2019

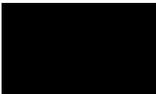
Tick if witness evidence is visually recorded (supply witness details on rear)

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.

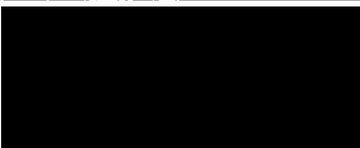
Home Office records show the following recorded:

 -  - 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  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:  Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: [Redacted]

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

08/06/15 – Submitted [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 [Redacted] stated that his profession was a chef.

[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 [Redacted] was dressed smartly in a black shirt and trousers. He mentioned that he was earning £5-6 per hour.

[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]
2004/05(1)

Signature Witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: [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 [REDACTED] stated that he was a kitchen porter/cook.

[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 [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:



**Notice of Individual Person
with Significant Control**

Company Name: **INDIA VILLA THAXTED LTD**

Company Number: **10885008**



Received for filing in Electronic Format on the: **27/04/2018**

X74RWW2G

Notification Details

Date that person became **23/04/2018**
registrable:

Name: **MR MOHAMMAD AKTHER HUSSAIN**

Service address recorded as Company's registered office

Country/State Usually **ENGLAND**
Resident:

Date of Birth: ****/09/1969**

Nationality: **BRITISH**

Nature of control

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

The person has the right to exercise, or actually exercises, significant influence or control over the activities of a firm that, under the law by which it is governed, is not a legal person; and the members of that firm (in their capacity as such) have the right to appoint or remove, directly or indirectly, a majority of the board of directors of the company.

The person has the right to exercise, or actually exercises, significant influence or control over the activities of a firm that, under the law by which it is governed, is not a legal person; and the members of that firm (in their capacity as such) have the right to exercise, or actually exercise, significant influence or control over the company.

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

Register entry date

Register entry date **23/04/2018**

Authorisation

Authenticated

This form was authorised by one of the following:

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

FILE COPY



**CERTIFICATE OF INCORPORATION
OF A
PRIVATE LIMITED COMPANY**

Company Number 12090038

The Registrar of Companies for England and Wales, hereby certifies that

SURMA VILLA LTD

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by shares, and the situation of its registered office is in England and Wales

Given at Companies House, Cardiff, on 7th July 2019



* N12090038A *



Companies House



THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES



Companies House

IN01_(ef)

Application to register a company



Received for filing in Electronic Format on the: **06/07/2019**

X8950WLL

Company Name in full: **SURMA VILLA LTD**

Company Type: **Private company limited by shares**

Situation of Registered Office: **England and Wales**

Proposed Registered Office Address: **20 WATLING STREET DUNMOW
ESSEX
ENGLAND CM6 2PE**

Sic Codes: **56102**

Proposed Officers

Company Director **1**

Type: **Person**

Full Forename(s): **MR SHAKIL**

Surname: **HUSSAIN**

Service Address: **20 WATLING STREET DUNMOW**
ESSEX
ENGLAND CM6 2PE

Country/State Usually **ENGLAND**
Resident:

Date of Birth: ****/11/1996** *Nationality:* **BRITISH**

Occupation: **DIRECTOR**

The subscribers confirm that the person named has consented to act as a director.

Statement of Capital (Share Capital)

<i>Class of Shares:</i>	ORDINARY	<i>Number allotted</i>	1
<i>Currency:</i>	GBP	<i>Aggregate nominal value:</i>	1
<i>Prescribed particulars</i>			

FULL RIGHTS TO RECEIVE NOTICE OF, AND ATTEND VOTE AT GENERAL MEETINGS. ONE SHARE CARRIES ONE VOTE, AND FULL RIGHTS TO DIVIDENDS AND CAPITAL DISTRIBUTIONS (INCLUDING UPON WINDING UP).

Statement of Capital (Totals)

<i>Currency:</i>	GBP	<i>Total number of shares:</i>	1
		<i>Total aggregate nominal value:</i>	1
		<i>Total aggregate unpaid:</i>	0

Initial Shareholdings

Name: **SHAKIL HUSSAIN**

Address **20 WATLING STREET
DUNMOW
ESSEX
ENGLAND
CM6 2PE**

Class of Shares: **ORDINARY**

Number of shares: **1**

Currency: **GBP**

*Nominal value of each
share:* **1**

Amount unpaid: **0**

Amount paid: **1**

Persons with Significant Control (PSC)

Statement of initial significant control

On incorporation, there will be someone who will count as a Person with Significant Control (either a registerable person or relevant legal entity (RLE)) in relation to the company

Individual Person with Significant Control details

Names: MR SHAKIL HUSSAIN

Country/State Usually Resident: ENGLAND

Date of Birth: **/11/1996 ***Nationality:*** BRITISH

Service Address:
20 WATLING STREET DUNMOW
ESSEX
ENGLAND
CM6 2PE

The subscribers confirm that each person named as an individual PSC in this application knows that their particulars are being supplied as part of this application.

The person has the right to exercise, or actually exercises, significant influence or control over the company.

Statement of Compliance

I confirm the requirements of the Companies Act 2006 as to registration have been complied with.

Name: **SHAKIL HUSSAIN**
Authenticated **YES**

Authorisation

Authoriser Designation: **subscriber** *Authenticated* **YES**

THE COMPANIES ACT 2006
PRIVATE COMPANY LIMITED BY SHARES
MEMORANDUM OF ASSOCIATION
OF
SURMA VILLA LTD

Each subscriber to this memorandum of association wishes to form a company under the Companies Act 2006 and agrees to become a member of the Company and to take at least one share.

Name of each subscriber

Authentication by each subscriber

SHAKIL HUSSAIN

Dated 2019-07-06

THE COMPANIES ACT 2006
PRIVATE COMPANY LIMITED BY SHARES
ARTICLES OF ASSOCIATION
OF
SURMA VILLA LTD

PART 1

1 Defined terms

(1) The regulations contained in the Model Articles for Private Companies Limited by Shares set out in Schedule 1 of The Companies (Model Articles) Regulations 2008 (SI 3229/2008), shall not apply to the Company.

(2) In the articles, unless the context requires otherwise:

"the 2006 Act"	means the Companies Act 2006;
"articles"	means the Company's articles of association;
"bankruptcy"	includes individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;
"chairman"	has the meaning given in article 12;
"chairman of the meeting"	has the meaning given in article 39;
"Companies Acts"	means the Companies Acts (as defined in section 2 of the Companies Act 2006), in so far as they apply to the Company;
"director"	means a director of the Company, and includes any person occupying the position of director, by whatever name called;
"distribution recipient"	has the meaning given in article 31;
"document"	includes, unless otherwise specified, any document sent or supplied in electronic form;
"electronic form"	has the meaning given in section 1168 of the 2006 Act;
"fully paid"	in relation to a share, means that the nominal value and any premium to be paid to the Company in respect of that share have been paid to the Company;
"hard copy form"	has the meaning given in section 1168 of the 2006 Act;
"holder"	in relation to shares means the person whose name is entered in the register of members as the holder of the shares;
"instrument"	means a document in hard copy form;
"ordinary resolution"	has the meaning given in section 282 of the 2006 Act;
"paid"	means paid or credited as paid;
"participate"	in relation to a directors' meeting, has the meaning given in article 10;
"proxy notice"	has the meaning given in article 45;

"shareholder"	means a person who is the holder of a share;
"shares"	means shares in the Company;
"special resolution"	has the meaning given in section 283 of the 2006 Act;
"subsidiary"	has the meaning given in section 1159 of the 2006 Act;
"transmittee"	means a person entitled to a share by reason of the death or bankruptcy of a shareholder or otherwise by operation of law; and
"writing"	means the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise.

Unless the context otherwise requires, other words or expressions contained in these articles bear the same meaning as in the 2006 Act as in force on the date when these articles become binding on the Company.

2 Directors' general authority

The liability of the shareholders is limited to the amount, if any, unpaid on the shares held by them.

PART 2 DIRECTORS DIRECTORS' POWERS AND RESPONSIBILITIES

3 Directors' general authority

Subject to the articles, the directors are responsible for the management of the Company's business, for which purpose they may exercise all the powers of the Company.

4 Shareholders' reserve power

- (1) The shareholders may, by special resolution, direct the directors to take, or refrain from taking, specified action.
- (2) No such special resolution invalidates anything which the directors have done before the passing of the resolution.

5 Directors may delegate

- (1) Subject to the articles, the directors may delegate any of the powers which are conferred on them under the articles:
 - (a) to such person or committee;
 - (b) by such means (including by power of attorney);
 - (c) to such an extent;
 - (d) in relation to such matters or territories; and
 - (e) on such terms and conditions:
 - as they think fit.

- (2) If the directors so specify, any such delegation may authorise further delegation of the directors' powers by any person to whom they are delegated.
- (3) The directors may revoke any delegation in whole or part, or alter its terms and conditions.

6 Committees

Committees to which the directors delegate any of their powers must follow procedures which are based as far as they are applicable on those provisions of the articles which govern the taking of decisions by directors. The directors may make rules of procedure for all or any committees, which prevail over rules derived from the articles if they are not consistent with them.

DECISION-MAKING BY DIRECTORS

7 Directors to take decisions collectively

- (1) The general rule about decision-making by directors is that any decision of the directors must be either a majority decision at a meeting or a decision taken in accordance with article 8.
- (2) If:
 - (a) the Company only has one director, and
 - (b) no provision of the articles requires it to have more than one director,the general rule does not apply, and the director may, subject to articles 8(3) and 15 take decisions without regard to any other of the provisions of the articles relating to directors' decision-making.

8 Unanimous decisions

- (1) A decision of the directors is taken in accordance with this article when all eligible directors indicate to each other by any means that they share a common view on a matter.
- (2) Such a decision may take the form of a resolution in writing, copies of which have been signed by each eligible director or to which each eligible director has otherwise indicated agreement in writing.
- (3) References in this article to eligible directors are to directors who would have been entitled to vote on the matter had it been proposed as a resolution at a directors' meeting.
- (4) A decision may not be taken in accordance with this article if the eligible directors would not have formed a quorum at such a meeting.

9 Calling a directors' meeting

- (1) Any director may call a directors' meeting by giving notice of the meeting to the directors or by authorising the Company secretary (if any) to give such notice.

- (2) Notice of any directors' meeting must indicate:
 - (a) its proposed date and time;
 - (b) where it is to take place; and
 - (c) if it is anticipated that directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.
- (3) Notice of a directors' meeting must be given to each director, but need not be in writing.
- (4) Notice of a directors' meeting need not be given to directors who waive their entitlement to notice of that meeting, by giving notice to that effect to the Company not more than 7 days after the date on which the meeting is held. Where such notice is given after the meeting has been held, that does not affect the validity of the meeting, or of any business conducted at it.

10 Participation in directors' meetings

- (1) Subject to the articles, directors participate in a directors' meeting, or part of a directors' meeting, when:
 - (a) the meeting has been called and takes place in accordance with the articles, and
 - (b) they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.
- (2) In determining whether directors are participating in a directors' meeting, it is irrelevant where any director is or how they communicate with each other.
- (3) If all the directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

11 Quorum for directors' meetings

- (1) At a directors' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.
- (2) The quorum for directors' meetings may be fixed from time to time by a decision of the directors, but it must never be less than two unless there is just a sole director in office, and unless otherwise fixed it is two.
- (3) If the total number of directors for the time being is less than the quorum required, the directors must not take any decision other than a decision:
 - (a) to appoint further directors, or
 - (b) to call a general meeting so as to enable the shareholders to appoint further directors.

12 Chairing of directors' meetings

- (1) The directors may appoint a director to chair their meetings.
- (2) The person so appointed for the time being is known as the chairman.
- (3) The directors may terminate the chairman's appointment at any time.

- (4) If the chairman is not participating in a directors' meeting within ten minutes of the time at which it was to start, the participating directors must appoint one of themselves to chair it.

13 Casting vote

The chairman or other director chairing the meeting shall not, if the numbers of votes for and against a proposal are equal, have a second or casting vote.

14 Conflicts of interest

- (1) If a proposed decision of the directors is concerned with an actual or proposed transaction or arrangement with the Company in which a director is interested, that director is not to be counted as participating in the decision-making process for quorum or voting purposes.
- (2) But if paragraph (3) applies, a director who is interested in an actual or proposed transaction or arrangement with the Company is to be counted as participating in the decision-making process for quorum and voting purposes.
- (3) (a) the Company by ordinary resolution disapplies the provision of the articles which would otherwise prevent a director from being counted as participating in the decision-making process;
- (b) the director's interest cannot reasonably be regarded as likely to give rise to a conflict of interest; or
- (c) the director's conflict of interest arises from a permitted cause.
- (4) For the purposes of this article, the following are permitted causes:
- (a) a guarantee given, or to be given, by or to a director in respect of an obligation incurred by or on behalf of the Company or any of its subsidiaries;
- (b) subscription, or an agreement to subscribe, for shares or other securities of the Company or any of its subsidiaries, or to underwrite, sub-underwrite, or guarantee subscription for any such shares or securities; and
- (c) arrangements pursuant to which benefits are made available to employees and directors or former employees and directors of the Company or any of its subsidiaries which do not provide special benefits for directors or former directors.
- (5) For the purposes of this article, references to proposed decisions and decision-making processes include any directors' meeting or part of a directors' meeting.
- (6) Subject to paragraph (7), if a question arises at a meeting of directors or of a committee of directors as to the right of a director to participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the chairman whose ruling in relation to any director other than the chairman is to be final and conclusive.
- (7) If any question as to the right to participate in the meeting (or part of the meeting) should arise in respect of the chairman, the question is to be decided by a decision of the directors at that meeting, for which purpose the chairman is not to be counted as participating in the meeting (or that part of the meeting) for voting or quorum purposes.
- (8) Where the number of non-conflicted directors is less than the quorum for the purposes of approving a resolution authorising any situation or transaction constituting a conflict as anticipated by the Companies Acts, the quorum shall be all the disinterested directors.

- (9) When all the directors of the Company are conflicted, the Company shall pass the conflict to the Company's shareholders for approval by ordinary resolution.

15 Records of decisions to be kept

The directors must ensure that the Company keeps a record, in writing, for at least 10 years from the date of the decision recorded of every unanimous or majority decision taken by the directors.

16 Directors' discretion to make further rules

Subject to the articles, the directors may make any rule which they think fit about how they take decisions, and about how such rules are to be recorded or communicated to directors.

NUMBER AND APPOINTMENT OF DIRECTORS

17 Methods of appointing directors

- (1) There shall be no maximum number of directors and the minimum number of directors shall be one. Whenever the Company has two or more directors, at least one of them shall be a natural person
- (2) Any person 16 years of age or more and who is willing to act as a director, and is permitted by law to do so, may be appointed to be a director:
 - (a) by ordinary resolution; or
 - (b) by a decision of the directors.
- (3) In any case where, as a result of death, the Company has no shareholders and no directors, the personal representatives of the last shareholder to have died have the right, by notice in writing, to appoint a person to be a director.
- (4) For the purposes of paragraph (3), where 2 or more shareholders die in circumstances rendering it uncertain who was the last to die, a younger shareholder is deemed to have survived an older shareholder.

18 Termination of director's appointment

- (1) A person ceases to be a director as soon as:
 - (a) that person ceases to be a director by virtue of any provision of the Companies Acts or is prohibited from being a director by law;
 - (b) a bankruptcy order is made against that person;
 - (c) a composition is made with that person's creditors generally in satisfaction of that person's debts;
 - (d) a registered medical practitioner who is treating that person gives a written opinion to the Company stating that that person has become physically or mentally incapable of acting as a director and may remain so for more than three months;
 - (e) notification is received by the Company from the director that the director is resigning from office, and such resignation has taken effect in accordance with its terms;
 - (f) he shall for more than six consecutive months have been absent without permission of the directors from meetings of directors held during that period and the directors resolve that his office be vacated.

19 Directors' remuneration

- (1) Directors may undertake any services for the Company that the directors decide.
- (2) Directors are entitled to such remuneration as the directors determine:
 - (a) for their services to the Company as directors, and
 - (b) for any other service which they undertake for the Company.
- (3) Subject to the articles, a director's remuneration may:
 - (a) take any form, and
 - (b) include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death, sickness or disability benefits, to or in respect of that director.
- (4) Unless the directors decide otherwise, directors' remuneration accrues from day to day.
- (5) Unless the directors decide otherwise, directors are not accountable to the Company for any remuneration which they receive as directors or other officers or employees of the Company's subsidiaries or of any other body corporate in which the Company is interested.

20 Directors' expenses

The Company may pay any reasonable expenses which the directors properly incur in connection with their attendance at:

- (a) meetings of directors or committees of directors;
- (b) general meetings, or
- (c) separate meetings of the holders of any class of shares or of debentures of the Company, or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the Company.

**PART 3
SHARES AND DISTRIBUTIONS
SHARES**

21 All shares to be fully paid up

- (1) No share is to be issued for less than the aggregate of its nominal value and any premium to be paid to the Company in consideration for its issue.
- (2) This does not apply to shares taken on the formation of the Company by the subscribers to the Company's memorandum.

22 Powers to issue different classes of share

- (1) Subject to the articles, but without prejudice to the rights attached to any existing share, the Company may issue shares with such rights or restrictions as may be determined by ordinary resolution.
- (2) The Company may issue shares which are to be redeemed, or are liable to be redeemed at the option of the Company or the holder, and the directors may determine the terms, conditions and manner of redemption of any such shares.

23 Company not bound by less than absolute interests

Except as required by law, no person is to be recognised by the Company as holding any share upon any trust, and except as otherwise required by law or the articles, the Company is not in any way to be bound by or recognise any interest in a share other than the holder's absolute ownership of it and all the rights attaching to it.

24 Share certificates

- (1) The Company must issue each shareholder, free of charge, with one or more certificates in respect of the shares which that shareholder holds.
- (2) Every certificate must specify:
 - (a) in respect of how many shares, of what class, it is issued;
 - (b) the nominal value of those shares;
 - (c) that the shares are fully paid; and
 - (d) any distinguishing numbers assigned to them.
- (3) No certificate may be issued in respect of shares of more than one class.
- (4) If more than one person holds a share: only one certificate may be issued in respect of it.
- (5) Certificates must:
 - (a) have affixed to them the Company's common seal, or
 - (b) be otherwise executed in accordance with the Companies Acts.

25 Replacement share certificates

- (1) If a certificate issued in respect of a shareholder's shares is:
 - (a) damaged or defaced; or
 - (b) said to be lost, stolen or destroyed,
- (2) A shareholder exercising the right to be issued with such a replacement certificate:
 - (a) may at the same time exercise the right to be issued with a single certificate or separate certificates;
 - (b) must return the certificate which is to be replaced to the Company if it is damaged or defaced and
 - (c) must comply with such conditions as to evidence, indemnity and the payment of a reasonable fee as the directors decide.

26 Share transfers

- (1) Shares may be transferred by means of an instrument of transfer in any usual form or any other form approved by the directors, which is executed by or on behalf of the transferor.
- (2) No fee may be charged for registering any instrument of transfer or other document relating to or affecting the title to any share.
- (3) The Company may retain any instrument of transfer which is registered.
- (4) The transferor remains the holder of a share until the transferee's name is entered in the register of members as holder of it.
- (5) The directors may refuse to register the transfer of a share, and if they do so, the instrument of transfer must be returned to the transferee with the notice of refusal unless they suspect that the proposed transfer may be fraudulent.

27 Transmission of shares

- (1) If title to a share passes to a transferee, the Company may only recognise the transferee as having any title to that share.
- (2) A transferee who produces such evidence of entitlement to shares as the directors may properly require:
 - (a) may, subject to the articles, choose either to become the holder of those shares or to have them transferred to another person, and
 - (b) subject to the articles, and pending any transfer of the shares to another person, has the same rights as the holder had.
- (3) But transferees do not have the right to attend or vote at a general meeting, or agree to a proposed written resolution, in respect of shares to which they are entitled, by reason of the holder's death or bankruptcy or otherwise, unless they become the holders of those shares.

28 Exercise of transferees' rights

- (1) Transferees who wish to become the holders of shares to which they have become entitled must notify the Company in writing of that wish.
- (2) If the transferee wishes to have a share transferred to another person, the transferee must execute an instrument of transfer in respect of it.
- (3) Any transfer made or executed under this article is to be treated as if it were made or executed by the person from whom the transferee has derived rights in respect of the share, and as if the event which gave rise to the transmission had not occurred.

29 Transferees bound by prior notices

If a notice is given to a shareholder in respect of shares and a transferee is entitled to those shares, the transferee is bound by the notice if it was given to the shareholder before the transferee's name has been entered in the register of members.

DIVIDENDS AND OTHER DISTRIBUTIONS**30 Procedure for declaring dividends**

- (1) The Company may, by ordinary resolution declare dividends, and the directors may decide to pay interim dividends but a dividend must not be declared unless the directors have made a recommendation as to its amount. Such a dividend must not exceed the amount recommended by the directors and no dividend may be declared or paid unless it is in accordance with shareholders' respective rights.
- (2) Unless:
 - (a) the shareholders' resolution to declare; or
 - (b) directors' decision to pay a dividend; or
 - (c) the terms on which shares are issued, specify otherwise,
 it must be paid by reference to each shareholder's holding of shares on the date of the resolution or decision to declare or pay it.
- (3) If the Company's share capital is divided into different classes, no interim dividend may be paid on shares carrying deferred or non-preferred rights if, at the time of payment, any preferential dividend is in arrear.

- (4) The directors may pay at intervals any dividend payable at a fixed rate if it appears to them that the profits available for distribution justify the payment.
- (5) If the directors act in good faith, they do not incur any liability to the holders of shares conferring preferred rights for any loss they may suffer by the lawful payment of an interim dividend on shares with deferred or non-preferred rights.

31 Payment of dividends and other distributions

- (1) Where a dividend or other sum which is a distribution is payable in respect of a share, it must be paid by one or more of the following means:
 - (a) transfer to a bank or building society account specified by the distribution recipient in writing; or
 - (b) sending a cheque, payable to the distribution recipient, by post to the distribution recipient at his registered address (if the distribution recipient is a holder of the share), or (in any other case) to an address specified by the distribution recipient either in writing or as the directors may otherwise decide; or
 - (c) any other means of payment as the directors agree with the distribution recipient either in writing or by such other means as the directors decide.
- (2) In the articles, "the distribution recipient" means, in respect of a share in respect of which a dividend or other sum is payable:
 - (a) the holder of the share; or
 - (b) if the share has two or more joint holders, whichever of them is named first in the register of members; or
 - (c) if the holder is no longer entitled to the share by reason of death or bankruptcy, or otherwise by operation of law, the transmittee.

32 No interest on distributions

The Company may not pay interest on any dividend or other sum payable in respect of a share unless otherwise provided by the terms on which the share was issued, or the provisions of another agreement between the holder of that share and the Company.

33 Unclaimed distributions

- (1) All dividends or other sums which are payable in respect of shares and unclaimed after having been declared or become payable, may be invested or otherwise made use of by the directors for the benefit of the Company until claimed.
- (2) The payment of any such dividend or other sum into a separate account does not make the Company a trustee in respect of it and if
 - (a) twelve years have passed from the date on which a dividend or other sum became due for payment: and
 - (b) the distribution recipient has not claimed it,

the distribution recipient is no longer entitled to that dividend or other sum and it ceases to remain owing by the Company.

34 Non-cash distributions

- (1) Subject to the terms of issue of the share in question, the Company may, by ordinary resolution on the recommendation of the directors, decide to pay all or part of a dividend or other distribution payable in respect of a share by transferring non-cash assets of equivalent value (including, without limitation, shares or other securities in any company).
- (2) For the purposes of paying a non-cash distribution, the directors may make whatever arrangements they think fit, including, where any difficulty arises regarding the distribution:
 - (a) fixing the value of any assets;
 - (b) paying cash to any distribution recipient on the basis of that value in order to adjust the rights of recipients; and
 - (c) vesting any assets in trustees.

35 Waiver of distributions

- (1) Distribution recipients may waive their entitlement to a dividend or other distribution payable in respect of a share by giving the Company notice in writing to that effect, but if:
 - (a) the share has more than one holder, or
 - (b) more than one person is entitled to the share, whether by reason of the death or bankruptcy of one or more joint holders, or otherwise,

the notice is not effective unless it is expressed to be given, and signed, by all the holders or persons otherwise entitled to the share.

CAPITALISATION OF PROFITS

36 Authority to capitalise and appropriation of capitalised sums

The directors may, if they are so authorised by an ordinary resolution:

- (1) (a) decide to capitalise any profits of the Company (whether or not they are available for distribution) which are not required for paying a preferential dividend, or any sum standing to the credit of the Company's share premium account or capital redemption reserve; and
 - (b) appropriate any sum which they so decide to capitalise (a "capitalised sum") to the persons who would have been entitled to it if it were distributed by way of dividend (the "persons entitled") and in the same proportions.
- (2) Capitalised sums must be applied:
 - (a) on behalf of the persons entitled, and
 - (b) in the same proportions as a dividend would have been distributed to them.
- (3) Any capitalised sum may be applied in paying up new shares of a nominal amount equal to the capitalised sum which are then allotted credited as fully paid to the persons entitled or as they may direct.
- (4) A capitalised sum which was appropriated from profits available for distribution may be applied in paying up new debentures of the Company which are then allotted credited as fully paid to the persons entitled or as they may direct.
- (5) Subject to the articles the directors may:

- (a) apply capitalised sums in accordance with paragraphs (3) and (4) above partly in one way and partly in another;
- (b) make such arrangements as they think fit to deal with shares or debentures becoming distributable in fractions under this article (including the issuing of fractional certificates or the making of cash payments); and
- (c) authorise any person to enter into an agreement with the Company on behalf of all the persons entitled which is binding on them in respect of the allotment of shares and debentures to them under this article.

PART 4
DECISION-MAKING BY SHAREHOLDERS
ORGANISATION OF GENERAL MEETINGS

37 Attendance and speaking at general meetings

- (1) A person is able to exercise the right to speak at a general meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting.
- (2) A person is able to exercise the right to vote at a general meeting when:
 - (a) that person is able to vote, during the meeting, all resolutions put to the vote at the meeting, and
 - (b) that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.
- (3) The directors may make whatever arrangements they consider appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.
- (4) In determining attendance at a general meeting, it is immaterial whether any two or more shareholders attending it are in the same place as each other.
- (5) Two or more persons who are not in the same place as each other attend a general meeting if their circumstances are such that if they have (or were to have) rights to speak and vote at that meeting, they are (or would be) able to exercise them.

38 Quorum for general meetings

The quorum for a general meeting shall be determined according to section 318 of the 2006 Act and no business other than the appointment of the chairman of the meeting is to be transacted at a general meeting if the persons attending it do not constitute a quorum.

39 Chairing general meetings

- (1) If the directors have appointed a chairman, the chairman shall chair general meetings if present and willing to do so.
- (2) If the directors have not appointed a chairman, or if the chairman is unwilling to chair the meeting or is not present within ten minutes of the time at which a meeting was due to start:

- (a) the directors present, or
 - (b) (if no directors are present), the meeting, must appoint a director or shareholder to chair the meeting, and the appointment of the chairman of the meeting must be the first business of the meeting.
- (3) The person chairing a meeting in accordance with this article is referred to as "the chairman of the meeting".

40 Attendance and speaking by directors and non-shareholders

- (1) Directors may attend and speak at general meetings, whether or not they are shareholders.
- (2) The chairman of the meeting may permit other persons who are not:
 - (a) shareholders of the Company, or
 - otherwise entitled to exercise the rights of shareholders in relation to general meetings, to attend and speak at a general meeting.

41 Adjournment

- (1) If the persons attending a general meeting within half an hour of the time at which the meeting was due to start do not constitute a quorum, or if during a meeting a quorum ceases to be present, or if at any time during a quorate general meeting the meeting directs him to do so, the chairman of the meeting must adjourn it and he may adjourn a general meeting at which a quorum is present if:
 - (a) the meeting consents to an adjournment, or
 - (b) it appears to the chairman of the meeting that an adjournment is necessary to protect the safety of any person attending the meeting or ensure that the business of the meeting is conducted in an orderly manner.
- (2) When adjourning a general meeting, the chairman of the meeting must:
 - (a) either specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the directors; and
 - (b) have regard to any directions as to the time and place of any adjournment which have been given by the meeting.
- (3) If the continuation of an adjourned meeting is to take place more than 14 days after it was adjourned, the Company must give at least 7 clear days' notice of it (that is, excluding the day of the adjourned meeting and the day on which the notice is given):
 - (a) to the same persons to whom notice of the Company's general meetings is required to be given, and
 - (b) containing the same information which such notice is required to contain.
- (4) No business may be transacted at an adjourned general meeting which could not properly have been transacted at the meeting if the adjournment had not taken place and if, at an adjourned general meeting, a quorum is not present within half an hour from the time appointed for the meeting, the shareholders present shall be a quorum.

VOTING AT GENERAL MEETINGS

42 Voting: general

A resolution put to the vote of a general meeting must be decided on a show of hands unless a poll is duly demanded and acted upon in accordance with these articles and sections 321 and 322 of the 2006 Act.

43 Errors and disputes

- (1) No objection may be raised to the qualification of any person voting at a general meeting except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting is valid.
- (2) Any such objection must be referred to the chairman of the meeting, whose decision is final.

44 Poll votes

- (1) A poll on a resolution may be demanded:
 - (a) in advance of the general meeting where it is to be put to the vote, or
 - (b) at a general meeting, either before a show of hands on that resolution or immediately after the result of a show of hands on that resolution is declared.
- (2) A poll may be demanded by:
 - (a) the chairman of the meeting;
 - (b) the directors;
 - (c) two or more persons having the right to vote on the resolution; or
 - (d) a person or persons representing not less than one tenth of the total voting rights of all the shareholders having the right to vote on the resolution.
- (3) A demand for a poll may be withdrawn if:
 - (a) the poll has not yet been taken, and
 - (b) the chairman of the meeting consents to the withdrawal.
- (4) Polls must be taken immediately and in such manner as the chairman of the meeting directs.

45 Content of proxy notices

- (1) Proxies may only validly be appointed by a notice in writing (a "proxy notice") which:
 - (a) states the name and address of the shareholder appointing the proxy;
 - (b) identifies the person appointed to be that shareholder's proxy and the general meeting in relation to which that person is appointed;
 - (c) is signed by or on behalf of the shareholder appointing the proxy, or is authenticated in such manner as the directors may determine; and
 - (d) is delivered to the Company in accordance with the articles and any instructions contained in the notice of the general meeting to which they relate.
- (2) The Company may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.
- (3) Proxy notices may specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.
- (4) Unless a proxy notice indicates otherwise, it must be treated as:
 - (a) allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting; and
 - (b) appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.

46 Delivery of proxy notices

- (1) A person who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid proxy notice has been delivered to the Company by or on behalf of that person.
- (2) An appointment under a proxy notice may be revoked by delivering to the Company a notice in writing given by or on behalf of the person by whom or on whose behalf the proxy notice was given.
- (3) A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.
- (4) If a proxy notice is not executed by the person appointing the proxy, it must be accompanied by written evidence of the authority of the person who executed it to execute it on the appointor's behalf.

47 Amendments to resolutions

- (1) An ordinary resolution to be proposed at a general meeting may be amended by ordinary resolution if:
 - (a) notice of the proposed amendment is given to the Company in writing by a person entitled to vote at the general meeting at which it is to be proposed not less than 48 hours before the meeting is to take place (or such later time as the chairman of the meeting may determine), and
 - (b) the proposed amendment does not, in the reasonable opinion of the chairman of the meeting, materially alter the scope of the resolution.
- (2) A special resolution to be proposed at a general meeting may be amended by ordinary resolution, if:
 - (a) the chairman of the meeting proposes the amendment at the general meeting at which the resolution is to be proposed; and
 - (b) the amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.
- (3) If the chairman of the meeting, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the chairman's error does not invalidate the vote on that resolution.

**PART 5
ADMINISTRATIVE ARRANGEMENTS**

48 Means of communication to be used

- (1) Anything sent or supplied by or to the Company under the articles may be sent or supplied in any way in which the 2006 Act provides for documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the
- (2) Every notice convening a general meeting shall comply with the provisions of section 307 and 325 of the 2006 Act as to the length of notice required for the meeting and the giving of information to shareholders in regard to their right to appoint proxies; and notices of and other communications relating to any general meeting which any shareholder is entitled to receive shall be sent to the directors and to the auditor for the time being of the Company.

- (3) Any notice or document to be sent or supplied to a director in connection with the taking of decisions by directors may also be sent or supplied by the means by which that director has asked to be sent or supplied with such notices or documents for the time being.
- (4) A director may agree with the Company that notices or documents sent to that director in a particular way are to be deemed to have been received within a specified time of their being sent, and for the specified time to be less than 48 hours.

49 Company seals

- (1) Any common seal may only be used by the authority of the directors.
- (2) The directors may decide by what means and in what form any common seal is to be used.
- (3) Unless otherwise decided by the directors, if the Company has a common seal and it is affixed to a document, the document must also be signed by at least one authorised person in the presence of a witness who attests the signature.
- (4) For the purposes of this article, an authorised person is:
 - (a) any director of the Company;
 - (b) the Company secretary (if any); or
 - (c) any person authorised by the directors for the purpose of signing documents to which the common seal is applied.

50 No right to inspect accounts and other records

Except as provided by law or authorised by the directors or an ordinary resolution of the Company, no person is entitled to inspect any of the Company's accounting or other records or documents merely by virtue of being a shareholder.

51 Provision for employees on cessation of business

The directors may decide to make provision for the benefit of persons employed or formerly employed by the Company or any of its subsidiaries (other than a director or former director or shadow director) in connection with the cessation or transfer to any person of the whole or part of the undertaking of the Company or that subsidiary.

DIRECTORS' INDEMNITY AND INSURANCE

52 Indemnity

- (1) Subject to paragraph (2), a relevant director of the Company or an associated company may be indemnified out of the Company's assets against:
 - (a) any liability incurred by that director in connection with any negligence, default, breach of duty or breach of trust in relation to the Company or an associated company;
 - (b) any liability incurred by that director in connection with the activities of the Company or an associated company in its capacity as a trustee of an occupational pension scheme (as defined in section 235(6) of the 2006 Act);
 - (c) any other liability incurred by that director as an officer of the Company or an associated company.
- (2) This article does not authorise any indemnity which would be prohibited or rendered void by any provision of the Companies Acts or by any other provision of law.

- (3) In this article:
- (a) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate; and
 - (b) a "relevant director" means any director or former director of the Company or an associated company.

53 Insurance

- (1) The directors may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any relevant director in respect of any relevant loss.
- (2) In this article:
- (a) a "relevant director" means any director or former director of the Company or an associated company;
 - (b) a "relevant loss" means any loss or liability which has been or may be incurred by a relevant director in connection with that director's duties or powers in relation to the Company, any associated company or any pension fund or employees' share scheme of the Company or associated company; and
 - (c) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate.

DATED 11 October 2016

Mohammed Abdul Malique (1)

and

Shamsul Islam
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

THIS LEASE is dated *11 October* 2016

PARTIES

- (1) **Mohammed Abdul Malique** of Fourways, Skates Hill, Glemsford, Sudbury CO10 7QT (**Landlord**).
- (2) **Shamsul Islam** of 106 Mill Road, Cambridge CB1 2BD & **Akther Hussain** of 39 Foundling Court, Brunswick Centre, London WC1N 1AN (**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

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

APPENDIX B -ABRIDGED POLICE REVIEW SUBMISSION OF 2017

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]

Tenant

of [REDACTED]

& Akther Hussain of [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.

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THIS LEASE is dated *11 October* 2016

PARTIES

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

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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

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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.

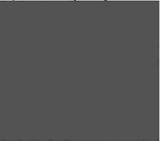
I STEPHEN SPARROW 42006895 County Licensing Officer Essex Police

(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 CM16 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) PLO182
--

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)

1

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 | x |
| 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 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]** Newell..... 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]

Signature witnessed by:

010 11 (1)
UKBA

RESTRICTED (when complete)

[Redacted]

APPENDIX B

[Redacted]

MG 11 (M)

WITNESS STATEMENT

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

Statement of

[Redacted]

URN:

[Redacted]

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 a statement 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]

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 Lee CLARKE. 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 with CIO Justin DAVIS 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 asked, [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 witnessed by:

NA

RESTRICTED (when completed)

MG 11 (M)

WITNESS STATEMENT

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

Statement of [REDACTED]

URN: [REDACTED]

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

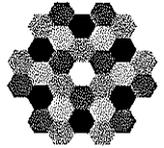
Tick if witness evidence is visually recorded (supply witness details on rear)

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:

RESTRICTED (when complete)



Official copy of register of title

Title number EX401802

Edition date 16.04.2018

This official copy shows the entries on the register of title on 12 JUL 2019 at 14:18:37.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 12 Jul 2019.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Peterborough Office.

A: Property Register

This register describes the land and estate comprised in the title.

ESSEX : UTTLESFORD

- 1 (04.04.1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 20 Watling Street, Thaxted, (CM6 2PE).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (07.08.2013) PROPRIETOR: MOHAMMED ABDUL MALIQUE of 20 Watling Street, Thaxted, Dunmow CM6 2PE.
- 2 (29.11.2005) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 3 (29.11.2005) The Transfer to the proprietor contains covenants in respect of the Charge dated 24 August 1997 referred to in the Charges Register.
- 4 (07.08.2013) The Transfer to the proprietor contains covenants in respect of the Charge dated 24 August 1997 referred to in the Charges Register.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (21.09.2000) REGISTERED CHARGE dated 24 August 1997 to secure the moneys including the further advances therein mentioned.
- 2 (16.04.2018) Proprietor: BARCLAYS SECURITY TRUSTEE LIMITED (Co. Regn. No. 10825314) of P.O. Box 16276, One Snowhill, Snowhill Queensway,

Title number EX401802

C: Charges Register continued

Birmingham B2 2XE.

End of register