



Licensing Authority

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

Essex police
Licensing Unit
Braintree police station
Essex
CM7 3DJ

Date: 10th January 2020

**OBJECTION TO APPLICATION FOR A PREMISES LICENCE (LICENSING ACT 2003)
India Villa, 20 Watling Street, Thaxted, CM6 2PE**

INTRODUCTION

- 1.0 This premises has a history of employing illegal workers and thus a history of undermining the crime and disorder objective (which includes the prevention of illegal working). Essex Police therefore makes representations against the issue of this licence.
- 1.1 Essex Police has twice initiated review proceedings (in 2017 & 2019) following the discovery of illegal workers at the premises and has previously successfully objected to the transfer of the licence. Essex Police seeks to rely on the documents it submitted in relation to all of these previous objections/review applications (see below) as part of its representation today.
- 1.2 From investigation and enquiry by Essex Police it is clear that despite earlier alleged changes in ownership and /or premises licence holder and DPS – [REDACTED] has remained managing the premises throughout an extensive period and in its eyes remains the 'primary mind' controlling the business, its employment practises and no doubt the main financial beneficiary of its profits.
- 1.3 Following a licensing sub-committee meeting on 1st October 2019 to consider a transfer of the premises licence and a review of the premises licence itself – the premises licence was revoked.
- 1.4 That revocation is now subject of an appeal and Essex Police considers that this application for a new licence is merely another attempt to deceive the licensing authority as to a changes in the licence holder and designated premises holder when [REDACTED] will remain in charge.

- 1.5 It is an unusual construct of the Licensing Act 2003 that a person may apply to be a premises licence holder and/or a designated premises supervisor and not be the beneficial owner of the premises or its operation, frequent the premises, manage the premises directly or even be the majority or sole beneficiary of any profits.
- 1.6 Essex Police contends that [REDACTED] will remain an active directing mind of the operation of the business and having twice been found employing illegal workers this practice will continue if a new licence is granted – this is merely an attempt to forestall the inevitable failure of the existing appeal.
- 1.7 Even if the sub-committee may in some way consider this application as genuine; Essex Police would ask the sub-committee members to consider the appeal court judgement of 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.

This judgement followed the decision of *R v Knightsbridge Crown Court ex parte International Sporting Club (London) Ltd* [1982] 1 QB 304 and the observations of Lord Justice Griffiths.

Here 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 wrongdoing 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 grant of a new 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."

- 1.8 Whilst this is an application for a new licence, Essex Police contends that this decision is most relevant. Even if the applicant were a genuine 'new start' – the existing beneficiaries of the existing revoked licence would benefit by a higher resale price for the business were a licence for the premises granted.
- 1.9 This application purports to be a new start with an applicant unconnected with how the premises has been run in recent years– it is not. Essex Police have evidence that suggests those who were involved in the running of the business then; still have links to the premises. This is described below.

BACKGROUND

- 2.0 In June 2017 when the premises were previously 'raided' and illegal workers discovered – [REDACTED] was present on the premises and described himself as the manager; though when questioned by the police licensing officer who was in attendance with the immigration officers – he seemed unable to assist with the whereabouts of the premises licence holder or DPS or even their identity – all very suggestive that then, as now, he was the controlling mind behind the venture. Appendix B of exhibit RS/1
- 2.1 A review of the premises licence 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 (Exhibit RS/2) – though subsequently an application for a new premises licence was applied for – allegedly by a new owner – and this was granted. It is particularly noteworthy that despite not being the licence holder or DPS of the premises, immediately after Essex Police submitted the review application in July 2017 that a new company was registered India Villa Thaxted Ltd, with its director as [REDACTED].
- 2.2 In 2017 the review was discontinued because allegedly new owners had taken over the premises; Essex Police gave credence to the possibility that there had really been a change in ownership and management and those running the premises would abide by the law and take steps to prevent employing illegal workers. Appendix B of Exhibit RS/1. Once review proceedings had been terminated all shares etc. were then transferred to [REDACTED] – clearly demonstrating an attempt to 'confuse' the licensing authority earlier and showing who was, and still is, the controlling mind running the premises.
- 2.3 Unfortunately, as evidenced in recent events the management did not change and illegal workers were still found to be at the premises in cramped and unhygienic conditions not suitable to live in. Document 2 of Exhibit RS/1

- 2.4 In June 2019 a review by Essex police was applied for as a result of police officers attending and identifying four illegal workers on the premises, and therefore undermining the prevention of crime and disorder licensing objective again. The premises licence was consequently revoked. An appeal of the decision has since been brought to magistrates with a plea and directions hearing set for 16/01/20.
- 2.5 It is quite clear that the application for a new licence was timed so that the last date of representations would be days before the first magistrates' court hearing of the appeal; allowing the appeal will be withdrawn if no representations were made: but allowing the ownership and management to continue as it has been for a number of years.
- 2.6 A transfer of the premises licence was also applied for in August 2019 and another objection was brought by Essex police and again the application was no more than an attempt to deceive sub-committee members and the same persons were believed to be managing the premises. The application was rejected by the committee at Uttlesford District council on 01/10/19. Exhibit RS/3 (decision notice)
- 2.7 The premises recent history under the leadership of the very same persons demonstrates that there have been no lessons learnt and this is merely a belligerent attempt to get the applicant's own way and reinstate the business as it has been
- 2.8 There is no suggestion the company has been sold to outside independent interests, or that management control has changed. The Land registry currently shows the same owner of the property as previous and no leasehold is registered. Companies' house still shows India Villa Thaxted Ltd being active with the sole director as a [REDACTED] - Exhibit RS/4.
- 2.9 Essex Police has asked the applicant for proof of sale/purchase of the business but none has been forthcoming.
- 2.10 The application shows the address of the proposed DPS and premises licence holder [REDACTED]. [REDACTED] - clearly [REDACTED] does not propose to regularly be as the premises and would be relying on local management - Essex Police contend that yet again this would be [REDACTED].
- 2.11 Despite questioning the applicant's representative on how [REDACTED] will be able to manage the restaurant and be in day to day control no answer has been given, save the applicant's representative thinks the journey is around 40 minutes. Exhibit RS/5 (application for a new premises licence)
- 2.12 At a meeting on 10th January 2020 between the applicant, the applicant's representative and the police - the police sought further explanation of how the

business would move forward. As police expected, the applicant stated that he had yet to purchase the premises, that any sale was conditional on achieving a grant of a new licence. (confirming Essex police's concerns) and that at least initially [REDACTED] would continue to run the premises. The applicant stated he was purchasing the business from [REDACTED] - even though [REDACTED] and is clearly running the business. At the meeting the applicant [REDACTED] was unable to articulate what right to work checks he was required to do further adding to Essex Police's concerns.

- 2.13 That the applicant can provide no detail of how he will manage the premises and cannot demonstrate a purchase of the business, belies the true nature of this application.
- 2.14 The original review hearing and our previous evidence is still relevant, please see Exhibit RS/1 which is the supplementary bundle for the 2019 review (which was enhanced during the hearing by the viewing of body worn footage from the visit)
- 2.15 Exhibit RS/6 is the decision notice from the hearing detailing the revocation.
- 2.16 This is merely an attempt to use the laxity of the licensing Act 2003 to obtain a new licence despite [REDACTED] remaining the controlling mind and ultimate recipient of the restaurant's profits with no proof of sale of the business or the intended licence holder or DPS being anything but that in name whilst the business owners remain unchanged.
- 2.17 It is the contention of Essex Police that this application is an attempt to allow the same persons to continue to run the premises. It is Essex Police's view that the employment of illegal workers will continue should this application be granted.
- 2.18 The Chief Officer of Police hereby objects to this application for the grant of a licence and proposes to adduce further documentary and other material ahead of the hearing date in accordance with the statutory guidance and the relevant Hearing Regulations and to amplify its representations at the sub-committee hearing.
- 2.19 Please advise me of when the Licensing Panel will be meeting to hear this so representative of the Chief Officer of Police can be in attendance.

Please be aware that this is a non-redacted document and may contain information not appropriate for the public domain.

Yours Faithfully,

[REDACTED]
Licensing officer

List of Exhibits

- RS/1 – Supplementary Bundle for the 2019 Review
(Appendix B RS/1 – Supplementary Bundle for the 2017 Review)
- RS/2 – Licence surrender email (2017)
- RS/3 – Decision Notice from the Hearing detailing the Transfer rejection
- RS/4 – Companies House information
- RS/5 – Application for a New premises licence
- RS/6 – Decision notice from the Hearing Detailing the revocation
- RS/7 – Land Registry
- RS/8 – Letter of support from Immigration enforcement



PUBLIC REDACTED VERSION

Premises Licence Review

Indian Villa

20 Watling Street, Thaxted, Essex, CM62PE

Supplementary documentary information in
support of review



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1.0 Outline of the Circumstances leading to the Review Application

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

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

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

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

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

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

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

2.0 Reason for review

Whether by negligence or wilful blindness several illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person is allowed to work. The sub-committee may take the view that this being the second time Mr HUSSAIN has been involved in employing illegal workers that this was a deliberate decision. It is an offence to work when a person is disqualified to do so and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.

- 2.1 The case of *East Lindsey District Council v Hanif* (see 8.11) determined that in such circumstances, even without a prosecution, the crime prevention objective is engaged. The statutory Guidance issued under the Licensing Act provides that certain criminal activity (in particular employing illegal workers) should be treated particularly seriously and it is envisaged that the police will use the review procedures effectively to deter such activities and crime.

- 2.2 Essex Police submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of a review is inappropriate; this is why Essex Police has proceeded straight to review.

3.0 Outcome Sought

- 3.1 Essex Police asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally.
- 3.2 This submission and appended documents provide the licensing sub-committee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.
- 3.3 It is in such circumstances as this review application that a respondent may suggest that conditions are imposed which would prevent a reoccurrence of the employment of illegal workers in the future; an argument that the sub-committee should take remedial and not punitive action.
- 3.4 However since 2006 (with the introduction of the Immigration, Asylum and Nationality Act 2006) employers have had a duty to conduct checks to ensure employees and potential employees are not disqualified from working. Only by completing the required checks and maintaining records of such checks can an employer demonstrate a 'statutory excuse' and evade liability for a civil penalty issued by Immigration Enforcement. In order to protect themselves, reputable employers have been conducting these checks since 1996 when it first became a criminal offence to employ illegal workers.
- 3.5 The 2006 Act already imposes duties and responsibilities on a company or individual seeking to employ a person – whether in the licensed trade or otherwise - to conduct right to work checks.
- 3.6 In seeking revocation, Essex Police has considered and rejected conditions as an alternative, in part because this is specifically addressed paragraph 1.16 of the Guidance, viz:
- "(...) Licence conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the employer (my emphasis) by other legislation".*
- 3.7 Conditions requiring an employer (or its agent) to undertake checks that are already mandated and where advice is readily available and clearly set out for employers, keep copies of documentation and to restrict employment until these checks are made etc. replicate the requirements of the 2006 Act and should be discounted.
- 3.8 Essex Police contends that a licence holder who has himself or through his agents Negligently or deliberately failed to conduct right to work checks which have been a Requirement since 2006 should not be afforded an opportunity to do so until caught and then merely be asked to do what they should have been doing already.

Deterrence and not mere remedy is appropriate and is supported by case law (as set out within section 8 of this submission).

- 3.9 Respondents who fail to convince a sub-committee that the imposition of conditions to undertake proper right to work checks is a suitable alternative to a deterrent outcome often point to the option of suspension of a licence; pointing out that this may be a suitable punitive response instead which will deter others.
- 3.10 Often this will include claims that the business has 'learnt its lesson' and that since its criminal activity has been discovered it has reconsidered its position, brought in new procedures, 'parachuted in' consultants and new managers etc. On occasion it is hinted that the respondent will 'accept' a suspension as an alternative to revocation, assuaging an authority's concern that an appeal may otherwise be launched. This is not a deterrent - a suspension merely warns other potential perpetrators that they may trade illegally until caught and then suffer only a brief hiatus in carrying out licensable activity before continuing with it. The risk of being caught is low so the consequence of being caught must be stiff in order to qualify as deterrence.
- 3.11 Essex Police would counter such claims and point to the continuing changes made to both immigration law and the Guidance (paragraphs 11.26 – 11.28) which point to a requirement to send a clear message to potential illegal immigrants that UK authorities will do all they can to prevent them finding illegal employment and a similar message to employers that those employing illegal workers will face severe disruption and penalties. There are simple processes (set out in section 5 of this submission) to avoid the hire of illegal workers and the legislative thrust is in avoiding the occurrence in the first place – not remedying the situation once discovered.
- 3.12 If it were not for criminally minded or complicit employers; illegal workers would not be able to obtain a settled lifestyle and deprive legitimate workers of employment. The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.
- 3.13 A firm response to this criminal behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and (unlawfully) inflate their profits to the expense of others.

4.0 Immigration Offences

- 4.1 Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or the revocation/suspension of their premises licence.
- 4.2 Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document 4.3 checks, i.e. that they were duped by fake or forged documents.
- 4.3 The Immigration Act 2016 came into force in July 2016 and its explanatory notes state that *"these offences were broadened to capture, in particular, employers who deliberately did not undertake right to work checks in order that they could not have the specific intent required to 'knowingly' employ an illegal worker"*.
- 4.4 Since 2016 an employer may be prosecuted not only if they knew their employee was disqualified from working but also if they had reasonable cause to believe that an employee did not have the right to work: what might be described as **wilful ignorance**, where either no documents are requested or none are presented despite a request. This means an offence is committed when an employer 'ought to have known' the person did not have the right to work.
- 4.5 Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant employer, an illegal worker cannot work. Such an employer facilitates a criminal offence and Essex Police
- 4.6 highlights this as relevant irrespective of whether a civil penalty is imposed or a prosecution launched for employing an illegal worker.

In this context, under section 3(1)(C)(i) Immigration Act 1971 (as amended by the 2016 Act) restrictions are not limited simply to employment (i.e. paid work) but now includes all work.

- 4.7 Thus an individual with no right to work in the UK commits offences if they undertake paid or unpaid work, paid or unpaid work placements undertaken as part of a course etc. are self-employed or engage in business or professional activity. For instance, undertaking an unpaid work trial or working in exchange for a non-monetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the 'employer'.

5.0 Steps to Avoid the Employment of an Illegal Worker

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

6.0 Relevance/Irrelevance of a Civil Penalty or Prosecution

- 6.1 An employer found to have 'employed' an illegal worker may, dependent on culpability and the evidence available, be issued with a civil penalty or prosecuted or indeed neither.
- 6.2 Where an illegal worker is detected a civil penalty may be issued against the employer in accordance with the Home Office Code of Practice on Preventing Illegal Working (May 2014). In the case of a civil penalty the balance of probabilities test applies whereas a prosecution requires a higher burden of proof.
- 6.3 However, to issue a civil penalty under section 15 Immigration, Asylum and Nationality Act 2006 the Home Office Code of Practice requires some proof that not only was an illegal worker working at the premises but they were 'employed'. Usually this is taken as meaning the illegal worker was under a contract of service or apprenticeship, whether express or implied and whether oral or written.
- 6.4 But where an employer has not bothered with the basics of return to work checks, placed an employee on 'the books', paid the minimum wage or paid employer national insurance contributions – it becomes difficult to 'prove' the employment statement

where the only evidence may be the word of an illegal worker who has since been detained or who has 'moved on'.

6.5 In such cases where paid employment cannot be demonstrated, a civil penalty may not be issued even where the premises licence holder or his agent has facilitated a disqualified person committing an offence under section 24B Immigration Act 1971 (as amended by Immigration Act 2016) of working illegally.

6.6 This does not however prevent the crime prevention objective being engaged with as the premises licence holder has nonetheless facilitated a criminal offence taking place and the lack of checks suggests that in the past (and is likely in the future) has employed illegal workers. In drawing its conclusion the sub-committee is entitled to exercise common sense and its own judgment based on the life experiences of its members. The *East Lindsey* case (see section 8) provides that action (revocation) to prevent what is likely to happen in the future is legitimate.

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

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

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

7.2 Essex Police submits that in the particular circumstances of cases where Immigration Compliance and Enforcement receive intelligence concerning the employment of illegal workers and act upon it; such warnings are inappropriate.

7.3 Not only would advance warning of enforcement activity prevent the detention of persons committing crimes and the securing of evidence; a warning after the event to comply with immigration legislation serves as no deterrent.

7.4 In particular; Essex Police submits that paragraph 11.10 of the Guidance must be read in conjunction with the more specific paragraphs relating to reviews arising in connection with crime (paras. 11.24 – 11.29).

7.5 *Paragraph 11.26*

Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. (...). The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

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

7.7 In particular; the sub-committee are asked to consider (below) the cases of *R (Bassetlaw District Council) v Worksop Magistrates' Court*; [2008] WLR (D) 350 and *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway)*, [2016] EWHC 1265 (Admin) where in both cases the High Court stated remedy of the harm or potential harm is not the only consideration and that deterrence is an appropriate consideration in dealing with reviews where there has been activity in connection with crime.

7.8 Paragraph 11.27 of the Guidance states:

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

Essex Police would draw the sub-committee's attention to the change in wording of this paragraph following the April 2017 revision of the guidance, where the previous reference to 'knowingly employing' was removed.

7.9 Paragraph 11.28 of the Guidance states:

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

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

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

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

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

8.0 Case Law

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

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

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

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

- 8.4 It specifically examined (and set aside in the case of 'certain activities') those parts of the Guidance now contained within paragraph 11.20 and 11.23, viz.

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises.

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

"Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective

and one contemplated by the guidance issued by the Secretary of State.(...) However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable."

- 8.6 Having confirmed the legitimacy of punitive measures (suspension/revocation) for offences listed in what is now contained within paragraph 11.27 of the Guidance, Mrs Justice Slade concerned herself with another aspect of the appeal – namely the imposition of conditions which were already present but not properly implemented (paragraph 34.1). In this case the appellant was suggesting that proof of age conditions (rather than revocation) could be imposed to ensure that the legal requirement not to sell alcohol to those under 18 years of age was met by him and his staff.
- 8.7 This has some similarity with any argument that may be put forward in the case before the sub-committee today that the imposition of conditions to check immigration status either directly or through an agency (*essentially a requirement since 2006 under the Immigration, Asylum and Immigration Act 2006*) would serve as sufficient remedy for the employment of illegal workers and negate a deterrent (suspension/revocation) being imposed by the sub-committee despite the wording of the Guidance at paragraph 11.28.
- 8.8 Mrs Justice Slade stated: *"The sixth new provision was acceptable identification to establish the age of a purchaser shall be a driving licence with photographs, passport or proof of age scheme card recognised by or acceptable by the licensing authority. I am told these provisions were already in place, but not properly implemented. No doubt those are perfectly sensible and appropriate provisions to be included on a licence. However it is said that the action taken on appeal being confined in effect to reiterating existing practice with a minimal addition was entirely inappropriate to meet the situation where there have been sales of alcohol to 14 year old girls"*.
- 8.9 Essex Police contends that in the case before the sub-committee the facts are similar. In the cited case straightforward sensible enquiries could have been made as to the age of the children and the imposition of additional conditions as a form of remedy was considered inappropriate by Mrs Justice Slade for 'those serious cases' set out in the Guidance.
- 8.10 In the case before the sub-committee, simple steps (set out at Appendix A) were available to prevent the employment of illegal workers – none were taken; the imposition of conditions to remedy this situation is inconsistent with the section 182 Guidance and this case citation. A negligent employer should expect revocation in the first instance.
- 8.11 *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway)*, [2016] EWHC 1265 (Admin)

This is a recent High Court decision (published April 2016) which has similarities with the one before the sub-committee in that it related to the employment of an illegal worker and where a prosecution for such had not been instigated.

Amongst other matters it had been argued for the premises licence holder that the crime prevention objective was not engaged where a prosecution or conviction for the employment of an illegal worker was not in place. Whilst the initial hearing may have suggested several illegal workers being employed, the High Court appeal and decision related to the employment of one individual and is therefore, Essex Police would argue, indistinguishable from the matter before the sub-committee today.

- 8.12 The case reaffirms the principle that responsible authorities need not wait for the licensing objectives to actually be undermined; that crucially in considering whether the crime prevention objective has been engaged a prospective consideration (i.e. what is likely to happen in the future) of what is warranted is a key factor. It also reaffirmed the case of *Bassetlaw* in concluding that deterrence is a legitimate consideration of a sub-committee.

Mr Justice Jay stated: *"The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence. In any event, I agree with Mr Kolvin that criminal convictions are not required."* (Paragraph 18)

Mr Justice Jay added: *"Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked."* (Paragraph 23)

APPENDIX A

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

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

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

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

General Advice

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

Checking the Documents

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

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

Taking a copy of the documents

When you copy the documents:

- make a copy that can't be changed, e.g. a photocopy
- for passports, copy any page with the expiry date and applicant's details (e.g. nationality, date of birth and photograph) including endorsements, e.g. a work visa
- for biometric residence permits and residence cards (biometric format), copy both sides
- for all other documents you must make a complete copy
- keep copies during the applicant's employment and for 2 years after they stop working for you

- record the date the check was made

If the job applicant can't show their documents

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

- you're reasonably satisfied that they can't show you their documents because of an outstanding appeal, administrative review or application with the Home Office;
- they have an Application Registration Card; or
- they have a Certificate of Application that is less than 6 months old

Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents don't allow the person to work. The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

ACCEPTABLE DOCUMENTS

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

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

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: [REDACTED]

Age if under 18 **Over 18** (If over 18 insert "over 18")

Occupation: Immigration Officer

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

Signature [REDACTED] Date: 26/06/2019

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

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

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

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

Home Office records show the following recorded:

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

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

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

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

Signature: [REDACTED] Signature Witnessed by: Page 18

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] [REDACTED]

Page 2

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

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

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

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

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

S ■ M ■ - ■ - BGD

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

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

07/06/16 – Listed as an absconder.

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

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

M - M - 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.

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

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

02/10/2015 Listed as an absconder.

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

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

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

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

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

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

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

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

Signature: [REDACTED] Signature Witnessed by:
2004/05(1)

WITNESS STATEMENT

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

URN

Statement of: [REDACTED]

Age if under 18: Over 18

(if over 18 insert 'over 18')

Occupation: Police Constable [REDACTED]

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

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

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

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

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

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

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

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

Signature: [REDACTED]

Signature witnessed by:

16/08/17

OFFICIAL

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

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

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

[REDACTED]

Signature:

[REDACTED]

Signature witnessed by:

2010/11

OFFICIAL

WITNESS STATEMENT

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

URN

Statement of: [REDACTED]

Age if under 18: Over 18

(if over 18 insert 'over 18')

Occupation: Police Constable 77458

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

Signature: [REDACTED] (witness) Date: 22/06/2019

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

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

Upon entering the restaurant we spoke with the owner **A [REDACTED] HUSSAIN [REDACTED]** who was very evasive and wasn't making a great deal of sense surrounding the questions I was asking him about an allegation made against one of his employees.

It was very quickly, evident that **HUSSAIN** was lying to us about who was working there, who his employees were and who he actually had present on site.

As a result of this, I asked **HUSSAIN** to show me around the restaurant to which he complied. Upon going into the residential upstairs flat, where **HUSSAIN** stated he lived, it was evident a lot of people were using the address to reside at. There were approximately 7 to 8 single beds all clearly in use crammed into three tiny rooms. I would describe the location as crammed, over accommodated and unhygienic and definitely not suitable to live in.

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

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

Signature: [REDACTED]

Signature witnessed by:

16/08/17

OFFICIAL

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

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

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

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

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

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

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

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

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

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

Signature: [REDACTED] Signature witnessed by:

2010/11

OFFICIAL

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

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

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

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

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

[REDACTED]

Signature: [REDACTED]

Signature witnessed by:

2010/11

OFFICIAL

WITNESS STATEMENT

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

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Statement of:

[REDACTED]

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

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

Signature:..

[REDACTED]

(witness) Date: 21st June 2019

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

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

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

Signature [REDACTED]

Signature witnessed by:

16/08/17

OFFICIAL

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

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

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

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

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

Signature:

Signature witnessed by:

2010/11

OFFICIAL

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

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

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

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

Signature: [REDACTED]

Signature witnessed by:

2010/11

OFFICIAL

[REDACTED]

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

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

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

Signature: [REDACTED]

Signature witnessed by:

2010/11

OFFICIAL

Page 30 of 30
PC [REDACTED] had gone into the address to try and find the keys and sorted out the other chef locking up. Once this was complete myself and PC [REDACTED] conveyed [REDACTED] to CLACTON CUSTODY where his detention was authorised by the custody Sgt.

I can produce my body worn as exhibit [REDACTED] [REDACTED]

Signature: ... [REDACTED]

Signature witnessed by:

2010/11

OFFICIAL

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

URN

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

Statement of: [REDACTED]

Age if under 18: Over 18

(if over 18 insert 'over 18')

Occupation: Police Constable 76596

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

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

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

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

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

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

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

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

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

Signature: [REDACTED]

Signature witnessed by:

16/08/17

OFFICIAL

Page 31

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

Signature: [REDACTED]

Signature witnessed by:

2010/11

OFFICIAL



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 Delara Malique is connected to both premises where illegal workers were employed and the balance of probability indicates that Mr Mohammad Abdul Malique – Delara'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

[Redacted signature block]


6895 Stephen Sparrow
Essex Police County Licensing Officer

[Redacted contact information]

DATED 11 October 2016

Mohammed Abdul Malique (1)

and


Akther Hussain (2)

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


Solicitors and Commissioners for Oaths
5 Clifton Plaza
31 Greatorex Street
London
E1 5NP

PREScribed CLAUSES

LR1. Date of lease

11 October

2016

LR2. Title number(s)

LR2.1 Landlord's title number(s)

EX401802

LR2.2 Other title numbers

None

LR3. Parties to this lease

Landlord

Mohammed Abdul Malique of

Tenant

of

& Akther Hussain of

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.

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.

APPENDIX B -ABRIDGED POLICE REVIEW SUBMISSION OF 2017

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

Witness

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

Witness Address

Witness Occupation

Radleys
Solicitors and Conveyancers - London
5 Chancery Place, 29-31 Greatorex Street, London E1 5NP
Tel: 0203 617 1990

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I STEPHEN SPARROW 42006895 County Licensing Officer Essex Police

(Insert name of applicant)

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

Part 1 - Premises or club premises details

INDIAN VILLA RESTAURANT
20 WATLING STREET

Post town Thaxted, Essex

Post code CM6 2PE

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

Mr Muhammed Abdul Malique

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

PL0182

Part 2 - Applicant details

I am

Please tick ✓ yes

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

☐

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

X

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

☐

APPENDIX B -ABRIDGED POLICE REVIEW SUBMISSION OF 2017

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

x

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

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

The premises operates as an Indian Restaurant

The Premises Licence Holder is Muhammed Abdul MALIQUE

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

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

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

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

The targets of the operation were two immigration offenders, [REDACTED] and [REDACTED], both Bangladesh nationals. 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 manager, 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

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:

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 was [REDACTED] [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:

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)

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.

Signature:

Signature witnessed by:

010 11 (1)
UK9A

RESTRICTED (when complete)

WITNESS STATEMENT

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

Statement of

URN:

Age if under 18

Over 18

(if over 18 insert 'over 18') Occupation:

Immigration Officer

This statement (consisting of: ... 1..... pages each signed by me) is true to the best of my knowledge and belief and I make 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

Date:

FRIDAY 16TH JUNE 2017Tick if ☐ fully recorded☐ (supply witness details on rear)

I am an Immigration Officer currently based at the ICE EAST OF ENGLAND SUFFOLK & NORTH EAST ESSEX, CUSTOM HOUSE, VIEWPOINT ROAD, FELIXSTOWE, SUFFOLK, IP11 3RF. Whilst on duty on Wednesday the 14th of June 2017 at 15:45 hours, I attended a briefing held by Officer in Charge IO [REDACTED]. An enforcement visit was to be carried out by execution of a paragraph 17(2) Schedule 2 warrant at THE INDIA VILLA, 20 WATLING STREET, THAXTED, ESSEX, CM6 2PE following an allegation of illegal working. I was allocated the role of an arresting officer [REDACTED] acting as my cover. At approximately 18:00 hours, I arrived at the target address and entered via the rear access point and headed straight into the kitchen where I encountered three males preparing food. I displayed my Home Office Identification and explained that I was there to investigate reports of illegal working and asked them to put knives down and turn off the cookers. I directed all three males along a corridor leading to a designated area within the restaurant. I began my investigation by speaking with one of the males I had located in the kitchen who was wearing chef's 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 Ali 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.

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

URN:

Age if under 18

Over 18

(if over 18 insert 'over 18') Occupation:

Immigration Officer

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

Signature:

IMMIGRATION OFFICER

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 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 and I left the premises at 1835hrs and returned to the vehicle. I make this statement as soon as practicable with

[illegible]

Sec 10 (a) The Licensing Act 2003 (Hearings) Regulations 2005

Premises Licence Review – Indian Villa, Premises licence number: PL0182

Essex Police have been in discussion with the Premises Licence Holder – [REDACTED] – through his legal advisor. [REDACTED], as licence holder and landlord, has recently taken steps to assist the police in this matter and he is making efforts to remove [REDACTED] as the tenant. The police have made objection to [REDACTED] that his continued involvement at the premises does not promote the licensing objectives. [REDACTED] has now agreed to surrender the Premises Licence as indicated below.

The surrender of the licence is therefore made on the understanding that Essex Police will work with [REDACTED] in submitting an application for a new Premises Licence at these premises, replacing the tenant, and in agreeing terms and conditions such that Essex Police will have no grounds on which to make any representations to that application and that a suitable new Designated Premises Supervisor can be identified.

[illegible]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Indian Villa Restaurant, 20 Watling Street, CM6 2PE - surrender of premises licence
Importance: High

Dear Sirs,

Pursuant to section 28 Licensing Act 2003 for and on behalf of the licence holder I hereby surrender the premises licence for this premises. The original licence has been lost as previously indicated to the authority and it is not possible to send the original licence to the authority.

Should you have any questions please do not hesitate to contact me.

Best regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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DECISION NOTICE –INDIA VILLA, 20 WATLING STREET, THAXTED (2)

The application before the Panel today is for a transfer of the premises licence of the India Villa restaurant, Watling Street, Thaxted. The application is dated 17th August 2019 and is opposed by Essex Police as the responsible authority, pursuant to the crime and disorder licensing objective.

We have a report before us and have considered the Licensing Act 2003, the Home Office's most recently Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) and Uttlesford District Council's Statement of Licensing Act 2003 Policy 2017-22. We also have before us a copy of the transfer application and of the Police objection, and note that the Applicant, the police and the previous licence holder have been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and Licensing Act 2003 (Hearings) (Amendment) Regulations 2005 ("the Regulations"). Information to accompany the notice of hearing was also provided in accordance with "the Regulations", and if we refuse the application today then the situation reverts to the pre 17th August 2019 status quo as though the application had never been made.

By way of background, the India Villa restaurant licence has something of a chequered history. Today, we are here to consider the Police objection to the application for the transfer of the premises licence, and decide whether to:

- (a) Grant the application for the transfer of the premises licence from Ashik Miah to Surma Villa Ltd or
- (b) Reject the application for the transfer of the premises licence to Surma Villa Ltd if appropriate to do so in order to promote the crime prevention objective.

We remind ourselves that in carrying out our statutory function, we must promote the the licensing objectives as set out in the 2003 Act, namely:-

- a. The prevention of crime and disorder
- b. Public safety
- c. The prevention of public nuisance
- d. The protection of children from harm

There is no hierarchy of importance and all must be given equal weight.

An application for the transfer of an existing premises licence under Section 42 of the Act is normally a straightforward procedure and is dealt with administratively under delegated authority. Notice of the application needs to be served on the Police and also the Home Office if alcohol and/ or late-night refreshment are involved.

Under Section 42 (6) of the Act, however, where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective then he must serve notice of this objection upon the Licensing Authority within fourteen days of receiving the application. When such an objection is received from the Police the matter must be referred to the Licensing and Environmental Health Committee for a hearing to determine the application. Such is the position in this case.

An application to transfer a premises licence under the Licensing Act 2003 was received by Uttlesford District Council ("the Licensing Authority") from Surma Villa Ltd on 22 August 2019 (Appendix 1).

Surma Villa Ltd has applied to transfer the premises licence into its name from the current licence holder, Mr Ashik Miah. Records show that Premises Licence no PL0406 was granted to Mr Miah on 25 May 2018.

In this case the request was for the transfer to have immediate effect and it was administered by the Licensing Authority accordingly. Section 43 of the Act allows the premises licence to have effect during the "application period" as if the applicant were already the holder of the licence. This began when the application was received by the Licensing Authority and ends when the application is granted, or if it is rejected, at the time the rejection is notified to the applicant. If a decision is made to appeal a determination, then the "application period" continues until the determination by that court.

On 28 August 2019 the Licensing Authority received a notice of objection under Section 42 (6) of the Act from Essex Police including a detailed statement of their reasons for objecting (Appendix 2). These reasons were considered by the

Licensing Team Leader to be a valid objection under the Act, and therefore the matter was placed before us to determine the application under Section 44 (5) of the Act.

To recap, the decisions available to the Committee in respect of this application are to

- (a) grant the transfer of this premises licence to Surma Villa Ltd or
- (b) to reject the application for the transfer of the premises licence to Surma Villa Ltd if it considers it appropriate to do so for the promotion of the crime prevention objective.

Whatever option is decided upon, clear reasons should be given for the decision.

The premises are already the subject of a review application, which is due to be determined by the Licensing and Environmental Committee on 1 October 2019. The review application was made by the Police on the grounds of crime and disorder relating to immigration offences.

Paragraph 8.101 of the Secretary of State's Guidance states that objections to transfers are expected to be rare and arise because the police or the Home Office have evidence that the business or individuals are involved in crime, in this case the employment of illegal workers.

The applicant has not attended before us today but we are satisfied that they have had proper notice of this hearing and indeed were personally served by the Enforcement Officer, at a date giving them ample opportunity to make any necessary arrangements. WE have however, heard from Mr Burke on behalf of Essex Police, who was supported by the Interested Party, a neighbouring resident.. WE have read all the papers before us and have been told today by both the Interested Party and by the Enforcement Officer, that Mr A Hussein remains in day to day control of the premises. The only thing that has actually been transferred is one £1.00 share in a limited company, and we note from the Companies House documentation provided by the Police that both transferor and transferee reside at the same address. This is

not a new business, much less an unconnected applicant and we do not believe that anything will change.

We have taken into account everything we have both read and heard and at this point I repeat the provisions of the April 2018 edition of the Home Office Guidance. I make no apology for doing so. It **specifically** includes immigration offences in the list of matters Licensing committees are required to take into consideration, and says:- "There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises for.....

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

The grounds upon which the Police have made this application are that Licensing Objective One, the prevention of crime and disorder, has been breached. The important word is "prevention" and

This Committee's primary function is the protection of the public. Though we are not a Court and the standard of proof before us is the civil one of the balance of probabilities, we are satisfied that the Police, supported by the Interested Party have made out their case and that the application for the transfer of the premises licence should be refused. The licence therefore reverts to its previous holder Mr Miah with immediate effect.

There is a right of appeal against this decision which must be exercised within a period of 21 days and during this period the license remains in force. Everyone before us will receive a letter from the Legal Department enclosing a copy of this decision notice and explaining their rights of appeal.

Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

INDIA VILLA THAXTED LTD

Company number **10885008**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/10885008/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/10885008/persons-with-significant-control)

Filter officers

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Current officers

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2 officers / 1 resignation

HUSSAIN, Mohammad Akther

Correspondence address **20 Watling Street, Dunmow, Essex, England, CM6 2PE**

Role Active **Director**

Date of birth **September 1969**

Appointed on **23 April 2018**

Nationality **British**

Country of residence **England**

Occupation **Director**

HYE, Abdul

Correspondence address **20 Watling Street, Dunmow, Essex, England, CM6 2PE**

Role Resigned **Director**

Date of birth **March 1985**

Appointed on **26 July 2017**

Resigned on **22 April 2018**

Nationality **British**

Country of residence **England**

Occupation **Director**

Tell us what you think of this service(link opens a new window) (<https://www.research.net/r/S78XJMV>) Is there anything wrong with this page?(link opens a new window)

([https://beta.companieshouse.gov.uk/help/feedback?](https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/10885008/officers)

sourceurl=<https://beta.companieshouse.gov.uk/company/10885008/officers>)

Uttlesford District Council



Application for a Premises Licence to be granted 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/We

[REDACTED]

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

| | | | |
|---|---------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description RESTAURANT 20 WATLING STREET | | | |
| Post town | THAXTED | Postcode | CM6 2PE |

| | |
|---|--------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £14250 |

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

- a) an individual or individuals * ☒ please complete section (A)
- b) a person other than an individual *

- | | | | |
|-----|---|--------------------------|-----------------------------|
| i | as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii | as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii | as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv | other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |
| e) | the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) | a health service body | <input type="checkbox"/> | please complete section (B) |
| g) | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) | the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

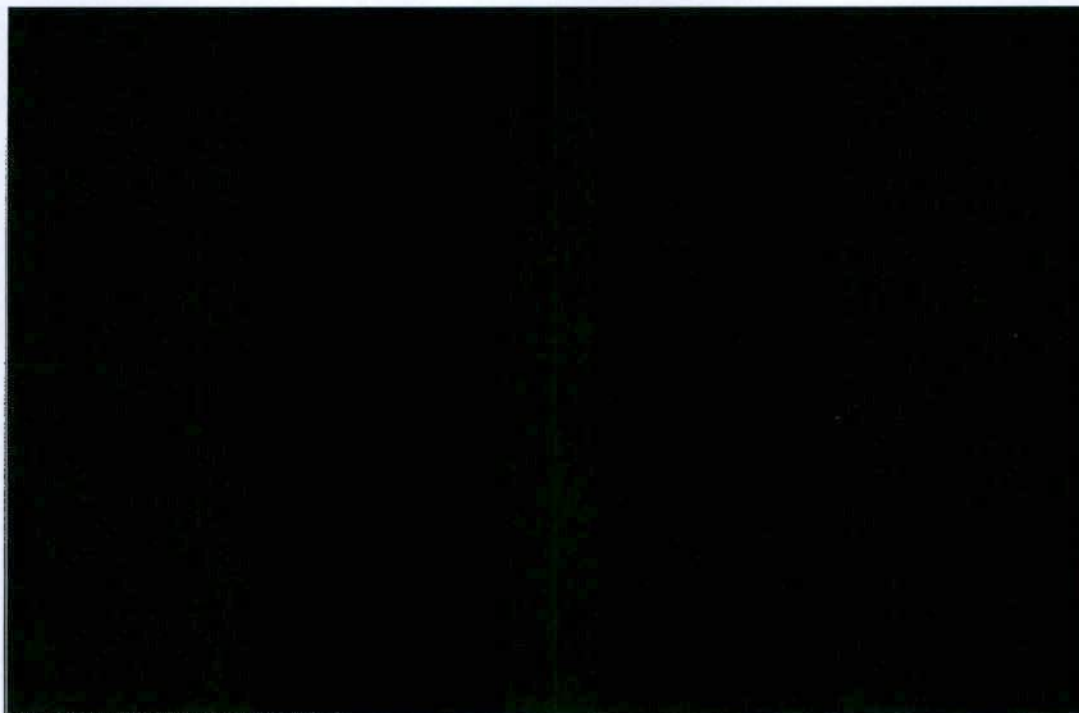
I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)



SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|---|------------------------------|---|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth over | | I am 18 years old or <input type="checkbox"/> Please tick yes | | | |
| Nationality | | | | | |
| Current postal address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|---|
| Name |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| DD | MM | YYYY |
|----|----|-------------|
| 1 | 5 | 0 1 2 0 2 0 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| DD | MM | YYYY |
|----|----|------|
| | | |

Please give a general description of the premises (please read guidance note 1)
RESTAURANT

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

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

| | | | | | |
|---|-------|--------|--|--|-----------------------------------|
| Plays Standard days and timings (please read guidance note 7) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3) | | Indoors <input type="checkbox"/> |
| | | | | | Outdoors <input type="checkbox"/> |
| Day | Start | Finish | | | Both <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for performing plays (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

B

| | | | | | |
|---|-------|--------|---|--|-----------------------------------|
| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) | | Indoors <input type="checkbox"/> |
| | | | | | Outdoors <input type="checkbox"/> |
| Day | Start | Finish | | | Both <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

C

| | | | |
|--|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| Wed | | | |
| Thur | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6) |
| Sat | | | |
| Sun | | | |
| | | | |

D

| | | | | | |
|--|-------|--------|--|--|-----------------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | | Indoors <input type="checkbox"/> |
| | | | | | Outdoors <input type="checkbox"/> |
| | | | | | Both <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

E

| | | | | | |
|--|-------|--------|---|----------|-------------------------------------|
| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) PRIVATE ENTERTAINMENT CONSISTENT WITH RESTAURANT AND AS HAS BEEN AUTHORISED AT THE PREMISES FOR MANY YEARS | | |
| Mon | 00:00 | 00:00 | | | |
| | | | | | |
| Tue | | | | | |
| | 00:00 | 00:00 | | | |
| Wed | 00:00 | 00:00 | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| | | | | | |
| Thur | 00:00 | 00:00 | | | |
| | | | | | |
| Fri | 00:00 | 00:00 | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| Sat | 00:00 | 00:00 | | | |
| | | | | | |
| Sun | 00:00 | 00:00 | | | |
| | | | | | |

F

| | | | | | |
|--|-------|--------|---|----------|-------------------------------------|
| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | | | |
| Day | Start | Finish | | | |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) CONSISTENT WITH THE USE OF A RESTAURANT. THE HOURS SET OUT ARE FOR PRIVATE ENTERTAINMENT, | | |
| | | | | | |
| Tue | 00:00 | 00:00 | | | |
| | | | | | |
| Wed | 00:00 | 00:00 | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| | | | | | |
| Thur | 00:00 | 00:00 | | | |
| | | | | | |
| Fri | 00:00 | 00:00 | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| Sat | 00:00 | 00:00 | ON NEW YEARS EVE FOR THE PUBLIC IT WILL BE FROM 11:00 ON NEW YEARS EVE THROUGH TO 23:30 NEW YEARS DAY | | |
| | | | | | |
| Sun | 00:00 | 00:00 | | | |
| | | | | | |

G

| | | | | | |
|---|-------|--------|--|----------|-------------------------------------|
| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) PRIVATE ENTERTAINMENT CONSISTENT WITH A RESTAURANT AND AS HAS BEEN AUTHORISED AT THE PREMISES FOR MANY YEARS | | |
| | | | | | |
| Tue | 00:00 | 00:00 | | | |
| | | | | | |
| Wed | 00:00 | 00:00 | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| | | | | | |
| Thur | 00:00 | 00:00 | | | |
| | | | | | |
| Fri | 00:00 | 00:00 | Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| Sat | 00:00 | 00:00 | | | |
| | | | | | |
| Sun | 00:00 | 00:00 | | | |
| | | | | | |

H

| | | | | |
|--|-------|--------|--|---|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing PRIVATE ENTERTAINMENT SIMILAR TO E,F OR G. | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors <input checked="" type="checkbox"/> |
| Mon | 00:00 | 00:00 | | Outdoors <input type="checkbox"/> |
| | | | | Both <input type="checkbox"/> |
| Tue | 00:00 | 00:00 | <u>Please give further details here</u> (please read guidance note 4) PRIVATE ENTERTAINMENT CONSISTENT WITH RESTAURANT AND AS HAS BEEN AUTHORISED AT THE PREMISES FOR MANY YEARS | |
| | | | | |
| Wed | 00:00 | 00:00 | | |
| | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) | |
| Thur | 00:00 | 00:00 | | |
| | | | | |
| Fri | 00:00 | 00:00 | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | |
| | | | | |
| Sat | 00:00 | 00:00 | | |
| Sun | 00:00 | 00:00 | | |
| | | | | |

| | | | | | |
|--|-------|--------|---|----------|-------------------------------------|
| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 23:00 | 23:30 | Please give further details here (please read guidance note 4) CONSISTENT WITH A RESTAURANT | | |
| | | | | | |
| Tue | 23:00 | 23:30 | | | |
| | | | | | |
| Wed | 23:00 | 23:30 | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | | |
| | | | | | |
| Thur | 23:00 | 23:30 | | | |
| | | | | | |
| Fri | 23:00 | 23:30 | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) ON NEW YEARS EVE 23:00 TO 05:00 NEW YEARS DAY | | |
| | | | | | |
| Sat | 23:00 | 23:30 | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

J

| | | | | | |
|---|-------|--------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | |
| Mon | 10:00 | 23:00 | | | |
| | | | | | |
| Tue | 10:00 | 23:00 | | | |
| | | | | | |
| Wed | 10:00 | 23:00 | | | |
| | | | | | |
| Thur | 10:00 | 23:00 | | | |
| | | | | | |
| Fri | 10:00 | 23:00 | | | |
| | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) ON NEW YEARS EVE 10:00 TO THE START OF AUTHORISED HOURS ON NEW YEARS DAY | | |
| Sat | 10:00 | 23:00 | | | |
| | | | | | |
| Sun | 12:00 | 22:30 | | | |
| | | | | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):



□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
NONE

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | 10:00 | 23:30 | |
| | | | |
| Tue | 10:00 | 23:30 | |
| | | | |
| Wed | 10:00 | 23:30 | |
| | | | |
| Thur | 10:00 | 23:30 | |
| | | | |
| Fri | 10:00 | 23:30 | |
| | | | |
| Sat | 10:00 | 23:30 | |
| | | | |

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
NEW YEARS EVE 10:00 TO THE START OF AUTHORISED HOURS ON NEW YEARS DAY

| | | | |
|-----|-------|-------|--|
| Sun | 12:00 | 23:00 | |
| | | | |

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

PREMISES HAS OPERATED AS A RESTAURANT FOR MANY YEARS AND IT IS INTENDED THAT THE PREMISES WILL CONTINUE TO OPERATE AS A RESTAURANT. PLANNED REFURBISHMENT BUT NO CHANGE TO LAYOUT. SEE APPENDIX A FOR PROPOSED CONDITIONS

b) The prevention of crime and disorder

SEE A ABOVE

c) Public safety

SEE A ABOVE

RISK ASSESSMENTS WILL BE CARRIED OUT AND IMPLEMENTED

d) The prevention of public nuisance

SEE A ABOVE

e) The protection of children from harm

SEE A ABOVE

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
|--------------------|--|



For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |



Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

2. In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority

concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,

- evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

APPENDIX A

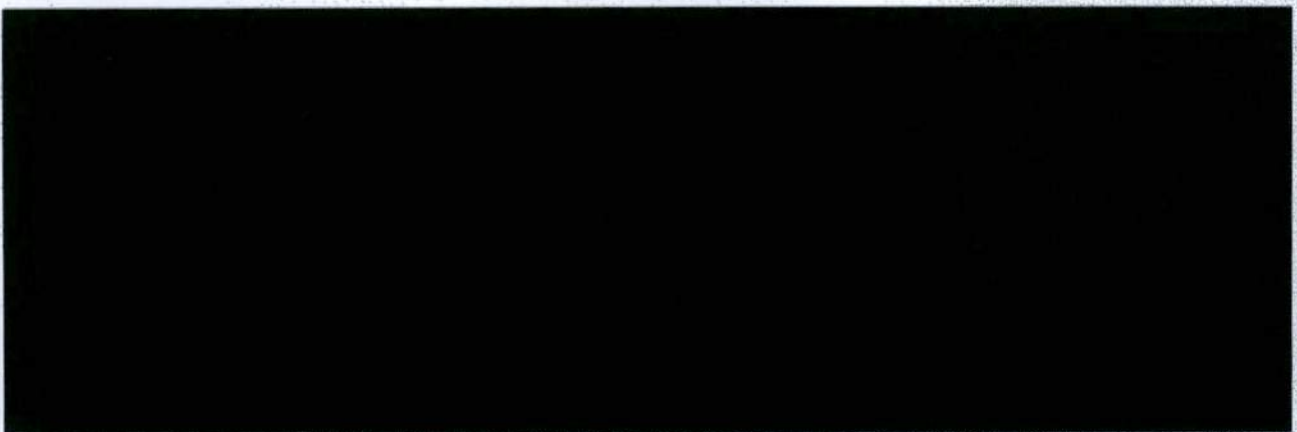
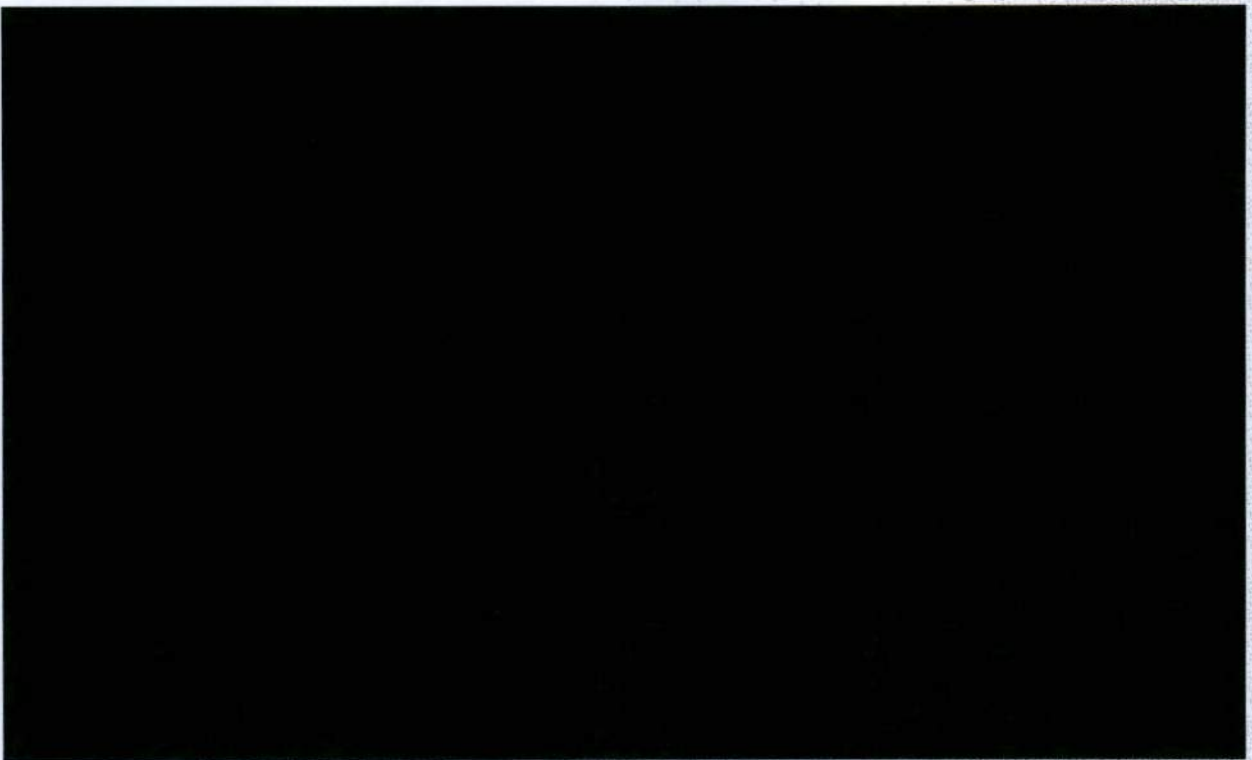
RESTAURANT, Thaxted – New premises licence application

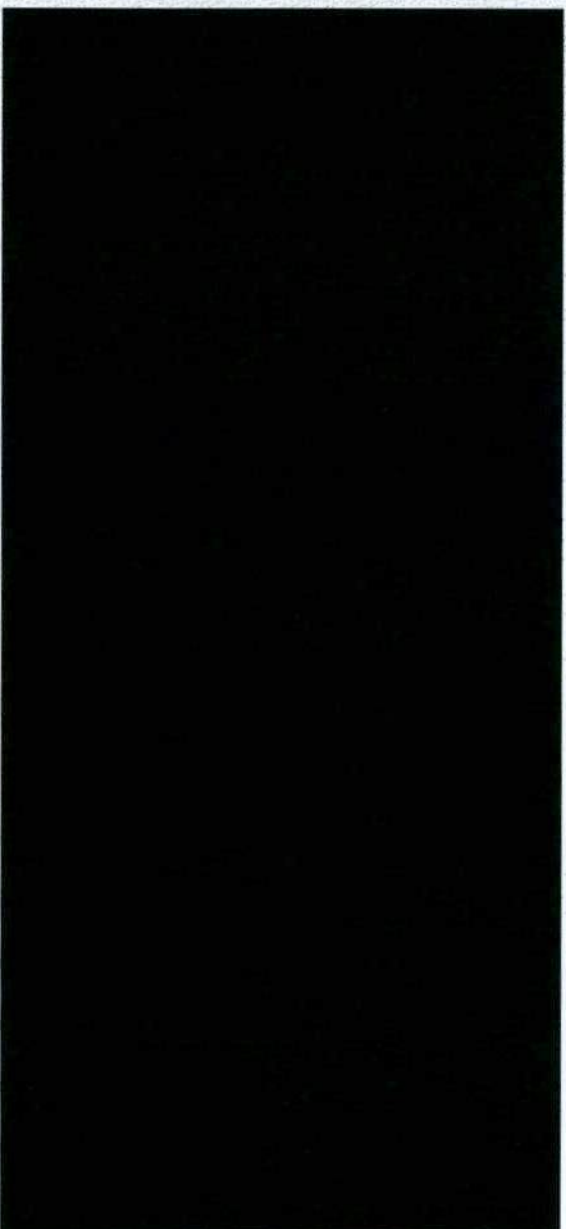
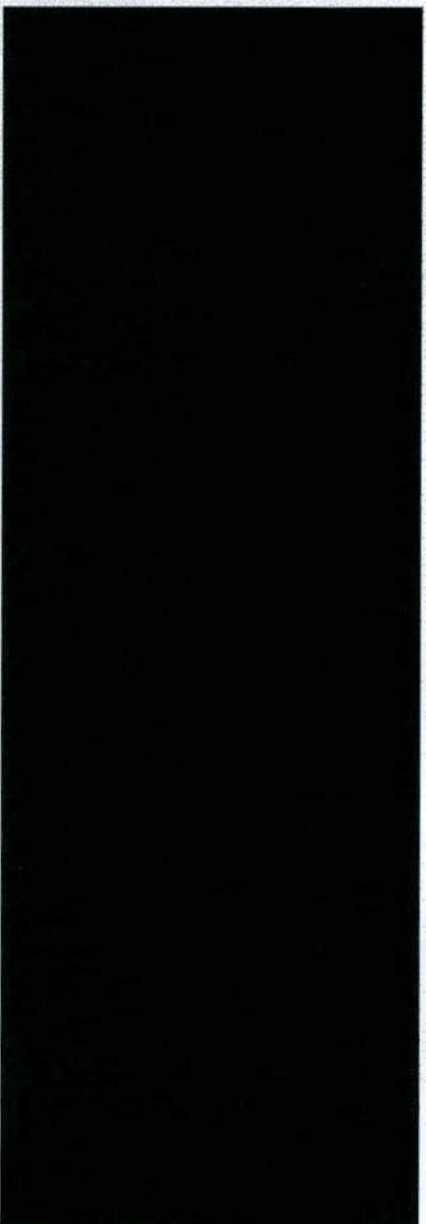
- PROPOSED CONDITIONS

1. CCTV will be installed, maintained and operated to record whilst the premises is open to the public. Recordings will be kept for a minimum period of 7 days and subject to The Data Protection Act 2018 will be provided to the police or licensing authority within a reasonable period of a request.
2. Substantial refreshment will be available at all times the premises are open for the sale of alcohol.
3. Alcohol supplied for consumption on the premises or in the garden to the rear of the premises will only be supplied by waiter/waitress service to persons seated at tables.
4. Save for condition 2 above alcohol supplied for consumption off the premises will only be supplied in a sealed container. This does not prevent a customer having had a table meal at the premises from taking home any part finished bottle of alcohol at the conclusion of their meal.
5. A 'Challenge 25' proof of age scheme shall be operated, whereby any person who appears to be under the age of 25 years seeking to purchase alcohol will be required to produce on request an item which meets the mandatory age verification requirement as either a:
 - Valid Passport;
 - Photographic National driving licence;
 - Proof of age card bearing the PASS Hologram;
 - Photographic National identity card, or
 - Biometric immigration document
6. The premises shall clearly display signs at the point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force. Such signs shall be a minimum size of 200 x 150mm.
7. Individual personnel records shall be maintained for each member of staff, which will contain as a minimum, copies of their right to work checks, training records and relevant qualifications, which will be kept on the premises for a minimum of 12 months and made immediately available to police or licensing authority staff upon reasonable request, save any access to personal and irrelevant material.
8. The authority in writing will be kept on the premises and made available to police or licensing authority staff upon request.

9. A refusals record shall be maintained at the premises which detail all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police or licensing authority staff upon reasonable request.

[name and address of premises to which the application relates]

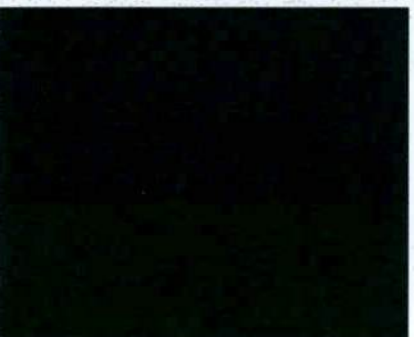




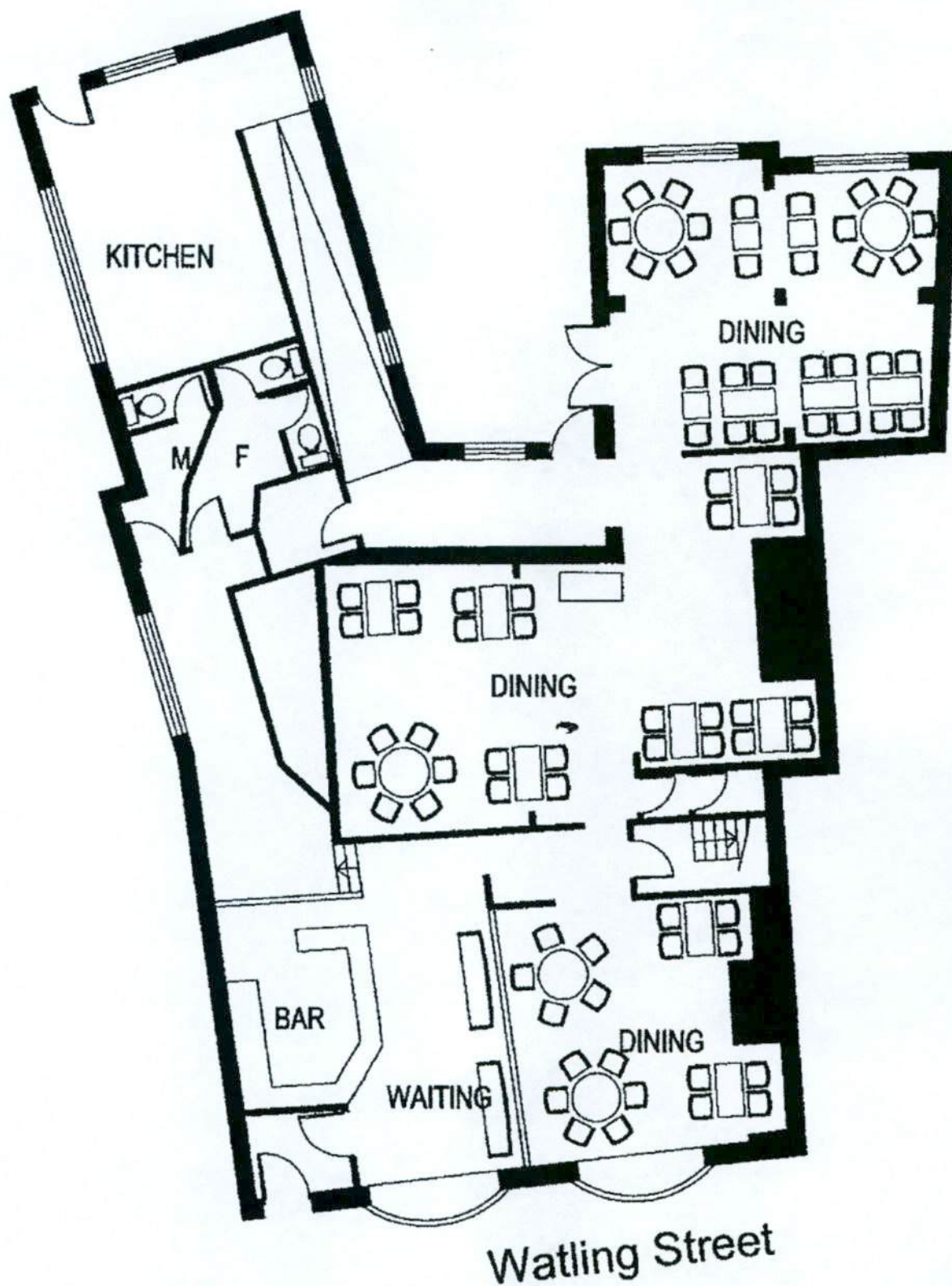
Signed

Name (please print)

Date

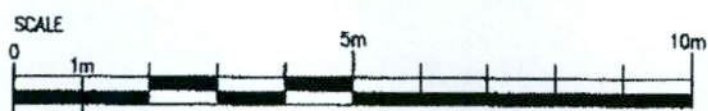


Three horizontal lines for writing the date.



1:100

GROUND FLOOR PLAN



DECISION NOTICE –INDIA VILLA, 20 WATLING STREET, THAXTED (3)

The application before the Panel today is for the review of the premises licence of the India Villa restaurant, Watling Street, Thaxted. The application is dated 28th June 2019 and is at the behest of Essex Police as a responsible authority, pursuant to the crime and disorder licensing objective. We have already refused a tactical application for the transfer of the licence, made in the hope that thereby this application could be forestalled.

We have had sight of a detailed report and have considered the extensive background papers, including:-

- (a) Premises licence
- (b) Plan of premises
- (c) Review application documentation from Essex Police under the Crime and Disorder objective.
- (d) Letter from a neighbouring resident (the Interested Party)

We have also had sight of the Licensing Act 2003, the Home Office's most recently Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) and Uttlesford District Council's Statement of Licensing Act 2003 Policy 2017-22. Further, we have also been referred to case law which specifically provides that a) deterrence of others is a consideration that this Committee may have in mind (*The Queen on the Application of Bassetlaw District Council v Worksop Magistrates Court [2008] EWHC 3530 Admin*) in making its decision and b) there does not have to be a conviction for an offence under the 2006 Act for a licence to be revoked under the crime prevention objective (*East Lindsey District Council v Hanif t/a Zara's Restaurant and takeaway [2016] EWHC 1265 Admin*)

By way of background, the India Villa restaurant is situated on the main road going through Thaxted, opposite the church. A plan showing its location is before us, and historically, the original application for a premises licence was granted on 18 November 2005. No representations were made in respect of the application and it was granted as applied for; there was no previous Justices' licence.

In June 2017 there was an application to change the Designated Premises Supervisor (DPS). The Licensing Authority received a letter from the Police objecting to the proposed candidate, and at the commencement of the hearing on 31 July 2017 the application was withdrawn. At the same time, the Licensing Authority had also received an application for the review of the premises licence from Essex Police on the 5 July 2017 on the grounds of the prevention of crime and disorder. A hearing was scheduled to take place on 23 August 2017 but the licence was surrendered on 22 August 2017, and the review hearing did not take place.

A new premises licence was applied for in September 2018. No objections were received to this application so it was granted under delegated powers on 13 October 2018, and details of this licence (along with its hours and activities) are set out in our papers. The Council received the application before us on the 28 June 2019 on the grounds of the prevention of crime and disorder. The review application submitted by Essex Police is before us, including witness statements made under S9 Criminal Justice Act and other evidence: it is made pursuant to the crime and disorder objective, the reason being that police officers discovered disqualified persons working illegally on the premises.

The statutory crime and 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.

In carrying out the statutory function, the Licensing Authority must promote the the licensing objectives as set out in the 2003 Act, namely:-

- a. The prevention of crime and disorder
- b. Public safety
- c. The prevention of public nuisance
- d. The protection of children from harm

There is no hierarchy of importance and all must be given equal weight.

Following receipt of the Police application, procedurally a Notice of Review was issued by Uttlesford District Council's Licensing Department and served by the Council's Licensing Enforcement Officer on 1 July 2019. The Notice was displayed in the front window of the premises and details of the review have been advertised on the Council's website. The Notice advised of the grounds for the review and requested representations should be made between 29 June and 26 July 2019 to Uttlesford District Council in writing. All Statutory consultees were served a copy of the review application on 1 July 2019. No additional comments/representations were received from other statutory consultees during the 28 day consultation period, but one representation has been received during the 28 day consultation period from an interested party under the crime and disorder objective. This letter is before us and identifies ongoing alleged public nuisance concerns, both criminal and in terms of antisocial behaviour

The options that are available to this Committee are to

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

We are advised that when carrying out a review of a licence, due regard should be given to the Licensing Act 2003 as amended and Regulations made thereunder, the Council's Licensing Policy and the Home Office Guidance issued under Section 182

of the Licensing Act 2003. The most recent edition of this guidance issued in April 2018 includes new provisions in respect of immigration issues.

We quote these as follows:-

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

Paragraph 4.22 goes on to highlight the importance placed on immigration offences, as it considers that it is grounds for objecting to the granting of a personal licence on the basis that it would be prejudicial to the prevention of crime and disorder, while *Paragraph 8.99* says (although in respect of objections to the transfer of a premises licence, again highlights that it would be appropriate), 'in exceptional circumstances for objections to be raised by the police or immigration officials where the transfer would be prejudicial to the prevention of illegal working.'

The following paragraphs of the Guidance deal specifically with reviews of the premises licence, where crime and disorder is an issue. They highlight the seriousness with which the Secretary of State expects licensing authorities to treat immigration offences on licensing premises. Again, we quote:-

Paragraph 11.18 says 'Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.'

Paragraph 11.26 further says 'Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is

solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder. '

Paragraph 11.27 goes on to say 'There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

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

Paragraph 11.28 provides that '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.'

Moving on, the Council's Licensing Policy (which may be found on our website) contains the following relevant paragraphs

- 3.3 The prevention of crime includes the prevention of immigration crime, and the Licensing Authority will work with Home Office Immigration Enforcement in respect of these matters.
- The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. If representations are made to the Licensing Authority **applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events [our emphasis].**
- 3.4 When addressing the issue of crime and disorder, the applicant should consider those factors that impact on crime and disorder. These may include:
- Underage drinking
 - Drunkenness on premises
 - Public drunkenness
 - Drugs
 - Violent behaviour
 - Anti-social behaviour
 - **Illegal working**

Control Measures

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

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

We are advised that if the Committee in its decision wishes to impose additional conditions, which is an option open to us among those listed earlier, the only conditions that we can impose are those that are necessary and proportionate to

promote the licensing objective relative to the representations received. They must not duplicate the effect of existing legislation.

The Home Office Guidance provides further assistance to us in paragraph 10.8 and 10.10 thereof, when it states that a licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. We understand that the 2018 Guidance is the first edition to **specifically** include immigration offences in the list of matters Licensing Committees are required to take into consideration, and says:-

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

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

This repeats and reinforces the position at common law, and we have been referred to the decision of Mr Justice Jay in the *East Lindsey* case [2016] EWHC 1265, where he states

"The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder....the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence....criminal convictions are not required."

We have read all the papers before us, and we have seen bodycam footage provided by the Police. We have also heard oral representations from Mr Burke on behalf of the Police and from the Interested Party, a neighbouring resident. Neither the premises licensee, the DPS or the transfer applicants have attended before us today, and since the transfer application was refused this morning the relevant parties are once more India Villa Thaxted Ltd and Ashik Miah. WE are satisfied that all involved were aware of the hearing before us and taking into account the interests of others involved and of the wider public interest we deemed it appropriate to proceed after deferring the start of the hearing to take account of traffic.

We have heard a great deal about the operation of these premises this morning, and note that there are a considerable number of matters not within the purview of the Licensing Authority. We understand from Mr Burke that a number of investigations by both Essex Police and UKBA are ongoing and we are informed that the Council's Environmental Health teams are investigating a number of other matters: yet further matters are within the purview of yet other authorities and we trust that the Police are in contact with them.

We are mindful of the four licensing objectives and consider that three of them have been breached: crime and disorder, public safety and public nuisance. The interested Party has raised matters with us additional to those raised by the Police and we are concerned at the behaviour to which local residents are subjected; this includes issues arising from the multiple occupancy of the upper rooms in the India

Villa building and the bodycam footage we have seen shows the disgraceful conditions in which these unfortunate people lived.

We have taken into account everything we have both read and heard and at this point I repeat the provisions of the April 2018 edition of the Home Office Guidance. I make no apology for doing so. It **specifically** includes immigration offences in the list of matters Licensing committees are required to take into consideration, and says:-
“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises for.....

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

A civil penalty of up to £20,000 can only be levied if there is a contract of employment: however, the use of the words “disqualified from that work” suggest the Guidance also covers those who under the employment protection legislation are referred to as “Limb B” workers. Illegal working cause nothing but harm to society – those operating unlawfully do not pay taxes and levies that legitimate operations must, putting them at an unfair competitive advantage, it deprives people here legally of the opportunity to secure employment, and for those brought here to work in such conditions, it deprives them of access to proper housing, healthcare and leaves them working in conditions amounting to slavery. Only the traffickers and those engaging illegal labour benefit from this wrong and this is unacceptable.

Again, without apologising for the repetition, the Guidance repeats and reinforces the ratio of the decision of Mr Justice Jay in the *East Lindsey* case [2016] EWHC 1265, where he states

“The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder....the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence....criminal convictions are not required.” We respectfully adopt this. Furthermore, His Lordship then said “...the respondent exploited a vulnerable individual from his community by acting in plain,

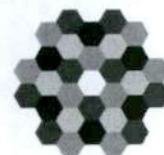
albeit covert, breach of the criminal law. In my view his licence should be revoked". This case is on all fours with the one before us today, and in the light of the revised Guidance reinforcing the point, we agree with His Lordship's conclusion.

The grounds upon which the Police have made this application are that Licensing Objective One, the prevention of crime and disorder, has been breached. The important word is "prevention" and India Villa, Mr Miah and the Hussein family have all failed to prevent illegal working. We have considered the decisions of *R on the application of Bassetlaw District Council v Worksop Magistrates Court* [2008] EWHC 3530 and *East Lindsey District Council v Hanif t/a Zara Restaurant* [2016] EWHC 1265 and are satisfied that the licensing objective is engaged. The evidence we have heard in its entirety shows that two other licensing objectives, namely public safety and public nuisance, are similarly engaged and we take note of this.

This Committee's primary function is the protection of the public. Though we are not a Court and the standard of proof before us is the civil one of the balance of probabilities, we are satisfied that the unfortunate people referred to in the Police submissions were engaged to work unlawfully in this country. Sadly, their behaviour of itself constitutes a breach of the licensing objectives and it causes great distress to neighbouring residents.

We therefore consider that the premises licence should be revoked under S52 (4) (e) of the Licensing Act 2003 and that revocation is an appropriate step with a view to promoting the crime prevention licensing objective. We also, though we accept the revocation renders his role redundant, direct that Mr Miah cease to be DPS and record our view that he is not a fit and proper person to hold such a serious responsibility: as Chair of this Panel I will be writing to my counterpart at Enfield LBC, the authority issuing his personal licence, with our concerns regarding his suitability.

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



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 08 JAN 2020 at 12:10:15.
- 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 08 Jan 2020.
- 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.

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Title number EX401802

C: Charges Register continued

Birmingham B2 2XE.

End of register



Immigration Enforcement

[REDACTED]

9th January 2020

In the case of India Villa, 20, Watling Street, Thaxted, Essex CM6 2E

Home Office Immigration Enforcement (HOIE) have worked closely with Essex Police to instigate Licensing Act 2003 proceedings. Essex Police are leading on this case and HOIE have provided evidence support of these proceedings. The fact that Essex Police lead on such cases reflects that those Responsible Authorities are often best placed to make applications in regards the prevention of crime and disorder (including the prevention of illegal working) within their local area. In this case, Essex Police are the appropriate Responsible Authority to take enforcement action.

HOIE's work with Essex Police includes sharing data under the Licensing Act 2003. Section 185 of the Act provides that Responsible Authorities may share data with each other for these purposes.

The absence of specific HOIE representations on such a case does not mean that HOIE is not supporting Essex Police. It reflects the fact that we work closely with Essex Police to identify people who are working illegally.

Yours sincerely

Alcohol & Late-night Refreshment Team
Home Office