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Licensing Sub-Committee

Friday, 29th September, 2017 at 10.00 am

Goodwood Room, Parkside, Chartway, Horsham

Councillors: Karen Burgess
Philip Circus
Adrian Lee

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

Agenda

Page No.

1. **Election of Chairman for the meeting**
2. **Apologies for absence**
3. **Declarations of Members' Interests**
To receive any declarations of interest from Members of the Sub-Committee
4. **Announcements**
To receive any announcements from the Chairman of the Committee or the Chief Executive
5. **Review Application for Consideration** 3 - 54
To consider an application for the review of a Premises License, under Section 51 of the Licensing Act 2003, in respect of The Cottage Tandoori, 25 West Street, Storrington

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Report to Licensing Sub Committee

Date of Meeting: 29 September 2017

By the Head of Environmental Health & Licensing

DECISION REQUIRED

Not Exempt



Application for the Review of a Premises Licence under Section 51 of the Licensing Act 2003

Executive Summary

On the 03 August 2017, the Chief Immigration Officer for The South East – Immigration Compliance and Enforcement Team based at The Home Office, Timberham House, World Cargo Centre, Gatwick Airport, West Sussex, RH6 0EZ submitted a review application in respect of The Cottage Tandoori, 25 West Street, Storrington, West Sussex, RH20 4DZ

Following three (3) enforcement inspections within a twelve (12) month period starting July 2016 conducted by The Immigration Compliance and Enforcement Team at The Cottage Tandoori, 25 West Street, Storrington, West Sussex, RH20 4DZ, and on each occasion a number of illegal employees were found to be working with the incorrect immigration status.

The purpose of the hearing is for the Licensing Sub-Committee to consider the Review Application, in relation to the Licensing Act 2003's Licensing Objectives. The relevant Licensing objectives being:

- The prevention of crime and disorder

The Chief Immigration Officer seeks to have the premises licence revoked.

Recommendations

The Sub-Committee is recommended:

- i) To determine the application for the review of the premises licence.

Reasons for Recommendations

- i) The Sub-Committee is required to make a decision under the Licensing Act 2003

Background Papers

1. Review Application (Appendix 1)
2. Immigration Officer's Supporting Statements (Appendix 2)
3. Supporting representation from Sussex Police (Appendix 3)
4. Premises Licence (Appendix 4)
5. Plans (Appendix 5)
6. Notification of review letter to the Premises Licence Holders (Appendix 6)
7. Stated Legal Case (Appendix 7)
8. Newspaper Reports (Appendix 8)
9. Public Notices (Appendix 9)

Wards Affected:

Chantry

Contact:

Chris Boyle, Licensing Officer, extension 5578

Background Information

1 Introduction and Background

- 1.1 For the Sub-Committee to determine the application for the review of an existing premises licence
- 1.2 At present The Cottage Tandoori benefits from a premises licence (LI/05/1009/PREM) that was granted on the 04 January 2006 and the existing premises licence holders are Mr Raman Bodruz, Mr Jashim Uddin and Mr Kaher Zaman.

The granting of the above mentioned premises licence allows the following licensable activities to take place:

Premises open to the public:

Everyday 08:00hrs - 00:00hrs

Sale and supply of alcohol by retail for consumption on the premises only:

Everyday 12:00hrs - 23:30hrs

Playing of recorded music.

Everyday 12:00hrs - 00:00hrs

The Provision of Late Night Refreshment

Everyday 23:00hrs - 00:00hrs

2 Relevant Council policy

- 2.1 Statement of Licensing Policy dated January 2014

3 Details

- 3.1 The Cottage Tandoori Restaurant is a centrally located Indian restaurant in the town of Storrington and has been trading for many years.
- 3.2 On the 03 August 2017, the Chief Immigration Officer for The South East – Immigration Compliance and Enforcement Team based at The Home Office, Timberham House, World Cargo Centre, Gatwick Airport, West Sussex, RH6 0EZ submitted a review application in respect of The Cottage Tandoori, 25 West Street, Storrington, West Sussex, RH20 4DZ

Following three (3) enforcement inspections on the 14 July 2016, 18 November 2016 and 31 May 2017 at The Cottage Tandoori conducted by The Immigration Compliance and Enforcement Team and on each occasion a number of employees were found to be working with the incorrect immigration status.

The Chief Immigration Officer has made an application to the Council for the Council to revoke the premises licence.

4 Next Steps

The Licensing Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives.

- 4.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under the Section 182 Licensing Act 2003 (as amended) and the Council's own Licensing Policy
- 4.3 The Sub-Committee must take one of the following steps as it considers necessary for the promotion of the Licensing Objectives:
- To modify the existing conditions on the premises licence
 - To exclude a licensable activity from the scope of the premises licence
 - To remove the Designated Premises Supervisor
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
- 4.4 The Sub Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the four licensing objectives.

5 Outcome of Consultations

- 5.1 The application was advertised on The Horsham District Council's website and notices were displayed on the premises to inform the general public as detailed in the Licensing Act 2003.
- 5.2 A copy of the application was served on all statutory Consultees in accordance with the provisions contained within the Licensing Act 2003 and its associated regulations.
- 5.3 The following consultation responses were received:
- 5.3.1 **Sussex Police** – Representation In Support of Review
- 5.3.2 **Local Planning Authority** – No Supporting Representation

6 Other Courses of Action Considered but Rejected

- 6.1 None

7 Resource Consequences

- 7.1 None

8 Legal Consequences

- 8.1 The Council has a duty to determine the application under the Licensing Act 2003

9 Risk Assessment

- 9.1 This application does not relate to any of the specific risks on the Corporate Risk Register.

10 Other Considerations

- 10.1 The Sub-Committee are to determine the application under the following four licensing objectives.
- The prevention of crime and disorder.
 - The prevention of public nuisance.
 - The protection of children from harm.
 - Public Safety.
- 10.2 The operation of the Licensing Sub-Committee is a quasi-judicial function and as such particular regard is to be had to Article 6 'the right to a fair trial'.

PUBLIC HEALTH AND LICENSING



<i>For Office use only</i>	
<i>Caps Application No.</i>	
<i>Licence Number</i>	LI/05/1009/PREM

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 Chief Immigration Officer Elliot Andrews

(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

Postal address of premises or, if none, ordnance survey map reference or description Cottage Tandoori 25 West Street	
Post town Storrington	Post code (if known) RH20 4DZ

Name of premises licence holder or club holding club premises certificate (if known) Mr Raman Bodruz
--

Mr Jashim Uddin



Mr Kaher Zaman



Number of premises licence or club premises certificate (if known)
LI/05/1009/PREM

Part 2 - Applicant details

I am

Please tick ✓ yes

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

☐

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

☒

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

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

--

Post town

--

Post Code

--

Daytime contact telephone number

--

**E-mail address
(optional)**

--

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

**South East - Immigration Compliance & Enforcement (ICE) Team
Immigration Enforcement
Home Office**

**Timberham House, World Cargo Centre
Gatwick Airport, RH6 0EZ**

Telephone number (if any)
[REDACTED]E-mail address (optional)
[REDACTED]**This application to review relates to the following licensing objective(s)**

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

Please tick one or more boxes ✓

☒
☐
☐
☐

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

Immigration Enforcement contend that the Licensing Objective of:

- i) Prevention of crime & disorder

has been seriously undermined by the Premises Licence Holders who, between two premises, have been found to be employing illegal workers who have no right to work in the United Kingdom due to their immigration status.

The Cottage Tandoori Restaurant, Storrington (LI/05/1009/PREM) is one of a number of premises in the West Sussex Division which have, in recent months, been subject to enforcement action by Immigration Officers from the Sussex Immigration Compliance and Enforcement Team of the Home Office.

The Indian Cottage, Ashington, premises licence LI/05/1014/PREM, has also been subject to similar enforcement action and is also subject of a review application sought by Immigration Enforcement

The enforcement visits for this premises were conducted over an 10 month period (July 2016 – May 2017) and a total of 13 instances of illegal working were identified across both premises; that is persons were found to be employed who have no right to work in the UK (on some occasions the same persons were encountered at the 2nd and 3rd visits to these premises).

A total of £160,000 penalty has been issued by the Home Office to this premises as a result of their employment of illegal workers. This penalty amount relates to penalties issued from the 1st and 2nd enforcement visits to the premises, the decision regarding the potential penalties relating to the 3rd enforcement visit to the premises currently remains outstanding. To date none of these civil penalties has been paid by the premises, neither did they appeal/object in court the decision to issue these penalties. The penalties for the Storrington premises were issued to Exotic Creations Limited. Companies House shows that Mr Kaher Zaman is the sole director.

Appropriate checks had not been made at either premises by the Premises Licence Holders to ensure that all the staff they employed had a right to work in the United Kingdom. Sleeping areas for multiple persons were identified by immigration officers at the premises.

The premises licences for these premises are held; Mr Bodruz Raman, Mr Jashim Uddin and Mr Kaher Zaman and the grounds for the review relate to the employment of illegal workers.

The time lapse between the dates of the incidents and the ultimate submission of the Review applications has been in part due to the ongoing enforcement action by the Sussex Immigration Compliance and Enforcement Team.

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

A timeline of Immigration Enforcement's involvement with the 2 premises is as follows:

14/07/2016 – Enforcement visit conducted to Cottage Tandoori, Storrington. Search Warrant under Paragraph 17 (2), Schedule 2, Immigration Act 1971 (as amended) executed. 6x illegal workers were identified during the visit, that is persons found to be employed by the premises who had no permission to work in the UK. 5 of these persons were arrested & detained at an Immigration Removal Centre. As a result of this enforcement visit a Civil Penalty of £60,000 was issued to the business (Exotic Creations Limited) on 07/09/2016.

18/11/2016 - Enforcement visit conducted to Cottage Tandoori, Storrington. Search Warrant under Paragraph 17 (2), Schedule 2, Immigration Act 1971 (as amended) executed. 5x illegal workers identified during the visit. 3 of these persons were arrested & detained at an Immigration Removal Centre. 2 illegal workers had also been encountered working illegally at the premises during the visit on the 14/07/16. As a result of this enforcement visit a Civil Penalty of £100,000 was issued to the business (Exotic Creations Limited) on 03/05/2017

31/05/2017 - Enforcement visit conducted to Cottage Tandoori, Storrington. Entry gained under S179 of the Licensing Act. 2x illegal workers were identified during the visit, that is persons found to be employed by the premises who had no permission to work in the UK. For 1 of these workers, this was the 3rd time he had been encountered illegally working at the premises. Neither of these persons were arrested or detained. A notice of potential liability was issued to the premises, informing them that unless they can prove they conducted the correct right to work checks they would be liable to a penalty of up to £20,000 per worker – therefore on this occasion the business faces a potential further penalty of £40,000. The result of this potential liability is still pending.

While it is noted that these cases are currently being dealt with by way of a civil penalty that does not alter the fact that the licensing objective of the prevention of crime and disorder has been undermined by the actions of the premises licence holder and/or the DPS on each occasion.

Staff who are not officially registered as employees will not be afforded protection under employment law or other safeguarding mechanisms. The males employed across the two premises could not have provided the requisite paperwork, national insurance number, nor tax code. This not only defrauds Her Majesty's Revenue & Customs but can lead to the exploitation of vulnerable individuals. In this instance the failure to put appropriate checks in place has resulted in multiple individuals being unlawfully employed at both premises. The licensing objectives are in place for the avoidance of future harm and, as cited in the High Court ruling in relation to East Lindsey District Council v Abu Hanif, where there is evidence of defrauding HMRC,

exploitation of vulnerable workers and a failure to pay the minimum wage, then in those circumstances, albeit being dealt with by way of civil penalty, the crime and disorder licensing objective is clearly engaged.

The Revised Guidance under Section 182 of the Licensing Act 2003 states;

11.26 Where the licensing Authority is conducting a Review on the grounds that the premises has 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 in the interests of the wider community and not those of the individual licence holder.

It further states;

11.27 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 premises:

- *For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter*

11.28 It is envisaged that licensing authorities, the police 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

Immigration Enforcement contend that despite repeated intervention from ourselves offences have been repeatedly committed which cannot be allowed to continue. Having considered the alternatives, it is requested that the Licensing Committee consider revocation of this premises licence. This will send a strong message that that the Local Authority are proactively combating the exploitation of workers, by ensuring employers take seriously their responsibilities in relation to the legislation and to the people within their employ.

Philip Kolvin QC reports on an important High Court ruling after a restaurant owner appealed the revocation of his premises licence over the employment of an illegal worker.

In *East Lindsey District Council v Abu Hanif (trading as Zara's restaurant and takeaway)* a High Court Judge has restored a licensing authority's decision to revoke a premises licence for employment of an illegal worker. Zara's restaurant traded in East Lindsey. The owner and licensee was Mr Hanif. After a raid by the immigration authorities it was discovered that Mr Hanif was employing an illegal worker.

The Police brought review proceedings and the licensing authority revoked the premises licence. Mr Hanif appealed. At the appeal, which was heard by District Judge Veits, his counsel argued before the District Judge that, since Mr Hanif had not been prosecuted for employing an illegal worker under section 21 Immigration, Asylum and Nationality Act 2006, but had merely been given a civil penalty under section 15 of that legislation, the crime prevention objective was not engaged.

At the hearing of the magistrates' appeal, it was established that Mr Hanif had employed the illegal worker without paperwork showing a right to work in the UK, he had paid him cash in hand, he paid him less than the minimum wage, he did not keep or maintain PAYE records and that, while he had deducted tax from the worker's salary, he failed to account to the HMRC for the tax deducted.

The District Judge held that because prosecution proceedings had not been brought, and no crime had been reported, the crime prevention objective was not engaged; and that in any event the failure to pay the minimum wage had not been the main basis of the licensing authority's decision.

The council appealed by way of case stated. It argued that it is not necessary for a crime to have been reported, prosecuted or established in a court of law in order for the crime prevention objective to be engaged. The licensing objectives are prospective, and are concerned with the avoidance of harm in the future. The matter came before Mr Justice Jay. He accepted all of the council's arguments. In his view, there was clear evidence of the commission of criminal offences, both in relation to the non-payment of the minimum wage and also tax evasion. As for the offence of knowingly employing an illegal worker, he considered that, based on the fact that the employee could not provide the requisite paperwork, a national insurance number or a tax code, the clear inference was that Mr Hanif well knew that he was employing an illegal worker. A deterrent approach was justified on the facts.

Mr Justice Jay decided that remission of the case to the Magistrates' Court was not appropriate, since he considered that the council's decision to revoke was clearly correct. In reaching that decision, the Learned Judge pointed out that employing an illegal worker involves not only defrauding the Revenue, but also the exploitation of vulnerable individuals including, here, by not paying them the minimum wage.

The Learned Judge ordered Mr Hanif to pay costs in the High Court in the sum of £15,000 and ordered costs of the Magistrates' proceedings in the sum of £4,000.

Reflecting the importance of the principle that it is not necessary for a prosecution to be brought in order for the crime prevention objective to be engaged, Mr Justice Jay certified the case as appropriate for citation in future cases under the relevant Practice Direction. This means that the judgment can be cited in future cases.

Have you made an application for review relating to the premises before

Please
☒ **No**

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

tick ✓ yes

Please

- 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, 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.

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 **01/08/2017**

.....

Capacity **Chief Immigration Officer, South East Immigration, Compliance & Enforcement (ICE)**

.....


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

**Timberham House, World Cargo Centre
Gatwick Airport, RH6 0EZ**

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) 

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.

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: Warren HATTON

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

Occupation: Immigration Officer (15422)

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

Signature:

Date: 15/07/2016

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

I am an arrest trained warranted, Immigration Officer (IO) currently serving with the Sussex Immigration Enforcement and Compliance Team (ICE) of the Home Office.

On THURSDAY 14 JULY 2016, I was on duty dressed in uniform as the Officer in Charge (OIC) of an Immigration Enforcement visit to a restaurant at the COTTAGE TANDOORI, 25 WEST STREET, STORRINGTON, PULBOROUGH, WEST SUSSEX, RH20 4DZ. The other members of my team present during that visit were Acting Chief Immigration Officer (A/CIO) GRIFFITHS, Immigration Officers (IO) AKEHURST, ANDREWS, BAKER, BURR, CROSSLAND and Assistant Immigration Officer (AIO) SCHOLEFIELD.

On entry to the premises about 18:24 hrs, I executed a magistrates' court warrant under paragraph 17(2) of Schedule 2 of the Immigration Act 1971 (as amended), which I served together with a Notice of Powers and Rights on a male, whom I now know to be Mr [redacted] born 21 JUNE 1985, a British (GBR) male national. I identified myself to Mr [redacted] with my Home Office Warrant card who informed me that the owner was not present and that he was the nephew of the owner. Upon entry, the restaurant was open for business and members of staff were present in the dining area and kitchen. All members of staff encountered were escorted by members of the team to a sterile area to be screened in the dining area at the rear of the restaurant.

AIO SCHOLEFIELD informed me that he had questioned a Myanmar (MMR) male national whom I now know to be [redacted] born 1 JANUARY 1988, who was a failed asylum seeker and did not have permission to work. I was informed that he had been encountered working in the restaurant as a member of the kitchen staff. It was established that [redacted] is currently reporting to Home Office in accordance with his conditions. He was therefore not detained and escorted from the premises.

IO CROSSLAND informed me that he had arrested a Bangladeshi (BGD) male whom I now know to be [redacted] born 1 JANUARY 1967, as a person liable to be detained under paragraph 17(1) of Schedule 2 of the Immigration Act 1971 (as amended) who had no right to reside or work in the United Kingdom as he had

Signature

Continuation of statement of: Warren HATTON

admitted to having entered the United Kingdom as an illegal entrant. I was informed that he had been encountered working in the restaurant as a member of the kitchen staff.

A/CIO GRIFFITHS informed me that she had arrested a Bangladeshi (BGD) male whom I now know to be , born 21 MARCH 1981, as a person liable to be detained under paragraph 17(1) of Schedule 2 of the Immigration Act 1971 (as amended) who had no right to reside or work in the United Kingdom as he had entered the United Kingdom as an illegal entrant. I was informed that he had no right to work in the United Kingdom and had admitted to working as a chef in the restaurant as a member of the kitchen staff.

IO BURR informed me that he had arrested a Bangladeshi (BGD) male whom I now know to be born 15 MARCH 1982, as a person liable to be detained under paragraph 17(1) of Schedule 2 of the Immigration Act 1971 (as amended) who had no right to reside or work in the United Kingdom as he had overstayed his period of leave in the United Kingdom. I was informed that he had no right to work in the United Kingdom and had admitted to working as a kitchen porter in the restaurant.

IO AKEHURST informed me that he had arrested a Bangladeshi (BGD) male whom I now know to be , born 26 JUNE 1982, as a person liable to be detained under paragraph 17(1) of Schedule 2 of the Immigration Act 1971 (as amended) who had no right to reside or work in the United Kingdom as he had overstayed his period of leave in the United Kingdom. I was informed that he had no right to work in the United Kingdom and had admitted to working as a waiter in the restaurant.

IO SCHOLEFIELD informed me that he had arrested a Bangladeshi (BGD) male whom I now know to be born 30 JUNE 1980, as a person liable to be detained under paragraph 17(1) of Schedule 2 of the Immigration Act 1971 (as amended) who had no right to reside or work in the United Kingdom as he had overstayed his period of student leave in the United Kingdom. I was informed that he had no right to work in the United Kingdom and had admitted to working as front of house staff in the restaurant.

I questioned Mr regarding the illegal workers found on the premises. He stated that he was unaware of their immigration status and that his uncle, Mr , was the owner of the business and responsible for employing staff at the restaurant. He attempted to contact the owner by telephone numerous times whilst I was present without any success. I served Mr with a Referral Notice warning him that the business owner may be liable for a civil penalty for employing six named suspected illegal workers.

All Officers left the premises about 20:20 hrs where the five BGD male offenders were detained and escorted from the premises. They were placed in approved Immigration Enforcement prisoner escort vehicles by members of the team and transported to BROOK HOUSE IRC to be detained.

There were no incidents of note and no damage caused.

Signature

W. HATTON
10 15442

RESTRICTED (when complete)

MG11

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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Statement of: **WILLIAM REDMAN**Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Immigration Officer**

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

Signature:

Date: **01st June 2017**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a warranted Immigration Officer (IO) of the Home Office currently serving with the Sussex Immigration Enforcement team. On WEDNESDAY 31ST MAY 2017 I was part of an enforcement team conducting a visit to COTTAGE TANDOORI, 25 WEST STREET, STORRINGTON, WEST SUSSEX, RH20 4DZ. The OIC of the visit was IO BAKER who delivered a briefing to the team detailing our roles and information about the premises, which operates as a takeaway. Other officers on the visit were AIO SCHOLEFIELD, IO WELLS, IO GODFREY and IO BRITTON. On arrival the warrant was executed and provided to the right hand side of the restaurant. Here I could see through an open door into the kitchen. I saw two males trying to take off their aprons and people were shouting loudly in another language. I believed this to be an adverse reaction to our presence. I was called into the premises by the OIC and noticed a male I had seen in the kitchen, who I now know to be , 01/01/88, Myanmar national. He was wearing a dark t shirt with writing on it and what I would describe as chequered chef trousers. He presented an asylum registration card with his details which stated "Forbidden From Taking Employment" clearly on the front.

Home Office checks revealed that ALI entered the United Kingdom illegally on 10/03/09 and currently had an outstanding application with the Home Office. He was currently reporting to the Home Office and part of the conditions of this was that he was not permitted to undertake any form of employment in the United Kingdom.

Signature:

Signature witnessed by: *N/A*

Typed by:

Page 1 of 4

RESTRICTED (when complete)

RESTRICTED (when complete)**MG11 (Cont)**

Continuation page 2

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Continuation statement of: *William Redman*

As a result of this fact he had no permission to work in the United Kingdom and I saw him in the kitchen on arrival, I put the following questions to him as I suspected that he was illegally working at COTTAGE TANDOORI. Pg 66, Pg 67, Pg 68 and Pg 69 of my PNB Serial No IE 010948 refer:

Q. How long have you been working at Cottage Tandoori?

A. I am not working.

Q. Explain to me why you were seen by me in the kitchen on arrival?

A. I am helping them because today they are short.

Q. How are you helping them?

A. I just put lid on food.

Q. What time did you start helping today?

A. Six o'clock.

Q. When were you due to finish helping out?

A. Eight o'clock. Quiet time after 8.

Q. How did you find out about helping out today? Who asked you to help out?

A. I came to kitchen. Second chef said help me. Abdul SAMAD is his name.

Q. How many times have you helped out before at Cottage Tandoori?

A. Sometimes one time a week, depends when people are not here.

Q. When was the last time you were helping out?

A. Two weeks ago.

Q. Who asked you to help out then?

A. No one then. I saw it was so busy.

Signature

Signature witnessed by

N/A

Typed by:

RESTRICTED (when complete)

Page 24

RESTRICTED (when complete)

MG11 (Cont)

Continuation page 3

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Continuation statement of: *William Rehan*

Q. What are you given for payment of helping out?

A. Nothing, no money.

Q. Food and accommodation to help out?

A. Yes.

Q. Who provides that?

A. Is the boss/owner.

Q. What is his name?

A.

Q. How did you find out about the job helping out here?

A. My friend recommended it to me.

Q. Have you been provided training for the job helping out?

A. No.

Q. Contract for employment?

A. No.

Q. Do you acknowledge that you were previously spoken to by immigration officers at Cottage Tandoori for illegally working?

A. Yes about 3 months ago roughly. Maybe more.

Q. Do you understand that you currently have no right to work?

A. Yes

Q. Do you understand that helping out in the kitchen in exchange for food/accommodation is considered working?

A. Yes.

Signature

Signature witnessed by *N/A*

Typed by:

RESTRICTED (when complete)

Page 25

RESTRICTED (when complete)**MG11 (Cont)**

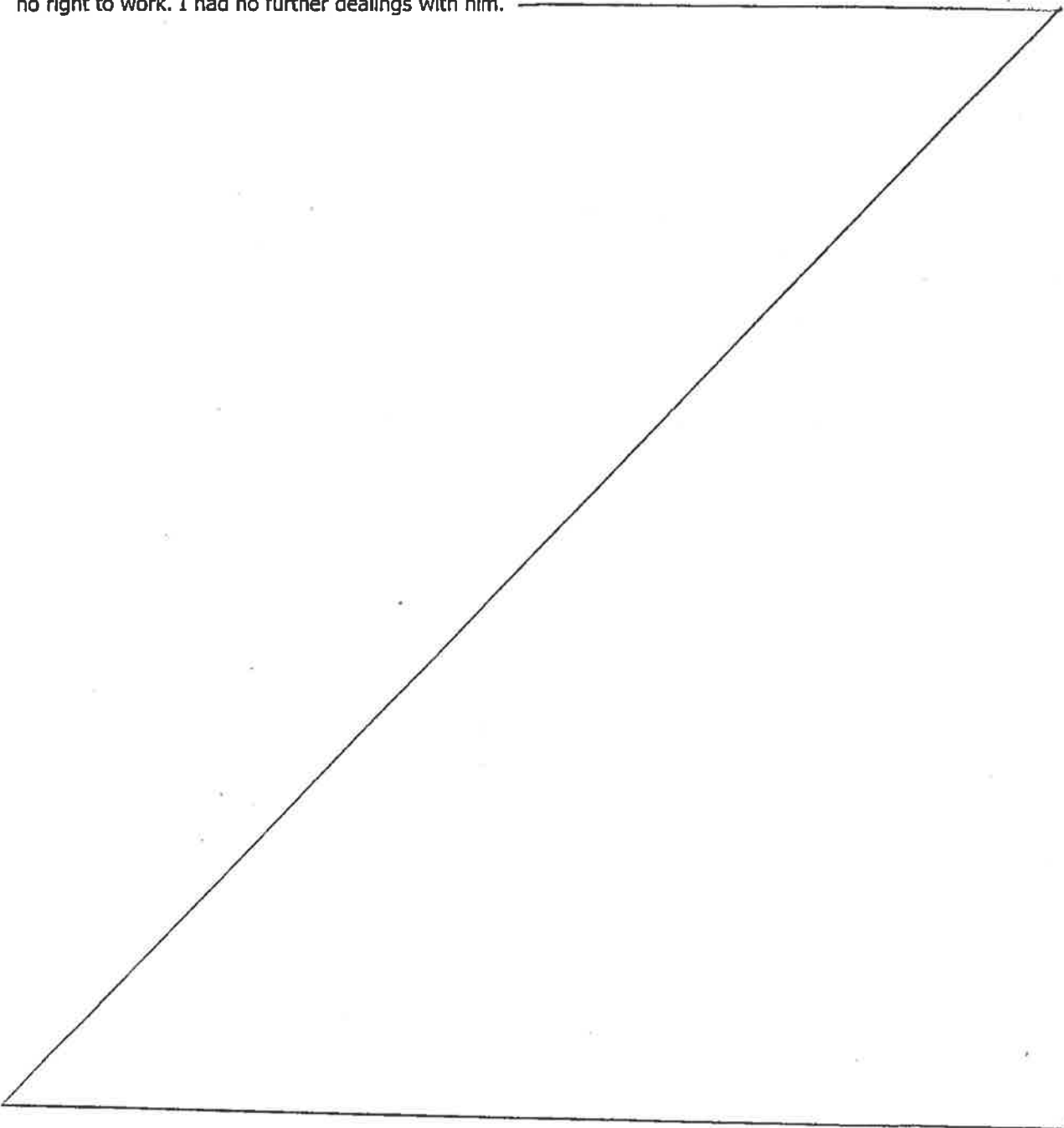
Continuation page 4

URN

46

Continuation statement of: *VILLIAN LEPMAN*

ALI signed my PNB to confirm that he gave a true account and was then walked off the premises as he had no right to work. I had no further dealings with him.



Signature

Signature witnessed by *N/A*

Typed by:

RESTRICTED (when complete)

RESTRICTED (when complete)**WITNESS STATEMENT**

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

URN

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Statement of: Aaron M Wells

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

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

Signature:

Date: 31/05/17

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

At or around 16:45, 31/05/17, I was on duty with the Sussex Arrest Team, based on the ground floor of Timberham House and was invited to attend a full IIMARCH briefing, in the briefing area, regarding an Late visit to a business address. The briefing was conducted by OIC BAKER with other Immigration Officers, and myself in attendance. The visit reference was given as TS12GY1289 and the CAD reference was given as 1041 of 31/05/17. The Gold Commander was HMI GRIMA T and the SILVER IO CROSSLAND G. The visit was authorised by CIO ANDREWS E. The team was informed that we would be entering using the Sch4 S.179 of the Licensing Act 2003 power of entry to enter, COTTAGE TANDOORI, 25 WEST STREET, STORRINGTON, PULBOROUGH, RH20 4DZ. The team was informed that Illegal Immigrants were being employed on site. I was allocated the role of ARREST 3 and by OIC BAKER and ordered me to drive to passenger IE VW VITO MX62NSZ. I was designated as a member of the sweep and round up team. At or around 18:24 hours, all officers arrived on scene in full IE work wear and PPE. At or around 18:25 the team executed their orders which involved me entering the building and securing the lower level. At this time OIC BAKER entered the address and identified the team, he then proceeded through the premise and explained the team's power of entry. Once the premise had been secured and all persons placed into a sterile area for questioning I was invited to speak to persons present.

I engaged the first subject I came to, introduced myself and showed my warrant card before I explained comprehensively the reason for the visit. I then proceeded to speak to an Bangladesh male, standing at or around 5'9, with medium length black hair, wearing black shoes contaminated with food residue, blue at white checked kitchen/chef trousers, a dirty white T-Shirt, who I now know to be , 16/04/88, BGD (M). The subject

had been wearing an apron but this had been discarded by the subject in the kitchen when he was encountered by IO BRITTON and IO SLEET. At or around 18:27, I asked the subject for his name, date of birth, nationality, immigration status and Identification. The subject stated that his name was _____, 16/04/88, BGD that he was an Overstayer and that his passport was with the Home Office. Subject stated that he last arrived in the UK about four years ago at London Heathrow having travelled from Dhaka to Sylhet with Biman Bangladesh. The subject stated that he entered the UK with a Student EC. On arrival at Heathrow, subject stated that he produced on demand his own valid Passport and EC. Checks on HO Indices show that the subject is a S.10 Overstayer and Absconder form TR, with an outstanding HR Art-8 application based on his relationship with his brother who is also in the UK illegally. By the subjects own admission he has absconded, but states this was because his solicitor told him not to. I then asked the subject how long he had been working for COTTAGE TANDOORI. The subject stated that he had been working at the restaurant since Monday 22/05/17, however I suspect that the subject was being dishonest and that he had been working there for significantly longer than his claimed start date. The subject stated that he worked in the kitchen as a pot man/cleaner and helped out wherever he could. The subject stated that he received no cash payment for his work but instead was given food and free accommodation above the restaurant. The subject stated that he had not shown or indeed been asked to provide any documents to prove his eligibility to work. I asked the subject how he found out about the job. The subject stated that he knows the owner MR _____ and that _____ was aware the subject was destitute and offered to help the subject. The subject stated that he was fully aware that he was not allowed to work. The subject was served an IS96 and directed to leave the premise. The team left the address at or around 19:15. No further incidents or complaints. A note of this encounter was made in my IEN Serial Number (IE010965) and I exhibit this as AW01. I make this statement at 21:00hrs on WEDNESDAY 31st MAY 2017, from notes recorded in my IEN (IE010965), and from recollection of the events whilst they are still fresh in my mind. IO WELLS 4882. 31/05/17.

21:00

RESTRICTED (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Warren HATTON

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer (15422)

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

Signature:

Date: 15/11/2016

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

I am an arrest trained warranted, Immigration Officer (IO) currently serving with the Sussex Immigration Enforcement and Compliance Team (ICE) of the Home Office.

On FRIDAY 18 NOVEMBER 2016, I was on duty dressed in uniform as the Officer in Charge (OIC) of an Immigration Enforcement visit to a restaurant at the COTTAGE TANDOORI, 25 WEST STREET, STORRINGTON, PULBOROUGH, WEST SUSSEX, RH20 4DZ. The other members of my team present during that visit were Chief Immigration Officer (CIO) DARTNALL, Immigration Officers (IO) BAKER, CHAPMAN, DENNING, HELBLING, Assistant Immigration Officer (AIO) AKEHURST and Special Constable GRAINGER of Sussex Police.

On entry to the premises about 19:20 hrs, I executed a magistrates' court warrant under paragraph 17(2) of Schedule 2 of the Immigration Act 1971 (as amended), which I served together with a Notice of Powers and Rights on a male, whom I now know to be Mr [redacted] born 2 NOVEMBER 1954, a British (GBR) male national. I identified myself to Mr [redacted] with my Home Office Warrant card who informed me that the owner was not present. Upon entry, the restaurant was open for business with customers sat at tables and members of staff were present in the dining area and kitchen. All staff encountered were escorted by members of the team to a sterile area to be screened initially in the dining area within the restaurant.

CIO DARTNALL informed me that he had questioned a Myanmar (MMR) male national whom I now know to be [redacted], born 1 JANUARY 1988, who was a failed asylum seeker and did not have permission to work. I was informed that he had been encountered working in the restaurant as a member of the kitchen staff. It was established that [redacted] is currently reporting to Home Office in accordance with his conditions. He was therefore not detained and escorted from the premises.

IO HELBLING informed me that she had questioned a Bangladeshi (BGD) male national whom I now know to be [redacted], born 26 JUNE 1982, who had an outstanding asylum claim. I was informed that he had no right to work in the United Kingdom and had admitted to working as a waiter in the restaurant. He was therefore not detained and escorted from the premises.

Signature

Continuation of statement of: Warren HATTON

IO CHAPMAN informed me that she had arrested a BGD male whom I now know to be born 1 MARCH 1980, as a person liable to be detained under paragraph 17(1) of Schedule 2 of the Immigration Act 1971 (as amended) as he had overstayed his period of leave in the United Kingdom. I was informed that he had no right to work in the United Kingdom and had admitted to working as a waiter in the restaurant.

AIO AKEHURST informed me that he had arrested a BGD male whom I now know to be born 16 OCTOBER 1976, as a person liable to be detained under paragraph 17(1) of Schedule 2 of the Immigration Act 1971 (as amended) as he had overstayed his period of leave in the United Kingdom. I was informed that he had no right to work in the United Kingdom and had admitted to working as a kitchen porter in the restaurant.

IO DENNING informed me that he had arrested a BGD male whom I now know to be born 05 SEPTEMBER 1976, as a person liable to be detained under paragraph 17(1) of Schedule 2 of the Immigration Act 1971 (as amended) as he had overstayed his period of leave in the United Kingdom. I was informed that he had no right to work in the United Kingdom and had been encountered working in the restaurant kitchen.

I questioned Mr [redacted] regarding the illegal workers found on the premises. He stated that he was unaware of their immigration status and that Mr [redacted], was the owner of the business and responsible for employing staff at the restaurant. Prior to leaving the premises, I served Mr [redacted] with a Referral Notice warning him that the business owner may be liable for a civil penalty for employing five named suspected illegal workers.

All Officers left the premises about 21:25 hrs where the three BGD male offenders were detained and escorted from the premises.

There were no incidents of note and no damage caused.

W. HATTON

10 15442

Signature _____

**Sussex Police**
Serving Sussexwww.sussex.police.uk

Licensing Department,
Horsham District Council,
Parkside,
Chart Way,
Horsham,
RH12 1RL

Neighbourhood Licensing Team
West Sussex Division9th August 2017

Dear Mr Boyle,

With regards to the Home Office Immigration Compliance & Enforcement Team's Application for a Review of the Premises Licence for Cottage Tandoori 25 West Street Storrington RH20 4DZ; Sussex Police wish to make a representation to support the application.

Sussex Police concur that the Licensing Objective of the prevention of crime and disorder is not being promoted at this premises. Licensing objectives are in place in order that future harm is avoided and, in this case, crime is prevented. The premises licence holders have been found to repeatedly employ persons who have no right to work in the United Kingdom, both at this premises and at a second premises; also subject to a review application sought by the Home Office Immigration Compliance & Enforcement Team. This consistent failure to employ persons lawfully indicates the Designated Premises Supervisor and premises licence holder's inability to recognise and to assume the responsibilities conferred upon them. While this is a civil offence, the employment of these staff members defrauds Her Majesty's Revenue and Customs, where there is a failure to comply with tax and national insurance requirements. Furthermore people employed in this way are not afforded any of the usual protection they might expect under employment law. It is of great concern to Sussex Police that this can lead to vulnerable persons being the victims of exploitation on a daily basis and potentially on a larger scale.

The Home Office guidance at 11.26 at 11.27 and 11.28 as cited in the Review document, submitted by the Home Office Immigration Compliance & Enforcement Team, is quite specific and Sussex Police fully support the request that the Licensing Committee seriously consider revocation of this premises licence.

Yours sincerely

Chief Inspector Ockwell

Part A
Licensing Act 2003 Premises Licence

<p>Horsham District Council <i>working in partnership to secure a better quality of life for all</i></p> <p>Public Health and Licensing, Parkside, Chart Way, Horsham, West Sussex. RH12 1RL 01403 215578</p>	<p>Horsham District Council</p>
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Premises Licence Number

LI/05/1009/PREM

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Cottage Tandoori Restaurant
25 West Street
Storrington
West Sussex
RH20 4DZ
Tel: 01903 743605**

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

The Provision of Late Night Refreshment, Any playing of recorded music and the Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

**Late Night Refreshment:
Everyday ~ 23:00 - 00:00**

**Any playing of recorded music:
Everyday ~ 12:00 - 00:00**

**Sale by Retail of Alcohol:
Everyday ~ 12:00 - 23:30**

The opening hours of the premises

Everyday 08:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol Sold For Consumption On The Premises Only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Raman Bodruz
29 Chester Road
Forest Gate
London
E7 8QT
01903 – 743605**

**Mr Jashim Uddin
23 Spanby Road
London
E3 4EN**

**Mr Kaher Zaman
High Larches
Melrose Place
Storrington
West Sussex
RH20 3HH**

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Kaher Zarman
High Larches
Melrose Place
Storrington
West Sussex
RH20 3HH**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: 176/05/0576/PERS

Licensing Authority: Horsham District Council

Note

This licence is issued pursuant to the legislation/regulations specified in it only and does not constitute a licence/approval/consent for any other purpose whatsoever, including other legislation, etc., administered by Horsham District Council.

The recipient of this licence is responsible for ensuring that all necessary licences/ approvals/consents/planning permissions, etc., are obtained and the grant of this licence does not constitute a representation that any necessary licences/approvals/consents/planning permissions, etc., will be granted, because each application must be considered separately.

Annex 1 – Mandatory Conditions
All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –
$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3.Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4.In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1.Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2.But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3.For the purposes of this section:

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

GENERAL LICENSING OBJECTIVES

The premises will be conducted at all times in accordance with the checklist filed with this application so as to ensure promotion of all four licensing objectives. Non intoxicating drink including water is available to all patrons at all times

PREVENTION OF CRIME AND DISORDER OBJECTIVES

Customers to the restaurant are not permitted to remove bottles or glasses from the premises. All staff are trained to inform the management if there is any suspicion of drug taking or drug trafficking on the premises

PUBLIC SAFETY OBJECTIVES

Regular fire drills are held and staff training is given so that the staff are aware of the location of all fire protection equipment and the action to be followed in the event of fire or evacuation of the premises. Emergency exits are all fully maintained and repaired.

Staff are trained to recognise signs of any possible spiking of drinks.

PREVENTION OF PUBLIC NUISANCE OBJECTIVES

We ensure that all customers do not make any unnecessary noise when leaving our premises. We routinely inform our neighbours of any particular event that are to be held in the premises. This happens very infrequently. We do not permit any customer to consume alcohol except within the premises and as an ancillary to their meal

PROTECTION OF CHILDREN FROM HARM

Children do not ordinarily attend the premises except when they are accompanied by their parents or guardians having a meal. In the almost unique circumstance that persons under the age of 18 attend the premises they would not be served alcohol. The staff are warned upon joining us that they must be alert to any attempt by under age persons to purchase alcohol.

Annex 3 – Conditions attached after agreement with the licensing authority

1. Noise from music, singing and speech, whether amplified or non-amplified should be barely audible outside the nearest noise sensitive premises, such that it is inaudible inside the nearest noise sensitive premises between the hours of 2300 and 0700.
2. Noise from material handling activities e.g. bottle bin emptying, the moving of kegs, barrels, cylinders and waste disposal must not occur between 2300 and 0700 hours.
3. Prominent clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly. Management to assist in the control of patrons leaving the premises and advice given to respect the locality and leave the area quietly.
4. Noise from associated plant and machinery should be barely audible outside noise sensitive premises such that it is inaudible inside noise sensitive premises between the 2300 and 0700 hours

<i>Signed by Head of Public Health and Licensing</i>	<i>Date</i>
12.08.2016	04 January 2006

Annex 4 – Plans

ATTACHED

FILE NOTE – OFFICE USE ONLY

LICENCE NUMBER - LI/05/1009/PREM

DATE THIS LICENCE MUST BE ISSUED –

LICENCE AMENDED BY - Chris Boyle _____

Chris Boyle
LICENCE CHECKED BY - _____

Chris Boyle
LICENCE AUTHORISED BY - _____

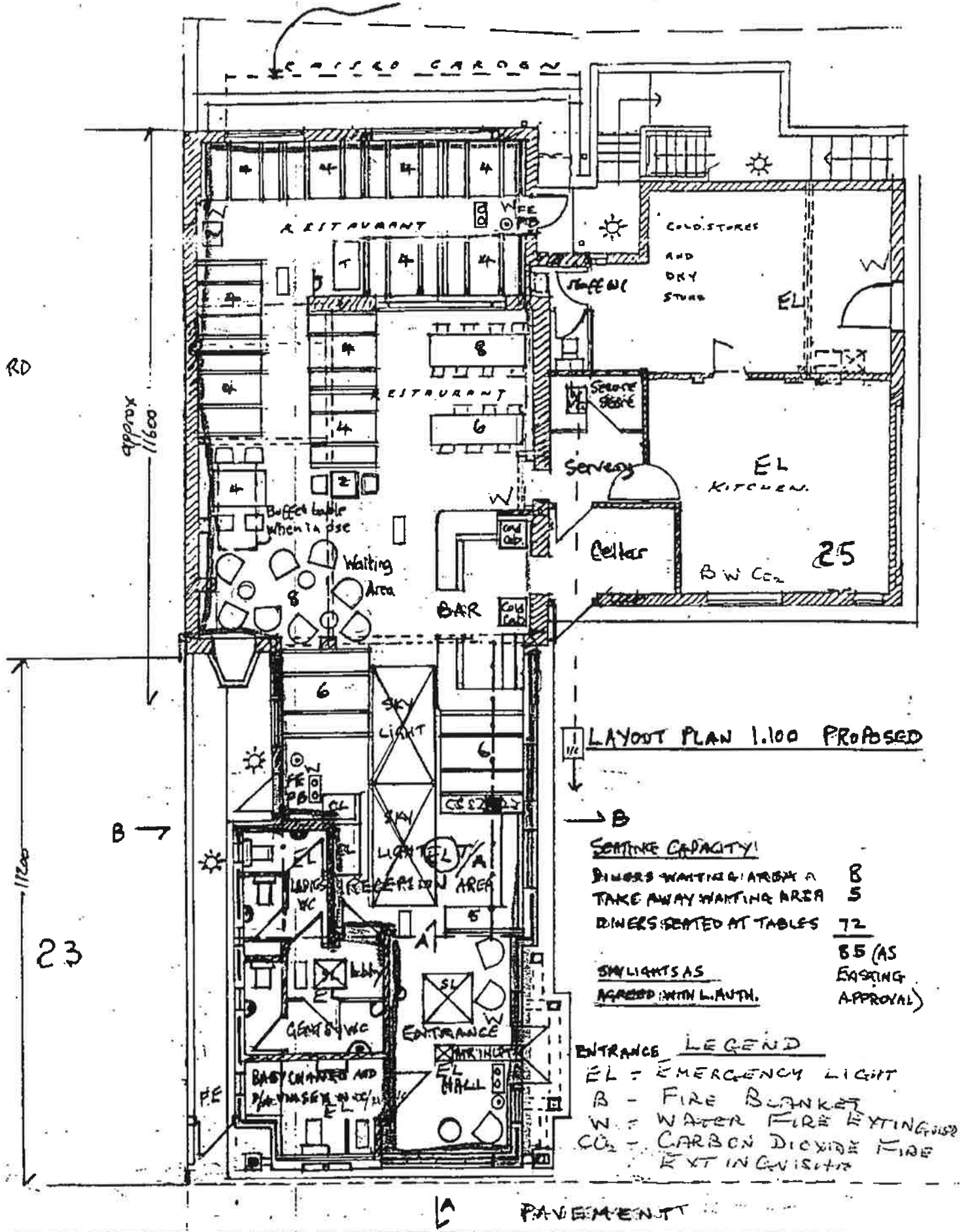
Uniform Checked - YES / NO

DATE THIS LICENCE PLACED IN THE POST 12.08.2016 _____

SIGNED _____

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Re: SR 28.97. REAR EXTENSION NOT NOW BEING BUILT.



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**Mr R. Bodruz
29 Chester Road
Forest Gate
London
E7 8QT**

Our ref: LI/05/1009/PERS
E-mail: licensing@horsham.gov.uk
Direct line: 01403 215578
Contact: Chris Boyle
Date: 03 August 2017

**The Cottage Tandoori, 25 West Street, Storrington, West Sussex, RH20 4DZ
Applications for a review of the premises licence**

Dear Mr Bodruz

Applicant: Immigration, Compliance and Enforcement Team.

Horsham District Council has today, Thursday 03 August 2017 received the above application for the review of the existing premises licences.

The closing date for representation from the public and any other statutory consultee or interested party is the 31 August 2017.

You will be notified in due course when a date for the hearing has been set.

If you wish to discuss any of the issues or concerns that have been raised in this letter then you should contact me on the above phone number.

Yours sincerely

Chris Boyle
Licensing Officer
Horsham District Council

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Philip Kolvin QC reports on an important High Court ruling after a restaurant owner appealed the revocation of his premises licence over the employment of an illegal worker.

In *East Lindsey District Council v Abu Hanif (trading as Zara's restaurant and takeaway)* a High Court Judge has restored a licensing authority's decision to revoke a premises licence for employment of an illegal worker.

Zara's restaurant traded in East Lindsey. The owner and licensee was Mr Hanif. After a raid by the immigration authorities it was discovered that Mr Hanif was employing an illegal worker.

The Police brought review proceedings and the licensing authority revoked the premises licence. Mr Hanif appealed. At the appeal, which was heard by District Judge Veits, his counsel argued before the District Judge that, since Mr Hanif had not been prosecuted for employing an illegal worker under section 21 Immigration, Asylum and Nationality Act 2006, but had merely been given a civil penalty under section 15 of that legislation, the crime prevention objective was not engaged.

At the hearing of the magistrates' appeal, it was established that Mr Hanif had employed the illegal worker without paperwork showing a right to work in the UK, he had paid him cash in hand, he paid him less than the minimum wage, he did not keep or maintain PAYE records and that, while he had deducted tax from the worker's salary, he failed to account to the HMRC for the tax deducted.

The District Judge held that because prosecution proceedings had not been brought, and no crime had been reported, the crime prevention objective was not engaged; and that in any event the failure to pay the minimum wage had not been the main basis of the licensing authority's decision.

The council appealed by way of case stated. It argued that it is not necessary for a crime to have been reported, prosecuted or established in a court of law in order for the crime prevention objective to be engaged. The licensing objectives are prospective, and are concerned with the avoidance of harm in the future.

The matter came before Mr Justice Jay. He accepted all of the council's arguments. In his view, there was clear evidence of the commission of criminal offences, both in relation to the non-payment of the minimum wage and also tax evasion. As for the offence of knowingly employing an illegal worker, he considered that, based on the fact that the employee could not provide the requisite paperwork, a national insurance number or a tax code, the clear inference was that Mr Hanif well knew that he was employing an illegal worker. A deterrent approach was justified on the facts.

Mr Justice Jay decided that remission of the case to the Magistrates' Court was not appropriate, since he considered that the council's decision to revoke was clearly correct. In reaching that decision, the Learned Judge pointed out that employing an illegal worker involves not only defrauding the Revenue, but also the exploitation of vulnerable individuals including, here, by not paying them the minimum wage.

The Learned Judge ordered Mr Hanif to pay costs in the High Court in the sum of £15,000 and ordered costs of the Magistrates' proceedings in the sum of £4,000.

Reflecting the importance of the principle that it is not necessary for a prosecution to be brought in order for the crime prevention objective to be engaged, Mr Justice Jay certified the case as appropriate for citation in future cases under the relevant Practice Direction. This means that the judgment can be cited in future cases.

[Philip Kolvin QC](#) is head of chambers at [Cornerstone Barristers](#). Together with David Dadds, he appeared for East Lindsey District Council, instructed by Dadds LLP. Philip can be contacted on 020 7242 4986 or [by email](#)

ARTICLE IN THE MIRROR ON LINE

By Andrew Penman

20 July 2017

Laughing in the face of the justice system seems to be routine for one category of - company bosses – the ones who employ illegal immigrants. They avoid paying penalties issued by the Home Office by the simple tactic of shutting down their firms.

Take Kaher Zaman, 48, who lives in a detached mansion in the pretty West Sussex village of Storrington. In 2013 the Home Office issued a £25,000 civil penalty after five illegal workers were discovered at one of his Indian restaurants. He resigned as a director of Zaman & Co (UK) Limited, which was taken over by Sofik Miah, 46.

The following year another four illegal workers were discovered at the restaurant, resulting in an £80,000 penalty. And, by the by, Miah got done for fiddling housing benefit and was given 120 hours' unpaid work by Worthing magistrates.

Then, in 2015, the company was put into liquidation, with both Home Office penalties unpaid. Two weeks ago, Zaman was banned from being a company director for five years, but has continued in the business regardless. The chain of three restaurants now operates under a new company name, IndoBangla Cuisine Limited, with a relative who lives with him as director – Momotaz Zaman.

But it is certificates bearing Zaman's name that I saw plastered over the walls at the Storrington restaurant where he arrived for work in a Range Rover. When asked why the penalties had not been paid he replied: "I don't have to say anything, do I?"

It's worth mentioning that among the losers in this are the immigrants themselves. Zaman housed them in an overcrowded flat with no drinking water and no proper fire escape. The council issued him with a prohibition order which he ignored and in 2015 he was fined £3,334 by Worthing magistrates court after admitting breaching it.

Sadly, there are plenty more cases like this. In Exeter, Mohammed Hossain ran Argee Bhajee Limited, which was caught employing five illegal workers. He was given a penalty of £32,500, none of which was paid and the company went into liquidation. In Aberdeen, one illegal worker was found at Elite Restaurants North-East Limited, run by Anis Tomirun. The £15,000 penalty was still outstanding when the company was liquidated. In Blackpool, Pauline Lai's company Flyde Restaurants was given a £50,000 penalty after immigration officers found five illegal workers at her Chinese eatery. A fraction of the penalty was paid and £49,201 was outstanding when the company was liquidated. This restaurant has a grubby past. In 2010, Ms Lai and her company were fined £2,200 each for food hygiene offences including having mouldy equipment.

In London, Badamgul Khan ran food outlet Garv Limited, which hadn't paid any of its £60,000 penalty for employing six illegal workers when it folded. The Insolvency Service report noted: "Garv ceased trading as it could not continue its business due to the removal of cheap labour." That statement highlights another loser from this racket – legitimate businesses that play by the rules and have to compete with rivals that use illegal tactics to keep their costs down. Another London case is Mandarin Kitchen Limited, where UK Border Agency officers found illegal workers. None of its £10,000 penalty was paid and now the company is no more. These cases amount to penalties of £272,500, of which just £798 has been paid. The bosses have not quite got off scot free, though. In the past few weeks they have all been banned from being company directors for between five and eight years.

In 2015-16, the latest year for which figures are available, 2,594 penalties were issued for employing illegal workers. The total came to £46.2million, of which just £12.5million was paid.

A spokesman for the Home Office insisted: "We robustly pursue debts owed by employers of illegal immigrants." He added: "Illegal working cheats the taxpayer, undercuts honest employers and denies legitimate job seekers employment opportunities." On that, at least, I think we can all agree.



PUBLIC NOTICE
**APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**
LICENSING ACT 2003

An application has been made by The South East - Immigration Compliance & Enforcement (ICE) Team to the Licensing Authority for the Horsham District for a Review of Premises Licence for the premises known as The Cottage Tandoori, 25 West Street, Storrington, West Sussex, RH20 4DZ, Premises Licence Number LI/05/1009/PREM

The grounds for the Review application are:

“The South East - Immigration Compliance & Enforcement (ICE) Team believe that one of the four licensing objectives has been compromised, namely: Prevention of Crime and Disorder has been seriously undermined by the Premises Licence Holder who has been found to be employing illegal workers who have no right to work in the United Kingdom due to their immigration status.”

The application can be viewed at the offices of Horsham District Council at Parkside, Chart Way, Horsham, West Sussex. RH12 1RL, during office hours by appointment.

The application can also be viewed on the Council’s web site at www.horsham.gov.uk in the LA2003 section public access.

Any “interested party” or “Responsible Authority” may make representations in writing to Horsham District Council, Parkside, Chart Way, Horsham, West Sussex, RH12 1RL, regarding the Application for Review, to be received midnight on the 31 August 2017.

It is an offence, under section 15b of the Licensing act 2003, to knowingly or recklessly make a false statement in or in connection with an application and the maximum fine on summary conviction of such an offence is £5000.

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