



NOTICE IS HEREBY GIVEN that a hearing of the **LICENSING SUB-COMMITTEE** will be held in the **CIVIC SUITE (LANCASTER/STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **WEDNESDAY, 21 AUGUST 2024** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

## **AGENDA**

### **APOLOGIES**

#### **1. ELECTION OF CHAIR**

**Item Led By: Democratic Services.**

#### **2. MEMBERS INTERESTS**

To receive from Members declarations as to disclosable pecuniary, other registerable and non-registerable interests in relation to any Agenda item. Please see Notes below.

**Item Led By: Chair.**

#### **3. INTRODUCTION**

**Item Led By: Chair.**

#### **4. LICENSING SUB COMMITTEE PROCEDURE (Pages 5 - 8)**

**Item Led By: Chair.**

#### **5. KAAIZAN'S, 1 LONGSANDS PARADE, ST NEOTS PE19 1SU (Pages 9 - 58)**

To consider an application for a review of a premises licence made under under Section 51 of the Licensing Act 2003 made by the following:-

Applicant: Home Office Immigration Enforcement

Premises: Kaaizan's, 1 Longsands Parade, St Neots PE19 1SU

**Item Led By: Licensing - (01480) 387075**

## 6. EXCLUSION OF PRESS AND PUBLIC

To resolve:-

to exclude the press and public from the hearing during the determination of the application.

**Item Led By: Chair.**

## 7. DETERMINATION

To determine the application referred to in Agenda Item 5.

**Item Led By: Chair.**

6 day of August 2024

***Michelle Sacks***

Chief Executive and Head of Paid Service

### **Disclosable Pecuniary Interests and other Registerable and Non Registerable Interests**

Further information on [Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests is available in the Council's Constitution](#)

### **Filming and Recording of Council Meetings**

This meeting will be recorded by the Council for live broadcast online at <https://www.youtube.com/user/HuntingdonshireDC>

If you participate in the meeting, you consent to being filmed and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

If you have any questions on the issue of filming / recording of meeting, please contact Democratic Services.

The District Council permits filming, recording and the taking of photographs at its meetings that are open to the public. Arrangements for these activities should operate in accordance with [guidelines](#) agreed by the Council.

**Please contact Democratic Services, Tel: 01480 388169 / email: Democratic.Services@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Sub-Committee.**

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the [District Council's website](#).

### **Emergency Procedure**

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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## HUNTINGDONSHIRE DISTRICT COUNCIL

### LICENSING SUB-COMMITTEE PROCEDURE

#### 1. MEMBERSHIP

- 1.1 The Licensing Sub-Committee shall consist of three Members appointed by the Licensing Committee. A reserve member may also be in attendance in the event that any of the three Members is absent on the date of the hearing or discovers they have a conflict of interest.
- 1.2 At the start of each Sub-Committee hearing a Chair shall be elected from amongst its members.
- 1.2 The quorum for hearings of a Sub-committee shall be three members.
- 1.3 Members should be present throughout the entire hearing. If a member is required to leave temporarily, the Chair shall adjourn the hearing whilst that member is unavailable. If a member is not present for the whole of an item of business, they will not be able to debate or vote on that item.
- 1.4 A member will not take part in a hearing at which a matter is being discussed which relates to a Premises Licence, Club Premises Certificate, Temporary Events Notice or Personal Licence where either the premises are, or the person is resident in the ward which that member represents on Huntingdonshire District Council.

#### 2. THE HEARING

- 2.1 Prior to the hearing, the Sub-Committee have received copies of all representations and relevant correspondence.
- 2.2 Hearings are normally held in public and are live streamed on the Council's YouTube Channel. However, the public may be excluded from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. The Sub-Committee will determine the outcome of an application at the conclusion of the hearing in private.
- 2.3 The Sub-Committee will determine the application in accordance with the [Council's Statement of Licensing Policy](#), the [Licensing Act 2003](#) and Guidance and Regulations under the Act taking into account the overriding need to promote the four licensing objectives, including [guidance](#) under Section 182 of the Licensing Act.
- 2.4 The Chair may require any person who in his opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit that person(s) to return or may permit them to return with specified conditions. Such a person may, before the end of the hearing, submit

to the authority in writing information which they would have been entitled to give orally had they not been required to leave.

- 2.5 Where appropriate, the Chair shall remind the parties that their representations should be relevant to the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Sub-Committee will disregard any information which is not relevant to the application, representations or to the licensing objectives. If, the Chair feels that the representations being made are not relevant, he may, after first reminding the party of the need for relevance, advise the party that he will no longer be heard. Where in the opinion of the Chair, a party is being repetitious, vexatious or slanderous in his remarks, the Chair may first warn the party and may then advise the party that he will no longer be heard. The ruling of the Chair shall be final.
- 2.6 All questions and statements shall be directed through the Chair.

### **3. HEARING PROCEDURE**

#### **3.1 Procedure in all cases other than an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence.**

##### **1. Introductions**

The Chair will, at the beginning of the hearing introduce the members of the Sub-Committee and any officers in attendance to support the Sub-Committee and shall ask the parties and any persons accompanying them to state their names and addresses or who they represent.

The Chair shall explain to the parties present that the hearing is subject to this procedure, copies of which will have been distributed to the parties with the notice of the hearing and shall enquire of the persons present whether there are any questions of clarity or explanation about its contents.

##### **2. Allocation of Time**

The Sub-Committee will generally not expect any of the parties to take more than 20 Minutes to address it, to give further information or to call witnesses. In the case of interested parties, this time allocation is shared between the number of those in attendance. However, the Chair will exercise discretion dependent upon the circumstances of a particular case. Under the regulations an equal maximum time period must be allowed to all parties.

##### **3. The Licensing Authority:**

The Licensing Officer will present the application and representations received by the Council. No recommendation will be made.

The Chair will invite Members of the Sub-Committee, the Applicant, Responsible Authorities and all other parties if they have any questions to clarify the content of the Licensing Officers report.

##### **4. The Applicant:**

The Applicant or their representative will be invited to present their case in support of their application.

If applicable, the applicant can call any witness(es) to give evidence in support of their case.

Once the applicant has presented his / her case, the Chair will invite questions from the Sub-Committee and all other parties present.

#### **5. Responsible Authorities:**

The Chair will invite any Responsible Authorities in attendance to make representations in support of their representation.

If applicable, the Responsible Authority's can call any witnesses to speak in support of their case.

Questions to Responsible Authority Officers will then be invited from all parties present.

#### **6. The Other Persons (people who have made a valid representation).**

The Chair will then invite and interested persons to put forward their case, based on the representation submitted.

Where there are a number of interested parties and the nature of their representations are similar, such parties may decide to appoint a spokesperson to represent the group.

Questions will then be invited from all parties present.

#### **7. Review of Written Representations**

The Sub Committee will review the relevant written representations which have been received. All parties present will be given an opportunity to comment.

The Sub-Committee will consider any requests for permission to present new evidence or information not previously disclosed to all, the parties prior to the hearing. The general rule is that such information or evidence must not be considered unless all parties at the hearing agree to it being considered on the day of the hearing. A request may be made for a short adjournment to allow time for everyone to receive copies of the extra information and to read it.

#### **8. Summing Up**

After all parties have addressed the Sub-Committee, the Applicant or his representative will be invited by the Chair to sum up their application for a time not exceeding five minutes but without introducing any new evidence to the proceedings.

#### **9. Making and Reporting the Decision**

The Sub-Committee will then retire to another room to make their decision. The Council's Legal Officer will accompany members to advise where necessary.

All parties will be sent a decision notice in writing within five working days of the date of the hearing outlining the decision and the reasons to support it. Details of appeal rights will also be sent with the decision notice.

## **10. Record of the Hearing**

A record shall be taken of the hearing by the licensing authority which shall be retained for six years after the date of the determination of the hearing or the disposal of an appeal against the determination.

### **4.0 Procedure in cases relating to an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence.**

In the case of such hearings, the procedure at 3.1 shall be followed with the exception that the applicant for a review of a premises licence or a club premises certificate or the chief officer of police in the case of an objection notice where convictions have come to light after the grant or renewal of a personal licence will be invited to address the Sub-Committee first and to call any person(s) to whom permission has been granted to appear.

After any questions have been dealt with the holder of the licence or certificate will be invited to address the Sub-Committee and to call any person(s) to whom permission has been granted to appear.

There shall be no right of reply for the applicant for a review of the licence or certificate or for the Chief Officer of Police.

G:\Licensing\Licensing Committee/Procedures/ Licensing Act – Licensing Sub Committee Procedure 2024



## LICENSING SUB-COMMITTEE – 21<sup>st</sup> August 2024

### LICENSING ACT 2003 APPLICATION TO REVIEW PREMISES LICENCE Kaaizan's, 1 Longsands Parade, St Neots, PE19 1SU

#### 1. INTRODUCTION

- 1.1 Huntingdonshire District Council as the Licensing Authority has received an application to review a premises Licence, from Home Office Immigration Enforcement in their capacity as a Responsible Authority under the Licensing Act 2003 ('the Act'), for Premises Licence HDC/PRE00377; Kaaizan's, 1 Longsands Parade, St Neots, PE19 1SU.
- 1.2 The Application was received on 05 July 2024. As required under the Licensing Act 2003, notice of the application was advertised on the Council's website, and blue notices were displayed at or near the premises from 05 July 2024. The 28 days consultation period ended on 1 August 2024.
- 1.3 A copy of the application for review, along with supporting documentation is attached as **Appendix A** and **Appendix B**
- 1.4 The current premises licence, is at **Appendix C**.

#### 2. BACKGROUND and TIMELINE

- 2.1. The Premises Licence HDC/PRE00377, for 1 Longsands Parade, St Neots was first issued in **November 2005**, at that time the Premises traded as The Curry Spice and the Premises Licence Holders were Mr RM and Mr MM.
- 2.2. In **April 2015**, the Premises Licence was transferred to Mr Abdul SHOHID. At the same time an application to Vary the DPS to Mr Abdul SHOHID was received and the premises then began trading.
- 2.3. In **July 2020**, an application to vary the Premises Licence was received. The variation requested to include OFF sale as an activity on the licence, with no other changes requested. This application was granted as applied for with no representations.
- 2.4. During the period of the variation, we were notified of the change of trading name for The Curry Spice to KAAISANS.
- 2.5. On **2 June 2024**, Home Office Immigration Officers attended the Premises.
- 2.6. On the **5 July 2024**, the application to Review the Premises Licence was received.
- 2.7. On the **11 July 2024**, we received an application to Transfer the Premises licence to Mr M RAHMAN. This application was withdrawn on the **17 July**, following a telephone conversation with Mr RAHMAN, where it became apparent Mr RAHMAN was not aware of the application to Review the Premises Licence.
- 2.8. A further application to Transfer followed on the **18 July 2024** along with an application to vary the DPS. Once these applications become valid on the **22 July 2024** and

following a telephone conversation with him, Mr Mohammed AAHIL, became the Premises Licence Holder and the DPS.

### 3. REPRESENTATIONS

3.1 During the period for representations 2 valid representations in support of the application have been received from Cambridgeshire Constabulary in their role as a Responsible Authority. These representations have been attached in their entirety as **Appendix D**.

3.2 Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.

3.3 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

### 4. GENERAL DUTY/ POLICY CONSIDERATIONS

4.1 The licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives, each objective has equal importance, the objectives are:

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

4.2 The sub-committee must also have regard to –

- a. its statement of licensing policy, and
- b. any statutory guidance issued under Section 182 of the Licensing Act 2003.

*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 licensed premises:*

*..... • for employing a person who is disqualified from that work by reason of their immigration status in the UK;*

*11.28 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*

- c. the Human Rights Act 1988

4.3 The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

### 5. DETERMINATION

5.1. In making a decision, this application must be determined on its individual merits having regard to the representations and supporting documents included as part of the report

along with additional information considered relevant at the hearing. As part of the decision process the sub-committee is required to give its reasons for any decision arrived at.

5.2. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- a. modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- b. exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- c. remove the designated premises supervisor, for example, because it is considered that the problems are the result of poor management;
- d. suspend the licence for a period not exceeding three months;
- e. revoke the licence.
- f. take no action

5.3. Any decision made by the sub-committee must be reasonable and proportionate and promote the Licensing objectives.

## **BACKGROUND INFORMATION**

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

**Licensing Officer: Sarah Mardon**

**06.08.2024**

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Licensing Authority: Huntingdonshire District Council  
By email: [licensing@huntingdonshire.gov.uk](mailto:licensing@huntingdonshire.gov.uk)

**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 Home Office Immigration Enforcement**

**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**

**Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description  Kaaizans Indian Restaurant 1 Longsands Parade	
Post town St Neots	Post code (if known) PE19 1SU

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Abdul Shohid
---

<b>Number of premises licence or club premises certificate (if known)</b> PHDC/PRE00377
--

**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**

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

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

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

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

Grounds for review:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

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

Please refer to accompanied review pack for detailed information.

**Please tick ✓ yes**

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

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**

**yes**

**Please tick ✓**

- 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 K Sooriyaarachchi  
.....

Date 03 July 2024  
.....

Capacity Responsible Authority  
.....



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

Alcohol Licensing Team  
Lunar House  
40 Wellesley Road

**Post town**

Croydon

**Post Code**

CR9 2BY

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** IE.Alcoholreviews@homeoffice.gov.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.

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Home Office

## Premises Licence Review

Kaaizans Indian Restaurant  
1 Longsands Parade  
St Neots  
PE19 1SU

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## Case Summary

On Friday 07 June 2024, the East of England Immigration Compliance and Enforcement (ICE) team visited the premises of Kaaizan's Indian Restaurant, 1 Longsands Parade, St Neots over concerns that the business was being run using illegal workers. Entry was gained to the premises under Section 179 of the Licensing Act 2003.

On entry at approximately 20:30 hours, the officers found only two customers present in the dining area and there were very few take away orders awaiting preparation or collection. There were, however, nine members of staff encountered, amongst whom were three who were found to be working illegally. All three men were Bangladeshi nationals (none had permission to work in the UK) and were subsequently arrested as immigration offenders liable to be detained for removal.

A referral has been made to the Civil Penalty Compliance Team in relation to the illegal working.

## Licensed Premises History

The premises is licensed in the name of "Kaaizans" by Huntingdonshire District Council, with Premises Licence PHDC/PRE00377 for the sale of alcohol for consumption on and off premises.

The licensee and designated premises supervisor is recorded as being the same person - Mr Abdul SHOHID of 12 Killick Way, London E1 3FH who holds a personal licence issued by London Borough of Tower Hamlets.

There is a Companies House trace for Kaaizans Indian Restaurant as private limited company under the name 'KAAIZAN'S LIMITED. Company number: 09704968. Registered office address is 1 Longsands Parade, St. Neots, Cambridgeshire, England, PE19 1SU. The director is Muhammad Raihan Alom SHOHID and the company was dissolved on 29 September 2020. Muhammad Raihan Alom SHOHID is also the director of "KK Taste Ltd" which was incorporated on 21 January 2020 under the company number 12417749. This company is also registered at 1 Longsands Parade, St. Neots, Cambridgeshire, England, PE19 1SU.



NB: Note that the business appears to trade in either the name "Kaaizan's" or "Kaaizans". For the purpose of this review, the application is written without the apostrophe in the name, as this is the name recorded on the licence.

## Enforcement Visit: 07 June 2024

These summarised details are extrapolated from the officer's electronic notebook entries made during the operational visit. Upon entering the premises shortly after 20:30 hours, immigration officers encountered the following individuals:

██████████

Officer's observations noted that when they entered, he was seen in the front of house with another male, it wasn't busy, and they were standing talking in the customer area. In illegal working questioning he stated he doesn't work there but "helps out" and his duties include front of house, showing customers to seats, taking orders and answering the phone.

When questioned further, he admitted that he had been working there "this week" and then "every now and then" when he comes to stay. He doesn't usually get money for helping out, but sometimes he does, he would usually get a place to stay and eat. He identified that Mr SHOHID tells him what do to and that he knows he can't legally work.

Records show that ██████ has been in the United Kingdom since 2009 when he originally entered as a student, he had extensions of stay granted, the most recent being in February 2013. This leave was curtailed in December 2014 as he stopped studying. ██████ made an application to remain in the UK on 17 July 2023 which was refused on 23 May 2024. ██████ had no right to work since December 2014.

██████████

On entry, officers noted that he was working behind the counter of the restaurant wearing a waiter's uniform similar to that worn by others who were encountered working.

Interviewed about his employment, ██████ stated that he has been working at the restaurant for the past 15 months, 6 days a week from 17:00 to 22:30 hours. He is paid £250 a week including accommodation and food and does not pay national insurance. He was employed by Muhammed SHOHID, the manager's son, and this is who pays him for working. He states that he was a student when he applied and was allowed to work 20hrs a week, however, has been working 33hrs a week since working there. He was trained in his first week by the manager Mohammed SHOHID and he also tells him his duties and when to work. ██████ lives above the restaurant.

Records showed that ██████ had been issued a student visa in January 2023 but had later made an application to remain in the UK for a different reason. The student visa restricted his employment to a maximum of twenty hours per week and it was

subsequently established that [REDACTED] additional application to stay had been refused on 17 April 2024.

Should [REDACTED] had remained as a student, he would have been significantly exceeding his conditioned hours and therefore working in breach of his visa. His second application made on 25 May 2023 gave him to right to work. This was refused on 17 April 2024. Therefore, [REDACTED] was working illegally.

[REDACTED]

[REDACTED] was stopped trying to leave the premises by officers who were covering a rear exit. When interviewed, he initially stated that he lived upstairs and had come down to the restaurant to get some food. However, he subsequently admitted that he had been working at this business for one week for 35hrs a week as a chef. The manager has him on fixed shifts in the evening, working 17:00 to 21:00hrs and provided a uniform. He is paid £180 a week cash in hand by the manager Muhammed SHOHID and found the job by coming to the place and asked about availability. Before living and working at the business for the last week, he was supported by his cousins and two uncles. He lives upstairs above the restaurant and does not pay for this.

Records showed that [REDACTED] had a skilled worker visa with a sponsorship to work in construction and last entered the UK on 15 March 2024. When asked about working in construction since being in the UK he replied, 'not until September this year'. Skilled worker visas restrict employment to positions that are listed on the Home Office Shortage Occupation List and that are incidental to the main role for which their visa was issued.

In this instance, [REDACTED] admitted that he was not working in line with his visa in the skilled role he had applied for and that he had never started to do so, his visa was curtailed as he was clearly not allowed to work in the position that he was doing and the comments regarding his basis of pay and hours suggested that this was far from his first week of employment at the restaurant.

## **Manager – Muhammad SHOHID**

Muhammad SHOHID who was identified as the manager by the staff encountered was spoken to by an officer. SHOHID stated that the business is owned by his family and that he and his father, Abdul SHOHID are directors of the company. When asked who is in charge of hiring staff SHOHID stated 'my dad and sometimes the job centre send us people'. SHOHID stated that either he or his father, Abdul SHOHID pay the staff in cash. When asked by the officer if he checks employee's right to work in the UK, he said yes but when asked how he conducts these checks he replied, 'How can I tell there isn't a number I can call just to check'. SHOHID also stated that the premises does not have a refusal log and he was not aware that he needed one. Whilst Muhammad SHOHID did not call himself the manager, it is



evident that he plays a large role in the business, and he was interviewed at the restaurant when his father, Abdul SHOHID who is the licence holder and DPS was present but appears to very much be the figurehead rather than the active supervisor or manager.

## Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

Whether by negligence or wilful blindness illegal workers were engaged in employment and licensable activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working; and guidance can be found on the GOV.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page.

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.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers and that given that the original intelligence which led to the operational visit was first received at the Home Office in late March, that employment of illegal workers has not been for a very limited period or in response to a particular short-term event.

The observations of the officers regarding the limited number of customers and orders suggests that it is very difficult to argue that the pressure of the business forced them to employ temporary staff without conducting any checks upon their status or indeed that they might have been forced to employ illegal workers due to no alternative staff being available. The questioning of the manager on site suggests that he is aware of restrictions upon employing foreign nationals and that he conducts some cursory examination or questioning of them in order to ascertain their status. In addition, the illegal workers are being paid off-the-books or via means of accommodation, pocket money and food. Yet the management of the premises has either been unaware of their limited immigration status or choose to ignore it and employ them regardless. For these reasons, it is felt that a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded straight to review to bring the serious nature of the facts to the attention of the licensing authority.

## Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

The license holder would have been aware of his responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

Immigration Enforcement asks that the premises licence is revoked. Merely seeking to remedy the existing situation, for instance by the imposition of additional conditions or a limited 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. It also does nothing to support other businesses in the area who are working hard to stay within the law during a time of economic difficulty.

This submission and appended documents provide the licensing subcommittee 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.

## Appendix A – Supporting Evidence

Illegal Working-Employee [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working-Employee [REDACTED]

Illegal Working-Employer Muhammad SHOHID [REDACTED]

**Illegal Working - Employee**

**Details**

Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	████████████████████ - Bangladesh				
Subject CIDPID/CEPR	██████████				
Subject name	██████████████████				
Subject DOB	██████████				
Subject nationality	Bangladesh				
Subject gender	Male				
Time	21:19				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>519303</td> </tr> <tr> <td><b>Northing</b></td> <td>260592</td> </tr> </table>	<b>Easting</b>	519303	<b>Northing</b>	260592
<b>Easting</b>	519303				
<b>Northing</b>	260592				
Creation date	07-06-2024 21:19:19				

**Language of Interview**

What language is the interview carried out in?	English
Interpreter used?	No

**Obligation**

what are you doing here today?	Seeing my friend
whos the friend	The owners son - ██████████
what time did you get here?	I came here today with him at 17:00. I'm sorry sir, I was lying to you. He is my friend and I have been staying here for a week.
do you live here	Yes, for the moment.
when do you plan on going home?	Tonight or tomorrow
if we didn't come in tonight, when would you then be going home?	Saturday.
have you been helping out at all since arriving?	Yes bur not working.
how long have you been helping out here?	This week, then now and again when I come and help here I stay.
What is your job role/ what are your duties?	Front of house, show to seats, take order and pick up the phones

do you do anything else?	No
What days/ hours do you work each week?	Normally Friday and Saturday when it's busy. I stay upstairs and I come down when it's busy
is that the same every week?	No sir, sometimes they don't need me they only need me when they are busy.
Do you work the same hours/ days every week?	Depends 17.00 - 19.00 or 20.00 when its busy I answer the phone when they need.
<b>Control</b>	
Who said you can help here?	I asked him if I can have place to stay sometimes what do you need me to do?
Who is 'him'?	Raihan I asked him if I can stay sometimes and he said yes.
Who calls you to come and help?	No one calls me, I come and see if its busy and if they need me
Who tells you what tasks/ duties to do each day?	The bossman
Who is the bossman?	Mr shohid
Who says you can stay? How do you decide when to come	I just come up here.
<b>Remuneration</b>	
are you given any money?	No sir just a place to stay and eat
do they give you food?	Yes sir
do you get any money?	Now and again I get money,
where do they let you stay?	Upstairs.
if you didn't work here, would they give you food or stay?	I think so, they are good people I do that by myself.
Who pays you?	I don't get money, he is my friend and he looks after me.
would he look after you if you didn't work here?	Yes he is a good man
<b>Pre-employment Checks</b>	
What name does the employer know you as?	██████
when you started helping here, did you have a right to work?	No
did you provide any documents?	He knows I can't work. My friend knows I claimed asylum and I can't work.

**Additional Questions**

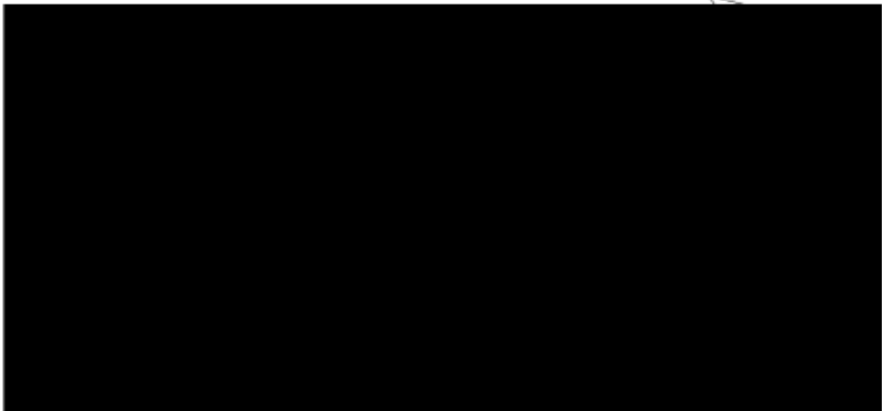
No details provided.

**Photographs**

No photographs.

**Declaration**

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature ( [REDACTED] )	 <p>07-06-2024 21:43:02</p>
--------------------------------------	---

**Observations**

<b>Observations</b>	He was seen in the front of house with another male, it wasn't busy and they were just standing talking in the customer area.
---------------------	---

<b>Do you suspect this person of illegal working?</b>	Yes
---	-----

**Management Checks Complete**

<b>Date management checks complete</b>	30-06-2024 17:49:18
--	---------------------

<b>Reviewer(s)</b>	[REDACTED]
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Illegal Working - Employee					
<b>Details</b>					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntolD	██████████ - Bangladesh				
Subject CIDPID/CEPR	██████████				
Subject name	██████████				
Subject DOB	██████████				
Subject nationality	Bangladesh				
Subject gender	Male				
Time	21:19				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>519302</td> </tr> <tr> <td><b>Northing</b></td> <td>260590</td> </tr> </table>	<b>Easting</b>	519302	<b>Northing</b>	260590
<b>Easting</b>	519302				
<b>Northing</b>	260590				
Creation date	07-06-2024 21:19:28				
<b>Language of Interview</b>					
What language is the interview carried out in?	English				
Interpreter used?	No				
<b>Obligation</b>					
How long have you been working at this business?	15 months				
What is your job role/ what are your duties?	Waiter				
What days/ hours do you work each week?	From 1700 to 2230 hours, 6 days a week				
how will you get paid?	Weekly into my bank account.				
How did you get this job here?	I saw a post on Facebook from the restaurant.				
How much do you get paid a week?	£250 a week plus accommodation and food				
<b>Control</b>					
Who gave you this job (name and role in business)?	Mohammed Raihan Shohid. He is the manager's son.				
Who tells you what days/ hours to work?	Mohammed Shohid. The manager				



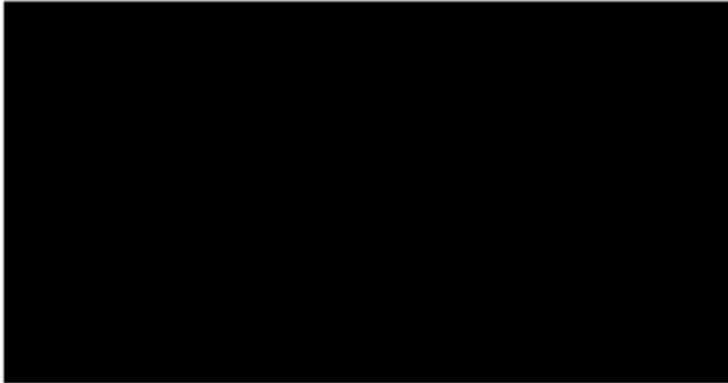
Who tells you what tasks/ duties to do each day?	Mohammed Shohid (manager)
Is he here today?	He is, but at the moment, he is out doing deliveries.
<b>Remuneration</b>	
Who pays you?	Managers' son Mohammed Raihan Shohid
Do you pay income tax or have a National Insurance number?	No, I don't pay national insurance . The number is [REDACTED].
Have you received any training?	The first week, I received training by Mohammed Shohid
Do you get a pay slip?	No, it all goes on my cars.
<b>Pre-employment Checks</b>	
What name does the employer know you as?	[REDACTED]
Did the employer check your right to work or immigration status before they offered you the job?	I was a student when I applied and was able to work 20 hours a week. They did checks on me
You've claimed you work 33 hours a week, so you are working 13 hours over what you are supposed to do. Did the manager know he was giving you more hours than you were supposed to work.	No
Does your employer know you're not allowed to work in the UK, now you are claiming asylum.	No
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	No
<b>Additional Questions</b>	
As well as yourself, how many other staff live upstairs?	5
Do you serve any alcohol behind the bar?	Yes
Who else serves alcohol behind the bar?	The manager
Have you been trained behind the bar	Yes
Do you have a refusal log behind the bar?	No

**Photographs**

No photographs.

**Declaration**

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature ( [REDACTED] )	 <p>07-06-2024 21:53:10</p>
--------------------------------------	---

**Observations**

<b>Observations</b>	He has been giving instructions on how to work things behind the counter to other employees who have been cleared.
---------------------	--

<b>Do you suspect this person of illegal working?</b>	Yes
---	-----

Illegal Working - Employee					
<b>Details</b>					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
ProntoID	[REDACTED] - Bangladesh				
Subject CIDPID/CEPR	[REDACTED]				
Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	Bangladesh				
Subject gender	Male				
Time	21:22				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>519303</td> </tr> <tr> <td><b>Northing</b></td> <td>260593</td> </tr> </table>	<b>Easting</b>	519303	<b>Northing</b>	260593
<b>Easting</b>	519303				
<b>Northing</b>	260593				
Creation date	07-06-2024 21:21:58				
<b>Language of Interview</b>					
What language is the interview carried out in?	Bengali				
Interpreter used?	Yes				
Details of interpreter	[REDACTED]				
Does the individual understand the interpreter?	Yes				
<b>Obligation</b>					
How long have you been working at this business?	One week				
What is your job role/ what are your duties?	Chef				
What days/ hours do you work each week?	35				
have you worked at the construction site since being in the UK?	Not until September this year				
how do you get paid here	Cash				
who pays him the cash?	Muhammad shohid - manager				
how have you supported yourself since April?	Cousins, two uncles have been supporting him				

how did you find out about the restaurant Job	I came here myself and asked about availability
why does he work here if he lives so far away	I live upstairs and once or twice a week to go home
do you pay to live upstairs	No
who recommended working here	On Facebook
how long have you been staying upstairs	One week
how much do you get paid	180 a week
do you have any other roles other than chef	Chef
why don't you have a uniform	He just came from upstairs, he does have a uniform
what hours do you do and who tells you when to come	5pm to 9pm, evening, fixed time by the manager
<b>Control</b>	
No details provided.	
<b>Remuneration</b>	
How are you paid (money, accommodation, food)?	I just work here for cash
<b>Pre-employment Checks</b>	
Did the employer check your right to work or immigration status before they offered you the job?	I showed him my passport, he doesn't know what checks they done, I can't remember
Does your employer know you're not allowed to work in the UK?	He's not sure

**Additional Questions**

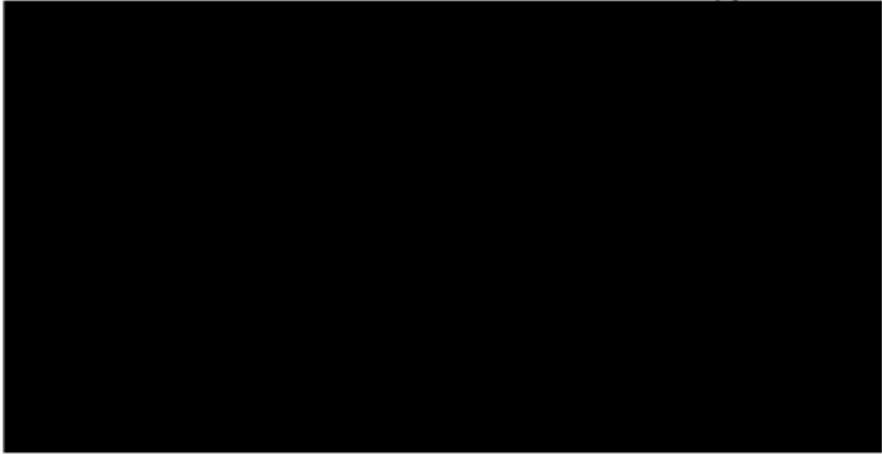
No details provided.

**Photographs**

No photographs.

**Declaration**

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature ( [REDACTED] )	 <p>07-06-2024 21:40:13</p>
--------------------------------------	--

**Observations**

<b>Observations</b>	Has a sponsorship to work in construction, has admitted to working and living full time in the restaurant
---------------------	---

<b>Do you suspect this person of illegal working?</b>	Yes
---	-----

**Illegal Working - Employer**

**Details**

Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
ProntoID	Other				
Subject CIDPID/CEPR	Unknown				
Employer	Muhammad SHOHID				
Time	21:01				
Created at geolocation	<table border="0"> <tr> <td><b>Easting</b></td> <td>519301</td> </tr> <tr> <td><b>Northing</b></td> <td>260591</td> </tr> </table>	<b>Easting</b>	519301	<b>Northing</b>	260591
<b>Easting</b>	519301				
<b>Northing</b>	260591				
Creation date	07-06-2024 21:01:25				

**Language of Interview**

What language is the interview carried out in?	English
Interpreter used?	No

**Employer Details**

What is the name of the business?	Kaaizans
If the business is owned by a company what is the name of the company?	Owned by family, directors of the company are myself and my father Abdul Shohid
What are the Companies House and VAT numbers of the business?	Does not know
What is your position here?	Help ar the weekend if its busy
who is in charge of hiring staff	My dad and sometimes the job centre send us people
how long have you worked here.	Since the beginning we've had it 9 years
who pays the staff	Sometimes I do and sometimes my dad
do you pay by cash or bank transfer	Cash
do you ask to see people's right to work in the UK	Yes
So why have we encountered 3 people without permission	How can I tell there isn't a number I can call just to check,
are you aware of the checking service	No
how long has ██████████ worked here	He doesn't work here. He is one of my friends and he lives upstairs
how long has ██████████ worked here	4 to 5 months, he is a waiter

Did [REDACTED] show you proof he is allowed to work	Yes he showed me a card to say he's at online university and he is allowed to work 20 hours
and [REDACTED]?	Been here 1 or 2 weeks and he also showed me a card to say he can work 20 hours. Might works as a kitchen porter

**Declaration by Employer**

I confirm that I have understood all the questions and that the details are true and correct.

Signed by Muhammad SHOHID



07-06-2024 21:25:02

**Observations**

Observations

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# Schedule 12 Part A



## Premises Licence

**Premises Licence Number**

HDC/PRE00377

### Part 1 – Premises Details

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

**Kaaizans  
1 Longsands Parade  
St Neots  
Cambridgeshire  
PE19 1SU**

Telephone number **01480 475995**

Where the licence is time limited the dates: **Not Applicable**

This licence comes into effect on: **01.08.2024**  
The annual fee is due **11 September** and each year.

Licensable activities authorised by the licence

**Late Night Refreshment (Indoors)**  
**Supply of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Late Night Refreshment – Monday to Saturdays 23:00 - 00:00, Sundays 23:00 - 23:30**  
**Supply of Alcohol – Mondays to Saturdays 11:00 - 00:30, Sundays 12:00 – 00:00**

The opening hours of the premises

**Monday to Saturday 11:00 - 00:30**  
**Sunday 12:00 - 00:00**

**SEASONAL VARIATIONS & NON-STANDARD TIMINGS – For the licensable activities authorised by this licence:**

1. Alcohol may be supplied at the times shown on the following days:
  - a. on Christmas Day from 12:00 to 23:30;
  - b. on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.
  - c. on Good Friday from 12:00 to 23:30.

# Schedule 12 Part A

## Premises Licence

**Premises Licence Number**

HDC/PRE00377

2. Late night refreshment may be provided at the times shown on the following days:
  - a. on Christmas Day and Good Friday from 23:00 to 23:30
  - b. on New Year's Eve from 23:00 to 05:00
3. The premises may be open to the public at the times shown on the following days:
  - a. on Christmas Day and Good Friday from 12:00 to 00:00
  - b. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Alcohol is supplied for consumption ON and OFF the Premises**

### Part 2

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

**Mr Mohammed Aahil**  
**19 Menotti Street**  
**London**  
**E2 6JH**

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

N/A

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

**Mr Mohammed Aahil**  
[REDACTED]

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

**Reference Number: 09/00443/LAPER**

**Licensing Authority: Newham Council**

# Schedule 12

## Part A

## Premises Licence

Premises Licence Number

HDC/PRE00377

### ANNEX 1 – MANDATORY CONDITIONS

1. No supply of alcohol may be made at a time when
  - a. there is no designated premises supervisor in respect of the premises licence, or
  - b. the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
3. 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.
4. In paragraph 3, 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).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
7. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
8. 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

# Schedule 12

## Part A

### Premises Licence

**Premises Licence Number**

HDC/PRE00377

- b. an ultraviolet feature.
9. The responsible person must 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;
  - 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."
10. 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.
11. For the purposes of the condition set out in paragraph 10 –
- 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.
12. Where the permitted price given by paragraph b. of paragraph 11 would (apart from this 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.
13. Paragraph 14 applies where the permitted price given by paragraph b. of paragraph 11 on a day ("the first

# Schedule 12

## Part A

### Premises Licence

**Premises Licence Number**

HDC/PRE00377

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.

14. 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.

#### **ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1. This licence is subject to conditions that reproduce the effect of conditions attached to the following licence which applied in respect of the premises at the time of conversion - Restaurant Licence
2. This licence is also subject to conditions which reproduce the effect of any restriction which had effect on the use of the premises for licensable activities at the time of conversion - Children and Young Persons Act 1933; Licensing Act 1964; and Sporting Events (Control of Alcohol, etc) Act 1985.
3. For the avoidance of doubt, the table attached as Appendix 1 should be regarded as the embedded restrictions under the Licensing Act 1964.

Following an application to vary the premises licence Aug 2020, the following conditions were added by the Licence Holder

4. Any incidents of a criminal nature that may occur will be reported to the Police.
5. The premises will be equipped with comprehensive CCTV coverage which is maintained and operated from the premises.
6. All customers will be asked to leave quietly with clear and legible notices displayed prominently
7. All staff will adopt a Challenge 25 Policy, only photographic ID will be accepted.

#### **ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

N/A

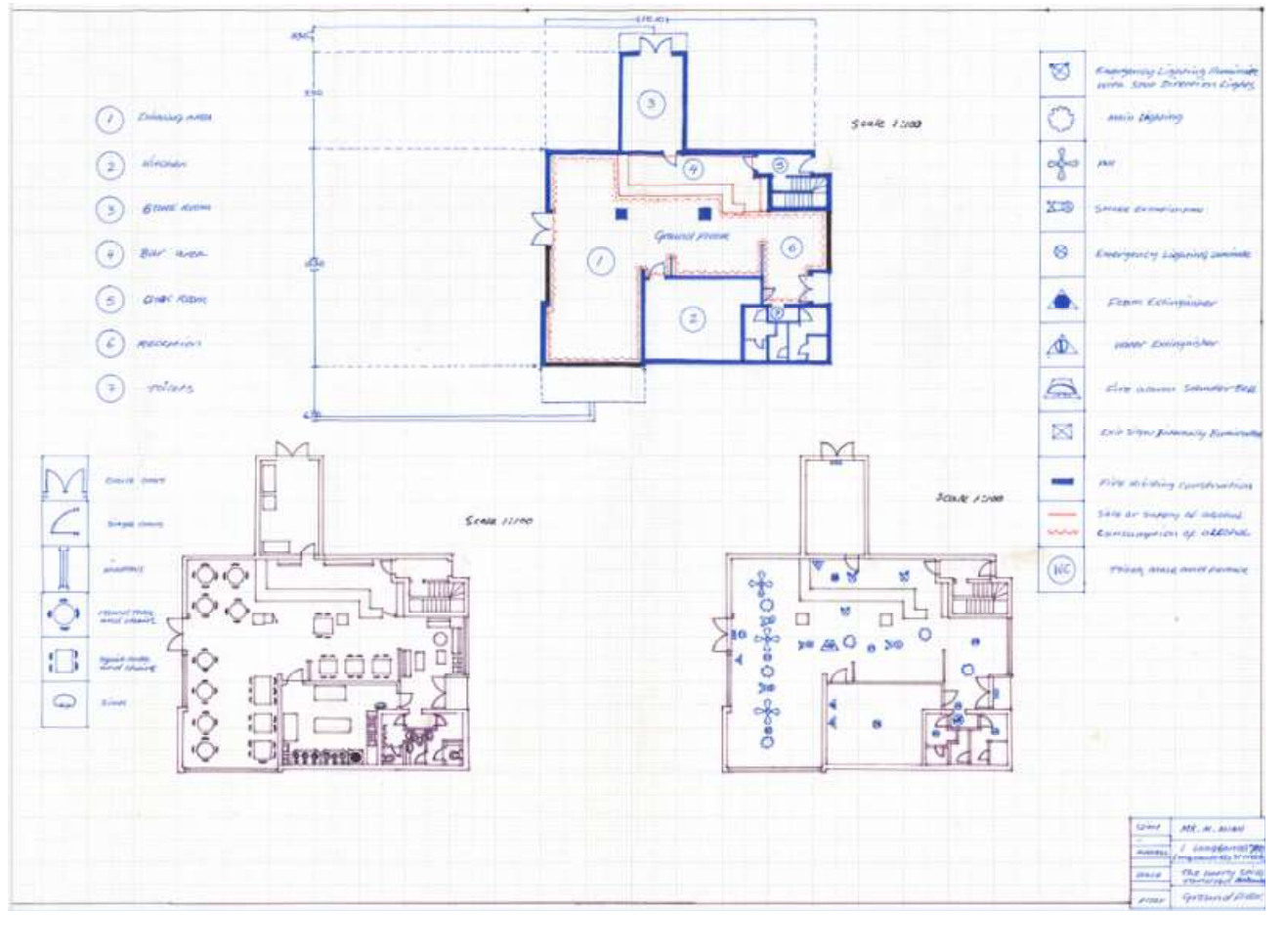
# Schedule 12 Part A

## Premises Licence

Premises Licence Number

HDC/PRE00377

### ANNEX 4 – PLANS



Licence valid from: 01.08.2024



Date of Issue: 01.08.2024

Signed: Community Services Manager

Representation and comment from Responsible Authorities
From - PC 446 Metcalf – Operational Planning and Licensing/ Partnerships and Operational Support, Cambridgeshire Constabulary
<p>To Whom it may concern,</p> <p>I write on behalf of Cambridgeshire Constabulary in relation to the Home Office, Immigration Enforcement, Alcohol Licensing Team, request to review the Premises Licence of The Kaaizans Indian Restaurant, 1 Longsands Parade, St. Neots, PE19 1SU.</p> <p>Cambridgeshire Constabulary as a responsible authority, supports the Home Office recommendation to revoke the premises licence due to the seriousness of criminal activity identified within the review documentation.</p> <p>I also would also like to make you aware of The High Court decision of East Lindsey District Council v Abu Hanif (t/a Zara’s restaurant and takeaway) it is a stark reminder that there can be consequences for employers who employ illegal workers, even if they are not convicted of an offence.</p> <p><a href="#">Employing illegal workers? You could lose your alcohol licence, even if you are not convicted - Lexology</a> – Please see appendix D1 for this document</p> <p>The Home Office recommendation is supported by guidance issued under section 182 of the Licensing Act 2003</p> <p>11.24 “...Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority’s role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.”</p> <p>11.26 “...The licensing authority’s duty is to take steps with a view to the promotion of the licensing objectives and <b>the prevention of illegal working</b> in the interests of the wider community and not those of the individual licence holder.”</p> <p>11.27 “There is a certain criminal activity that may arise in connection with licensed premises, which should be treated particularly seriously.....”</p> <p><b>- for employing a person who is disqualified from that work by reason of their immigration status in the UK.</b></p> <p>11.28 “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.”</p> <p>Another article of interest:</p>

The Government offers advice regarding checking a job applicant's right to work via [Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](https://www.gov.uk) – Please see appendix D2

Respectfully,

From – DS797 Chris Acourt, Cambridgeshire Modern Slavery and Human Trafficking team, Cambridgeshire Constabulary

To whom it may concern

I have been asked to comment on Kaaizans Restaurant, St Neots regarding an upcoming licencing review. I am a Detective Sergeant within Cambridgeshire Constabulary heading up a team that is in place to investigate Modern Slavery offences. I have over 10 years experience working in this field which has involved dealing with a number of complex Modern Slavery and Human Trafficking offences. Modern Slavery is a hidden crime and can be extremely hard to identify. The main reason for this is that victims very rarely come forward and identify themselves as being exploited. This can be for a variety of reasons. Victims often live in fear of the people who are exploiting and will also distrust in persons in authority. In addition to this victims will often become reliant on their exploiters feeling that they have no other choices available to them. Victims will often be poorly educated and have no real understanding of English. This makes them incredibly vulnerable as they are often completely unaware of their rights and entitlements regarding pay and working conditions.

I make the below observations following a visit to Kaaizans Restaurant on the 2<sup>nd</sup> June 2024 by the Immigration and Compliance Enforcement team.

Based on the report provided it shows that the three individuals highlighted both work and sleep at the restaurant. This would be a Modern Slavery red flag due to the concerns about whether the highlighted individuals had any choice about where they live or if it was a condition of their employment. These concerns would remain unless it could be evidenced that they were in receipt of payslips showing they were being paid full minimum wage and highlighting a deduction for the accommodation offset (currently £69.93pw), plus tax and national insurance. I would also expect to see some form of working contract detailing how the accommodation is linked to the employment and what status the employee holds (occupant or tenant).

In this case the 3 highlighted workers had no right to work in the UK, they were all paid in cash and it appears they were not in receipt of payslips or had any contract of employment. This would indicate to me that these workers were particularly vulnerable, and easy targets for exploitation. It cannot be shown how many hours they are actually working, how many days off per week they were having, what they are receiving in respect of holiday pay or what happens if they are off sick.

Although not highlighted by any of the staff there are a number of ways in which victims can be controlled in situations such as this. Workers wishing to leave or complaining about their conditions can be threatened with being reported to the



authorities with a view to be being deported. Victims can also be placed in debt bondage (which can be a perceived debt incurred for accommodation, food, transport or even being given employment). Victims will also often state they fear for families back in their home countries if they come forward to speak to the Police. To me there seems to be a clear disregard in respect of the proper employment of the highlighted staff. It cannot be proven how much the staff were being paid or even if they were being paid at all They have no protection under employment law and would not be contributing towards any form of pension.

It is for these reasons based on the content on the report provided that I fully support the immigration action against the owners.

Kind Regards

From – Kirsty Draycott, Senior Trading Standards Officer, Cambridgeshire and Peterborough Trading Standards.

I can confirm that we have received the below email regarding the application to review the premises licence for Kaaizans, St Neots. We have no comments to make in relation to this application.

Kind regards

From Stephen Browne, Environmental Health Officer, Huntingdonshire District Council

Thank you for consulting me on the application to Review a Premises licence at Kaaizan's, 1 Longsands Parade, St Neots, PE19 1SU.

I have been employed by Huntingdonshire District Council since October 2020 as an Environmental Health Officer having worked in Environmental Health since February 1999. I am a Registered Chartered Environmental Health Practitioner with the Chartered Institute of Environmental Health. In my role at Huntingdonshire District Council, I work in the team responsible for food safety and hygiene. I do not have any representation to make as such for this review.

However, for information purposes, Kaaizan's, 1 Longsands Parade, St Neots, PE19 1SU is a food business registered in the Huntingdonshire District Council area. Our records indicate that the food business operator is [REDACTED]. I attended the premises to undertake an unannounced routine food hygiene inspection on 23 May 2024. The previous inspection had been carried out by me on 10 November 2022.

The details of the food handlers at the inspection on 23 May 2024 were [REDACTED]. These were the same as those at the previous inspection on 10 November 2022.

If you require any further information, then please don't hesitate to contact me.

Kind regards



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## Employing illegal workers? You could lose your alcohol licence, even if you are not convicted

**Womble Bond Dickinson (UK) LLP**

MEMBER FIRM OF 

**United Kingdom** | April 20 2016

The High Court decision in *East Lindsey District Council v Abu Hanif (t/a Zara's restaurant and takeaway)* is a stark reminder that there can be consequences for employers who employ illegal workers, even if they are not convicted of an offence.

### **Background**

Employers may already be aware that, if they employ individuals who do not have the right to work in the UK or who are working in breach of their conditions of stay in the UK, they may be liable to a civil penalty or commit a criminal offence.

Employers may be liable to a civil penalty of up to £20,000 for each individual or, if convicted of the criminal offence of knowingly employing an individual without the appropriate permission, an unlimited fine and/or imprisonment of up to two years.

### **Facts**

Following a raid of Mr Hanif's restaurant and takeaway business, Mr Hanif was found to be employing an illegal worker. He had employed a chef without appropriate paperwork evidencing a right to work in the UK and the chef had been paid cash in hand and below the national minimum wage. In addition, Mr Hanif had not kept or maintained PAYE records and had not accounted to HMRC for tax deducted from the chef's wages.

The licensing authority subsequently revoked Mr Hanif's premises licence. Mr Hanif appealed that decision and it was argued on his behalf that, as he had been given a civil penalty and had not been prosecuted for the criminal offence of employing an illegal worker, the licensing authority should not have revoked his licence because the crime prevention objective under the legislation had not been engaged.

### **District Judge's decision**

The District Judge agreed that, as prosecution proceedings had not been brought, the crime prevention objective had not been engaged. Accordingly, the licence should not have been revoked. The Council appealed this decision by way of case stated.

### **High Court decision**

The High Court Judge agreed with the Council's representations that the crime prevention objective did not require a crime to have been reported, prosecuted or established in court. The crime prevention objective is not retrospective; instead it is concerned with the avoidance of harm in the future.

The High Court Judge was satisfied that criminal offences had been committed – the non-payment of the minimum wage and failure to account to HMRC for tax deducted. He was also satisfied that Mr Hanif was aware that he was employing an illegal worker. Accordingly, in his view, the Council's decision to revoke Mr Hanif's licence was correct. He ordered Mr Hanif to pay costs and also approved the case for citation in future cases as a deterrent to other employers.

## **Comment**

The implications of employing illegal workers can be severe for any employer.

Employers must carry out an initial right to work check on every prospective employee before the employment commences to ensure they are permitted to work in that particular role. The checks must be repeated where the employee's permission is time-limited.

However, as this case demonstrates, there are additional concerns for employers in the Hospitality and Leisure sector where holding an alcohol premises licence is an integral part of the business.

Although employing illegal workers was not the only offence here, and each case will be determined on its own facts and merits, hospitality and leisure employers should bear in mind that, even in the absence of a criminal conviction, employing illegal workers could potentially lead to the loss of their business.

Employers should also bear in mind that attempts to clamp down on illegal working are likely to increase. In particular, the government is proposing changes to the current immigration regime under the Immigration Bill 2015-2016. Key proposals include:

- An extension of the criminal offence of knowingly employing an illegal migrant to include circumstances where an employer has "reasonable cause to believe" that a person is an illegal worker;
- An increase in the conviction on indictment for that offence from two to five years; and
- Creation of a new offence of illegal working which would enable the earnings of illegal workers to be seized under the Proceeds of Crime Act 2002.

**Womble Bond Dickinson (UK) LLP** - Ewen Macgregor, Laura Daniels and Rachel Jones

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# Checking a job applicant's right to work

You must check that a job applicant is allowed to work for you in the UK before you employ them.

You can:

- [check the applicant's right to work online \(/view-right-to-work\)](/view-right-to-work), if they've given you their share code
- [check the applicant's original documents \(/legal-right-work-uk\)](/legal-right-work-uk)

You can also check an applicant's right to work by using an identity service provider that offers Identity Document Validation Technology (IDVT). You can find out more about IDVT in the [employer's guide to right to work checks: 28 February 2023 \(/government/publications/right-to-work-checks-employers-guide\)](/government/publications/right-to-work-checks-employers-guide).

British and Irish citizens cannot get an online share code to prove their right to work. You'll need to check their original documents - for example, their passport or passport card - or use an identity service provider instead.

You do not need to do checks for existing employees from the EU, EEA or Switzerland if they came to the UK before 1 July 2021.

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[Employ someone: step by step \(/employ-someone\)](/employ-someone)

[You'll also need a sponsor licence \(/uk-visa-sponsorship-employers\)](#) to employ EEA and Swiss citizens coming to the UK to work from 1 January 2021.

**You could face a [civil penalty \(/penalties-for-employing-illegal-workers\)](#) if you employ an illegal worker and have not carried out a correct right to work check.**

You must not discriminate against anyone because of where they're from. [Sign up for email updates about the right to work policy](#) (<https://gov.smartwebportal.co.uk/homeoffice/public/webform.asp?id=256&id2=5C7A4A>).

## Checking the applicant's original documents

- 1 Ask to see the applicant's original documents. You can no longer accept biometric residence cards or permits. Ask the applicant for a share code instead.
- 2 Check that the documents are valid with the applicant present.
- 3 Make and keep copies of the documents and record the date you made the check.

### What to check

You need to check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you
- photos are the same across all documents and look like the applicant
- dates of birth are the same across all documents
- if 2 documents give different names, the applicant has supporting documents showing

why they're different, such as a marriage certificate or divorce decree

If the applicant is not a British or Irish citizen, you'll also need to check that:

- the dates for the applicant's right to work in the UK have not expired
- 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

Read the guidance on [how to carry out right to work checks and what documents you can accept \(/government/publications/right-to-work-checks-employers-guide\)](#).

## Follow-up checks

If your employee's right to work is time-limited, you'll need to check their documents again when it's due to expire.

## Taking a copy of the documents

When you copy the documents:

- make a copy that cannot be changed, for example a photocopy
- make sure the copy is clear enough to read
- for passports, copy any page with the expiry date and applicant's details (for example nationality, date of birth and photograph) including endorsements, for example a work visa
- 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

Make sure you follow [data protection law \(/data-protection-your-business\)](#).

## If the job applicant cannot show their documents

You must [ask the Home Office to check an employee's or potential employee's immigration status \(/employee-immigration-employment-status\)](#) if they cannot show their documents or online immigration status.

This could be, for example, because they:

- have an outstanding appeal, review or application with the Home Office
- arrived in the UK before 1989 and do not have documents to prove their immigration status or right to work

You must also ask the Home Office to check their status if they have:

- a digital or non-digital Certificate of Application that says you need to ask the Home Office to check their right to work
- an Application Registration Card

Application Registration Cards must state that the work the employer is offering is permitted.

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.

## If you need more help

Read the [employer's guidance on right to work checks \(/government/collections/right-to-work-checks-employer-guidance\)](#) if you need more help.

You can also contact the Home Office.

Employer Enquiry helpline  
Telephone: 0300 790 6268  
Monday to Thursday, 9am to 4:45pm  
Friday, 9am to 4:30pm  
[Find out about call charges \(/call-charges\)](#)



For application questions as a business (or representative) or a Tier 1 investor, contact the business helpdesk.

Business helpdesk  
[businesshelpdesk@homeoffice.gov.uk](mailto:businesshelpdesk@homeoffice.gov.uk)

For application questions if you're an educational provider or student sponsor, contact the educators helpdesk.

Educators helpdesk  
[educatorshelpdesk@homeoffice.gov.uk](mailto:educatorshelpdesk@homeoffice.gov.uk)

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