



Home Office

## Premises Licence Review

Indiaana Restaurant  
61 High Street  
Ramsey  
Cambridgeshire  
PE26 1AB

# Contents

Contents.....	2
Case Summary .....	3
Licensed Premises History.....	4
Enforcement Visit dated: 25 February 2023 .....	5
Reasons for Review .....	9
Outcome Sought .....	10
Annex: Officer Records .....	12

## Case Summary

On 25 February 2023, officers from the Home Office Immigration Compliance and Enforcement (ICE) team for the East of England visited the premises of Indiana Restaurant, 61 High Street, Ramsey, Cambridgeshire, PE261AB after intelligence was received that the business was employing illegal workers. Entry to the premises was gained by a search warrant obtained under the Immigration Act 1971.

Five members of staff were found to have no permission to work in the United Kingdom.

A referral has been made to the Home Office Civil Penalty Compliance Team to consider pursuing a penalty in relation to the illegal working and a £20,000 penalty has been imposed.

Referrals were also made to Cambridgeshire Fire Service due to concerns over the premises and its residential accommodation. A referral was also made to the local authority's Food Safety Team due to the business kitchen apparently being used by residents who were not members of staff.

## Licensed Premises History

The premises license number is HDC/PRE00613 issued by Huntingdonshire District Council on 09 October 2015 and relates primarily to the provision of alcohol for consumption on the premises.

The named holders of this licence are recorded as Mr [REDACTED] & Mr [REDACTED] with Mr [REDACTED] being recorded as the Designated Premises Supervisor.

The business is listed on Companies House as "Ramsey Foods Ltd", company number 13904056 which was incorporated on 09 February 2022 and which has only one director listed – Mr [REDACTED], a British citizen born in May 1974. He is recorded as being a person with significant control, owning more than 75% of the company shares.

## Enforcement Visit dated: 25 February 2023

Entry was gained to the premises at 20:27 hours. Upon entering, Immigration Officers encountered several members of staff and questioned them regarding their immigration status. Of those present at the premises, five were subject to immigration control.

██████████

██████████ was initially seen by officers to be standing behind the bar, pouring customers drinks. He was wearing a smart white shirt and black formal trousers. He was also seen to accept payment for meals from customers and a food safety certificate bearing his name was also found to be on display in the premises.

Upon being spoken to, he admitted that he was working at the restaurant and had done so since December 2022. He stated that he was not paid a regular wage but was given food, water and accommodation for his services and occasionally was give some cash by "Mr ██████████

Home Office records revealed that ██████████ had arrived in the UK with a student visa which expired in 2011 but in 2017 had been arrested by police and had at that point been served been served notice of intention to remove him from the UK, as an overstayer. He had then made two attempts to seek leave to remain to avoid removal to Bangladesh and is currently released on bail. His bail conditions include a prohibition on him undertaking employment.

██████████

██████████ was first encountered at the restaurant in the kitchen area. Upon being spoken to she repeatedly denied being employed at the premises and maintained that she was only making her own food in the kitchen of the restaurant.

Home Office records showed that ██████████ had arrived in the UK from Bangladesh in 2019 and had been in possession of a visit visa, since then she had overstayed and subsequently sought leave to remain in the UK. She had been bailed to an address in Birmingham and as her application had yet to be decided, she had been given restricted rights of employment. This means she can only undertake work that is on the Shortage Occupation List (SOL), this includes areas of employment such as nursing and care work, but not restaurants.

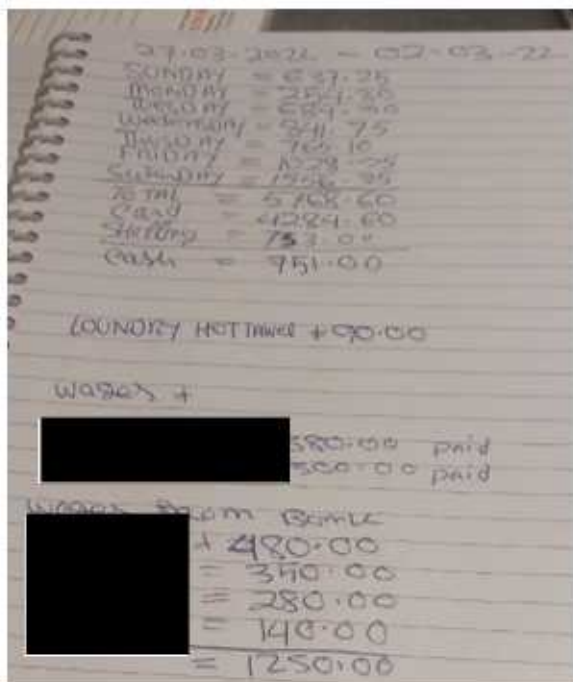
When interviewed, the duty manager stated that ██████████ was going to be employed at the business but at present just lived above the restaurant and came to the kitchen to chat to staff.





[REDACTED]

[REDACTED] was encountered by officers when they entered the kitchen. On being spoken to, he stated that he did not work at the premises, but the owner gave him accommodation and he used to work at the premises when his visa was valid. When pressed regarding why he was given accommodation by the owner, he admitted that he helped with shopping of products for the restaurant. He could not explain why the man who was the duty manager on the day of the visit stated that he was working and using the dishwasher in the kitchen. It was also noted that the name [REDACTED] repeatedly appeared in a book showing accounts which was found in the restaurant.



Photograph of accounts. [REDACTED] is noted to have been paid £280 under wages.

Home Office records show that [REDACTED] entered the United Kingdom on 21 October 2021 as a student dependent. Although he had arrived with a valid visa it was established that he had used deception to enter the UK and was therefore notified of his liability to removal as an illegal entrant, he made an application to remain in the UK and was bailed to the premises of 61A High Street, Ramsey. His status as an illegal entrant means that he has no permission to work in the UK.

[REDACTED]

[REDACTED] was seen by officers working in the kitchen of the restaurant, he admitted to an officer that he was an overstayer and had originally arrived in the UK as a student in 2013. On further interview he stated that he had only been working at the premises for four days and that he cooked and prepared food. He expected to be paid in cash but didn't know how much he would get. [REDACTED] also had a room

upstairs for which he didn't pay rent. [REDACTED] was asked if he showed documents before being offered a job he replied "no".

Home Office records show that [REDACTED] originally had a visa as a student valid to 3 September 2012. He had been served notice as an overstayer in 2013 and made an application to remain. He had been bailed to an address in Basingstoke and had subsequently disappeared. [REDACTED] had no right to work, he was arrested and detained by officers.



## 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.

There were five immigration offenders encountered at the premises. Of these, two remained adamant that they lived above the premises and were not employed but merely cooking their own dinner in the restaurant kitchen.

The only person at the premises who was not subject to immigration control was Mr [REDACTED] who stated that he'd worked at the premises for 4-5 years but did not employ the staff or tell them what duties to undertake. He stated that the manager was Mr [REDACTED] and the man responsible for employing staff was Mr [REDACTED], the owner. He was also the man responsible for paying wages and the man who had employed him. This appears to accord with the information recorded on Companies House.

Neither the licensees, nor the Designated Premises Supervisor appear to have any obvious connection to the business, and none have been mentioned by any of the staff, including the one person who has worked there for 4-5 years. Whatever systems that the business may claim to have in place regarding employment of staff and checks on their right to work, they are woefully inadequate. Indeed it seems that their employment practices as a whole are open to concern - the statement of one of the offenders that he had no idea what he would be paid suggests that there is an element of not only off the books employment and therefore failure to pay National Insurance and tax etc, but there is a strong likelihood that such payments would be significantly under the national minimum wage and verge upon potential elements of modern day slavery.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the neglect or 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 an illegal worker and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded straight to review.

## 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

### Fire Safety:

A referral has been made to Cambridgeshire Fire & Rescue Service following officer's concerns over the safety of the associated residential property above the business.

### Food Safety:

The local authority Food Safety Team were also informed of officer's concerns that it appears to be common practice to allow non staff to use the kitchen during peak business opening time.

The license holder or the business exercising the rights granted by the possession of a licence, should be aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application, i.e. the right to work checks and keeping records for audit purposes.

One of the workers confirmed that his documents were not checked prior to starting. Right to work checks should be carried out on all prospective employees prior to their first day, the checks are also irrespective of the length of the engagement or employment contract. Guidance is available online and the Home Office have published "[Right to work checks: an employer's guide](#)" which can be found on the .Gov website. Additional information on how to conduct these checks is readily available online, this includes the Home Office's official YouTube page which gives a step-by-step video on how to conduct the checks. The information is readily available; however, the license holder has ignored the rules and laws in place to prevent crime and disorder.

It is clear that in relation to this premises, the business is controlled and operated by one man to a significant degree, Mr [REDACTED]; he is neither the DPS nor the license holder for the premises, yet he profits by the licence being in place at his business.

The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.

A firm response to this criminal behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and (unlawfully) inflate their profits to the expense of others.

Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally. Immigration Enforcement asks that the premises licence is revoked.

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.



## Annex: Officer Records

Encounter\_ [REDACTED]-Complete  
Encounter\_ [REDACTED]-Complete  
Freetext\_Food\_safety\_certificate\_ [REDACTED]-Completed  
Freetext\_Illegal\_working\_ ([REDACTED])-Completed  
Freetext\_Observation\_ ([REDACTED])-Completed  
Freetext\_Observations\_working\_ ([REDACTED]-Completed  
Freetext\_Staff\_wages\_ ([REDACTED])-Completed  
Illegal\_Working-Employee\_ [REDACTED]  
Illegal\_Working-Employee\_ [REDACTED]  
Illegal\_Working-Employee\_ [REDACTED]  
Illegal\_Working-Employee\_ [REDACTED]  
Illegal\_Working-Employee\_ [REDACTED]  
Illegal\_Working-Employer [REDACTED]