



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>Easting</td> <td>519303</td> </tr> <tr> <td>Northing</td> <td>260592</td> </tr> </table>	Easting	519303	Northing	260592
Easting	519303				
Northing	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.
Control	
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.
Remuneration	
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
Pre-employment Checks	
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

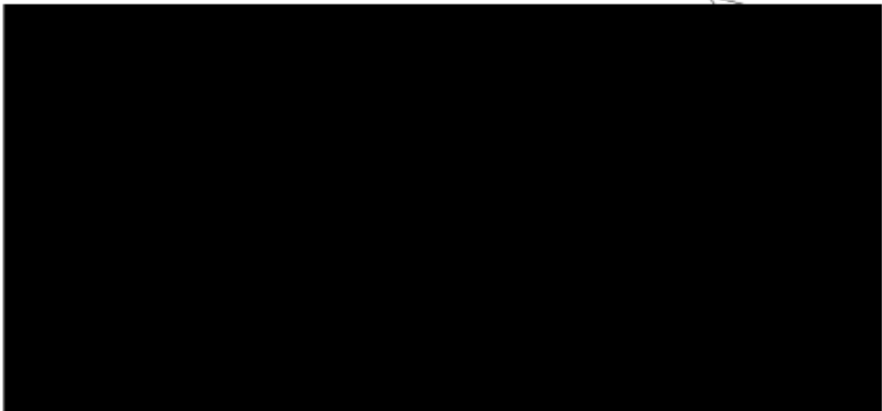
No details provided.

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>
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Observations

Observations	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.
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Do you suspect this person of illegal working?	Yes
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Management Checks Complete

Date management checks complete	30-06-2024 17:49:18
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Reviewer(s)	[REDACTED]
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Illegal Working - Employee					
Details					
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				
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Northing	260590				
Creation date	07-06-2024 21:19:28				
Language of Interview					
What language is the interview carried out in?	English				
Interpreter used?	No				
Obligation					
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				
Control					
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				

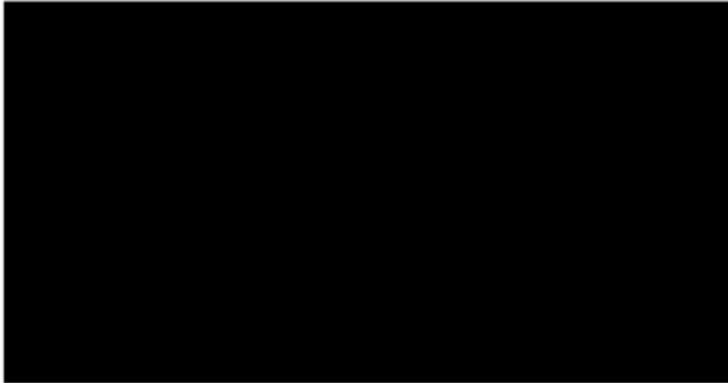
Who tells you what tasks/ duties to do each day?	Mohammed Shohid (manager)
Is he here today?	He is, but at the moment, he is out doing deliveries.
Remuneration	
Who pays you?	Managers' son Mohammed Raihan Shohid
Do you pay income tax or have a National Insurance number?	No, I don't pay national insurance . 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.
Pre-employment Checks	
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
Additional Questions	
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>
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Observations

Observations	He has been giving instructions on how to work things behind the counter to other employees who have been cleared.
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Do you suspect this person of illegal working?	Yes
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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	21:22				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>519303</td> </tr> <tr> <td>Northing</td> <td>260593</td> </tr> </table>	Easting	519303	Northing	260593
Easting	519303				
Northing	260593				
Creation date	07-06-2024 21:21:58				

Language of Interview

What language is the interview carried out in?	Bengali
Interpreter used?	Yes
Details of interpreter	██████████
Does the individual understand the interpreter?	Yes

Obligation

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
Control	
No details provided.	
Remuneration	
How are you paid (money, accommodation, food)?	I just work here for cash
Pre-employment Checks	
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])



Observations

Observations	Has a sponsorship to work in construction, has admitted to working and living full time in the restaurant
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Do you suspect this person of illegal working?	Yes
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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	Easting 519301 Northing 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



Observations

Observations