



# Agenda

## Licensing Sub-Committee

Thursday, 24 January 2019 at 1.30 pm

Meeting Room 3, Seven Arches Road, Brentwood Essex CM15 8AY

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**Membership (Quorum – 3)**  
Cllrs Keeble, Mynott and Reed

Agenda Item	Item	Wards(s) Affected	Page No
<b>Contents</b>			
1.	<b>Appointment of Chair</b>		
2.	<b>Administrative Function</b> Members are respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.		
3.	<b>Windermere. 47 Byron Road, Hutton. CM13 2SA - New Licence Application</b>	Hutton Central	5 - 78
4.	<b>The Raj - 21 Kings Road, Brentwood. CM14 4DJ - Review of Premises Licence</b>	Brentwood West	79 - 162



Chief Executive

Town Hall  
Brentwood, Essex  
16.01.2019

## Information for Members

### Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi-judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

### Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

### Point of Order/ Personal explanation/ Point of Information

#### **Point of Order**

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

#### **Personal Explanation**

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### **Point of Information or clarification**

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

## Information for Members of the Public

### **Access to Information and Meetings**

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

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these activities, in their opinion, are disrupting proceedings at the meeting.

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#### **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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#### **Access**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

#### **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.

24 January 2019

## Licensing and Appeals Committee

### **Licensing Sub-Committee Hearing in respect of an Application for a New Premises Licence – Licensing Act 2003**

#### **WINDERMERE, 47 BYRON ROAD, HUTTON CM13 2SA**

**Report of:** Dave Leonard – Licensing Officer

**Wards Affected:** Hutton Central

**This report is:** Public

#### **1. Executive Summary**

- 1.1 An application has been received for a new premises licence for the online retail sale of alcohol (off-sales) in respect of **Windermere, 47 Byron Road, Hutton Essex CM13 2SA. Two relevant representations have been received.** Members are requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

#### **2. Recommendation(s)**

- 2.1 That the Sub Committee:

Considers this report and appendices together with any oral submissions at the hearing and determines the application in line with the options open to the sub-committee under the Licensing Act 2003: However, the available options are:

- i) To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
- ii) To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
- iii) To refuse the application in whole or in part

### **3. Introduction and Background**

- 3.1 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:
- Sale of alcohol
  - Supply of alcohol (in respect of a club)
  - Regulated Entertainment
  - Provision of Late Night Refreshment
- 3.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.
- 3.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued.
- 3.4 The four licensing objectives are;
- Prevention of crime and disorder
  - Prevention of public nuisance
  - Public safety
  - Protection of children from harm
- 3.5 Any representation must be able to demonstrate that on the balance of Probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.

### **4. The Application**

- 4.1 This application was received on 15<sup>th</sup> November 2018 from Mr Titas Bielskis in respect of **Windermere, 47 Byron Road, Hutton, Essex CM13 2SA**. A copy of the application is attached at **Appendix 1**.
- 4.2 This premise is a modest lockable single garage situated at the rear of a share drive between two bungalows in a predominantly residential location. A set of OS Street Maps to better identify the location are attached at **Appendix 4**.

- 4.3 The applicant seeks a new premises licence to conduct the following licensable activity:
- Supply of Alcohol (online off-sales only) - 09:00 to 18:00 Monday to Saturday
- 4.4 There have been 2 valid representations received from the Responsible Authorities.
- 4.5 The first representation is from Mr Peter Jones, an Essex Police Licensing Officer, which relates to the lack of information provided;
- 1) relating to the means of storage or the proposed security measures being taken to prevent the theft of alcohol from an outside garage, and
  - 2) the prevention of unlawful sales relating to persons who may be already intoxicated or under the age of 18 years. A copy of the full representation identifies a failure to satisfactorily address the prevention of crime and disorder, public safety and the protection of children from harm and is attached at **Appendix 2**.
- 4.6 The second representation is from the Quality Assurance & Safeguarding Service Local Authority Designated Officer (LADO) Ms Mechelle DeKock. She states that the applicant has not sufficiently addressed the safeguarding concerns for children and relates to the protection of children from harm objective, around the supervision and supply of alcohol to customers. A copy of the full representation is also attached at **Appendix 2**.
- 4.7 Any matters recorded in the clarified Operating Schedule (Section O of the application form amended by email from applicant dated 20<sup>th</sup> November 2018) will become conditions on the licence if this application is granted, the following conditions will be attached unless modified by this Committee:
- The business is the online sale of alcohol through Amazon only. A maximum of 6 cases of alcohol will be stored in the premises (garage) at any one time.
  - The online only business will operate 24 hours a day but the licence holder will only accept & post the orders between 9am-6pm on Monday-Saturday.

## **5. Reasons for Recommendation**

- 5.1 These are the options available to the Sub-Committee under the Licensing Act 2003.

## **6. Consultation**

- 6.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003.
- 6.2 Officers from the Licensing Authority have made checks on the display of public notices and in a local newspaper and are satisfied that these requirements have been met.

## **7. Statement of Licensing Policy**

- 7.1 There are no specific issues arising from this application in relation to the Councils' Statement of Licensing Policy.

## **8. Relevant Sections of the Secretary of State's Guidance**

- 8.1 The following Section 182 Guidance relates to internet and other delivery sales;

3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

## **9. Legal Considerations**

- 9.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.
- 9.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.
- 9.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

### **Appendices to this report**

- Appendix 1 - Application Form
- Appendix 2 - Representation from Essex Police Licensing & Quality Assurance & Safeguarding Service
- Appendix 3 - Advisories from Responsible Authorities (Fire & Planning)
- Appendix 4 - OS Street Plans

### **Report Author Contact Details:**

**Name:** Dave Leonard  
**Telephone:** 01277 312523  
**E-mail:** dave.leonard@brentwood.gov.uk

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## Appendix A

WINDERMERE, 47 BYRON ROAD, BRENTWOOD CM13 2SA

# APPENDIX 1

## APPLICATION FORM

24 JANUARY 2019



181000581 LAPRE

KED 15/11/18

# Application for a Premises Licence to be granted under the Licensing Act 2003

Reference: PrL95897331

**Please note:** You must provide online payment for this licence after completing the form. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or debit card.

Before completing this form please read the guidance notes:

## Premises Licence Application Guidance Notes

You should keep a copy of the completed application for your records, this will be attached (PDF format) to your acknowledgement email which you will receive upon completion of this application. By completing this application online, you will automatically be notifying the Responsible Authorities.

## Cost of Licence

The fee you pay for your licence is based on the rateable value of the premises and if the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises. If you do not know what the rateable value of your premises is, you can find this on the [Valuation Office Agency](#) website.

What is the Nondomestic rateable value of the premises?: 0-4300

Cost of licence: £100.00

I/We,

Applicant first name: Titas

Applicant surname: Bielskis

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

## Premises Details

Does the premises have a postal address, or would you like to enter ordnance survey map references, or a description of its location?: Yes, it has a postal address  
Ordnance survey map reference or description:

### Premises Address

Flat number (if any) Windermere

House number/name 47 Page 13

Road name	Byron Road
Town	Hutton
County	Essex
Post Code	CM13 2SA

Daytime contact telephone number (if any):

Premises email address (optional):

Please state whether you are applying for a Premises Licence as: (a) an individual or individuals

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

## Individual Applicants

Title: Mr

First name(s): Titas

Surname: Bielskis

I am 18 years old or older: Yes

### Applicant Address

Flat number (if any)	
House number/name	47
Road name	Byron Road
Town	Brentwood
County	Essex
Post Code	CM13 2SA

Daytime contact telephone number: 07377941738

Application email address (optional):

## Second Individual Applicant (if applicable)

Title:

First name(s):

Surname:

I am 18 years old or older:

Flat number (if any)

House number/name

Road name

Town

County

Essex

Post Code

Daytime contact telephone number:

Application email address (optional):

## Other Applicants

**Please provide name and registered address of the applicant in full. Where appropriate, please give any registered number.**

**In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

# Operating Schedule

When do you want the premises licence to start?: 01/12/2018

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

General description of the premises (Please read guidance note 1):

Garage

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

What licensable activities do you intend to carry on from the premises? (please see [section 1](#) and [section 14](#) of the Licensing Act 2003 and [Schedule 1](#) and [Schedule 2](#) to the Licensing Act 2003)

Provision of regulated entertainment for:

Provision of late night refreshment:

Supply of alcohol:

Yes

## a) Plays

Will the performance of a play take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

Day      Start      Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for performing plays (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed above, please list (please read guidance note 5):

## b) Films

Will the exhibition of films take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for the exhibition of films (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed above, please list (please read guidance note 5):

## c) Indoor Sporting Events

**Standard Days and Timings (please read guidance note 6)**

Day      Start      Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for indoor sporting events (please read guidance note 4):

Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed above, please list (please read guidance note 5):

## d) Boxing or Wrestling

Will the boxing or wrestling entertainment take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

Day      Start      Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4):

Non standard timings. Where you intend to use the premises for boxing or wresting entertainment at different times to those listed above, please list (please read guidance note 5):

## e) Live Music

Will the performance of a live music take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

Day      Start      Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for the performance of live music (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed above, please list (please read guidance note 5):

## f) Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

Day      Start      Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for playing recorded music (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed above, please list (please read guidance note 5):

## **g) Performances of Dance**

Will the performance of dances take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

Day      Start      Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for the performance of dances (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed above, please list (please read guidance note 5):

**h) Anything of a Similar Description to that falling within (e)  
Live Music, (f) Recorded Music or (g) Performance of Dance**

Please give a description of the type of entertainment you will be providing:

Will this entertainment take place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

Day      Start      Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for entertainment of similar description to that falling within (e), (f) or (g) (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed above, please list (please read guidance note 5):

## i) Late Night Refreshment

Will the provision of late night refreshment be taking place indoors or outdoors or both? (please read guidance note 2):

**Standard Days and Timings (please read guidance note 6)**

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for the provision of late night refreshment (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed above, please list (please read guidance note 5):

## j) Supply of Alcohol

Will the sale of alcohol be for consumption on the premises, of the premises or both? (please read guidance note 7): Off the premises

### Standard Days and Timings (please read guidance note 6)

Day                  Start    Finish

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please give further details here (please read guidance note 3):

Garage will be used as a storage place, only a very small amount will be stored and posted

State any seasonal variations for the supply of alcohol (please read guidance note 4):

It will all be done online, mainly through Amazon, only stored and posted at the premises.

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed above, please list (please read guidance note 5):

It will just be stored and only sold when a purchase is made online.

**State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor:**

Name: Titas Bielskis

### Address

Flat number (if any)

House number/name      47

Road name                Byron Road

Town                      Brentwood

County                    Essex

Post Code                CM13 2SA

Personal Licence Number (if known):

Issuing Licensing Authority (if known):    Page 26

## I) Hours Premises are open to the public

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

State any seasonal variations (please read guidance note 4):

No activity, all online

Non standard timings. Where you intend to have the premises to be open to the public at different times to those listed above, please list (please read guidance note 5):

No other times, only sold online

## **n) Adult Entertainment and Services**

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8):

No entertainment

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## **o) Promoting Licensing Objectives**

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

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9):

There will be no entertainment so we will make sure that when delivering the alcohol, I.D. checks will be made to avoid breaking the law.

b) The prevention of crime and disorder:

I.D. checks will be made to avoid breaking the law and no selling to anyone under the age of 18.

c) Public safety:

Not selling to anyone under the age of 18

d) The prevention of public nuisance:

I will only sell online

e) The protection of children from harm:

I will only be selling to adults over the age of 18, online.

## **Declaration**

I agree to submit a plan of the premises: I agree

**Alternatively these should be sent by post to:**

**Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY**

**Please include the reference number for this form, which will be produced when you submit it.**

I will send copies of this application and the plan to the relevant authorities and others where applicable: I agree

I will submit a consent form completed by the individual I wish to be designated premises supervisor, if applicable (available as a separate online form on our website): I agree

I understand that I must now advertise my application: I agree

A copy of the Prescribed Form of Notice is available here:

[Public Notice of Application](#)

(Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships) I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15): I agree

I understand that if I do not comply with the above requirements my application will be rejected: I agree

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

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

# **Signatures**

(please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.**

Signature (name): **TITAS BIELSKIS**

Date: 15/11/2018

Capacity:

**For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature (name):

Date: 15/11/2018

Capacity: Brentwood

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13):**

Correspondence name: Titas Bielskis

Telephone number: 07377941738

Mobile telephone number: 07377941738

Correspondence Address

Flat number (if any)

House number/name 47

Road name Byron Road

Town Brentwood

County Essex

Post Code CM13 2SA

To receive email confirmation of your application and payment, please provide a correspondence email address: [bielskistitas@gmail.com](mailto:bielskistitas@gmail.com)

# Consent of Individual to Being Specified as a Premises Supervisor



BRENTWOOD  
BOROUGH COUNCIL

I (full name of prospective premises supervisor): Titas Bielskis

**Supervisor Address:**

Flat Number (if any)	House Number / Name	Road Name	Town	County	Post Code
	47	Byron Road	Brentwood	Essex	CM13 2SA

hereby confirm that I give my consent to be specified as a designated premises supervisor in relation to an application to (type of application): Vary a premises licence to specify an individual as a designated supervisor under the Licensing Act 2003

by (name of applicant): Titas Bielskis

relating to a premises at (premises licence number, if any):

for (name of premises): the garage

**(Address of premises):**

Flat Number (if any)	House Number / Name	Road Name	Town	County	Post Code
	47	Byron Road	Brentwood	Essex	CM13 2SA

and any premises licence to be granted or varied in respect of this application concerning the sale of alcohol made by (name of applicant): Titas Bielskis

concerning the supply of alcohol at (name of premises supplying alcohol): Lithuanian Beer Ltd

(address of premises supplying alcohol):

Flat Number (if any)	House Number / Name	Road Name	Town	County	Post Code
	23a	Thames Road	Barking		IG11 0HN

I also confirm that I am applying for, intend to apply or currently hold a personal licence, details of which are set out below: Yes

**Personal licence number (if any):**

**Personal licence issuing authority (if any):**

**Personal licence issuing authority address (if any):**

Flat Number (if any)	House Number / Name	Road Name	Town	County	Post Code

**Personal licence issuing authority telephone number (if any):**

**Signed (print name):** TITAS BIELSKIS

**Date:** 15/11/2018

**Correspondence email address:**

Email Address	Re-enter email address
bielskistitas@gmail.com	bielskistitas@gmail.com

## Dave Leonard

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**From:** Titas Bielskis <bielskistitas@gmail.com>  
**Sent:** 20 November 2018 19:22  
**To:** Licensing  
**Subject:** Premises License Application  
**Attachments:** IMG\_2857.JPG; IMG\_2848.JPG; IMG\_2856.JPG; IMG\_2851.JPG; IMG\_2852.JPG

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir/ Madam,

I recently spoke to Dave Leonard about my premises license.

My business is an online business through Amazon, where I will be selling the alcohol. I will only be storing the alcohol at my premises and posting it from there, the maximum stored will be around 6 cases of alcohol.

The business will operate 24 hours a day, however I will only accept and post the orders between 9-6 Monday to Saturday. Once again, this will only be an online service.

The garage, which I am applying the premises license to, is connected to the garden. It is in between two houses at the end of a small alley way.

The measurements of the garage are 3 metres by 4 meters and has a height of 2.25 metres.

I have attached some pictures of the garage and what it looks like for neighbours who walk past.

I hope this is all the information you require, if not I am happy to send more.

Kind regards,

Titas Bielskis

[Click here](#) to report this email as spam.

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# About Age Restrictions

Certain items available on Amazon.co.uk are age restricted.

By placing an order for one of these items you are declaring that you are 18 years of age or over. These items must be used responsibly and appropriately.

Delivery of age restricted items can only be delivered to the address on the shipping label, but this can include the reception of a commercial building. A signature of the recipient will be required upon delivery. Amazon adopts a 'Challenge 25' approach to delivery of age restricted products. Photo identification will be required if a person appears under 25, to prove that they are over 18 years old. An age restricted item can be delivered to another adult over the age of 18 at the same address. Delivery to a neighbour or nominated safe place location is not available for these items. If an adult over the age 18 is not available at the address, or if an adult has not been able to show valid photo identification under the Challenge 25 approach, the item will be returned to Amazon for re-delivery the following day.

List of acceptable photo identification:

- Passport
- Driver License



## Dave Leonard

**From:** Dave Leonard  
**Sent:** 17 December 2018 14:17  
**To:** 'Titas Bielskis'  
**Subject:** WINDERMERE, 47 BYRON ROAD, BRENTWOOD CM13 2SA - APPLICATION FOR A NEW PREMISES LICENCE  
**Attachments:** 47 BYRON ROAD appln for PL 15NOV18 - POLICE rep 12DEC18.pdf; 11-2018/22 - Windermere, 47 Byron Road, Brentwood, Essex CM13 2SA; Windermere 47 Byron Road - 18/00058/LAPRE

Dear Titas,

In confirmation of our conversation this afternoon, please find attached a copy of the Essex Police representation submitted against your application.

Also attached are copies of the responses from the Quality Assurance & Safeguarding Service and the Planning Department for your information.

I note that the Quality Assurance & Safeguarding Service Designated Officer has requested you respond to their letter to you. You have advised me that you have responded to this and, as requested, I would be grateful if you would kindly provide me with a copy for my records.

Finally, please provide a drawn plan of the garage in question with all the respective measurements shown together with any additional doors/windows/points of entry.

As it stands, the Police representation is valid and, unless resolved between both parties, a Licensing Sub-Committee hearing will need to be convened in the new year to determine the application.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on 01277 312523.

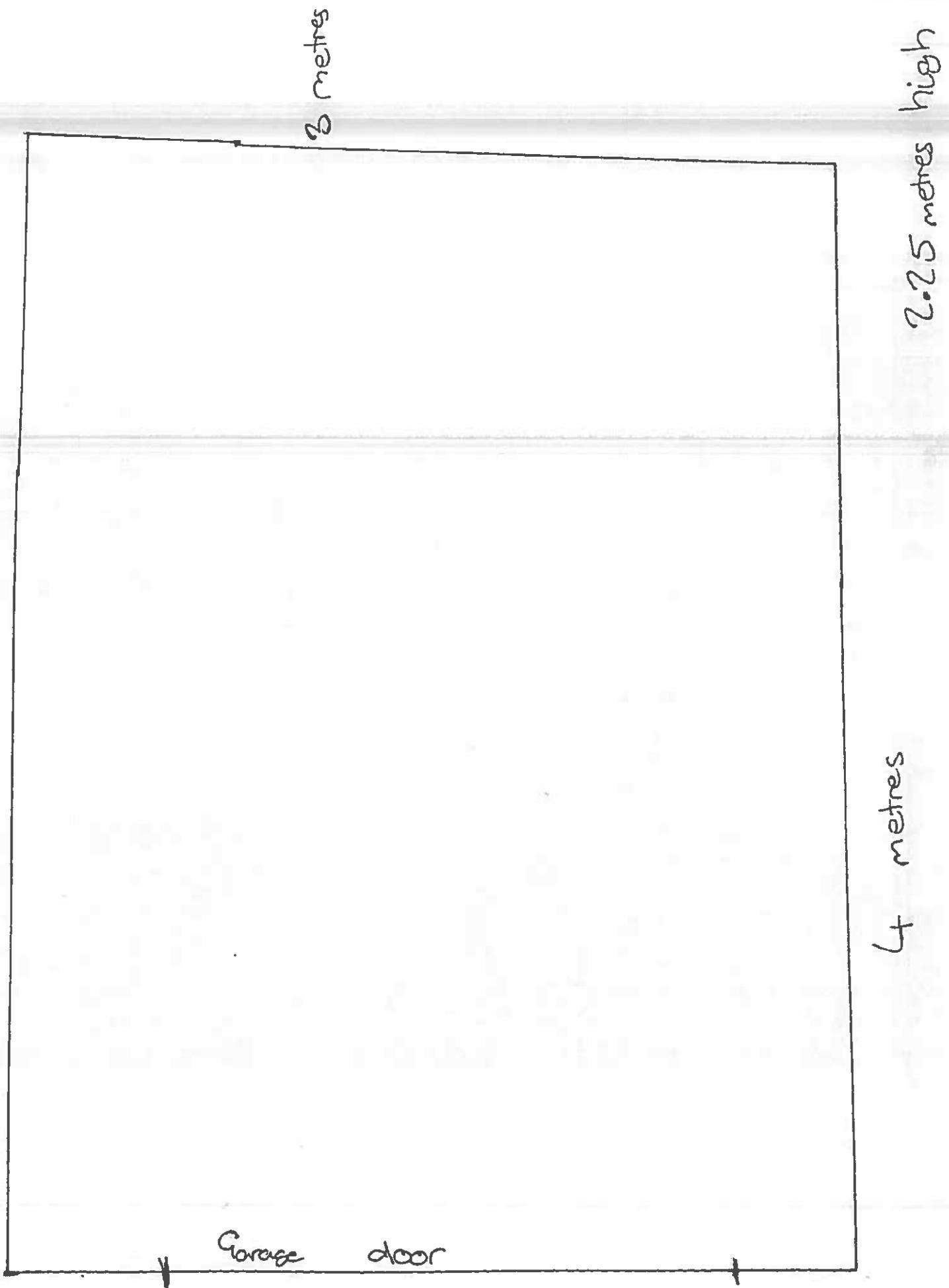
Kind regards and Seasons greetings,



Dave Leonard | Licensing Officer  
T: 01277 312523 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)



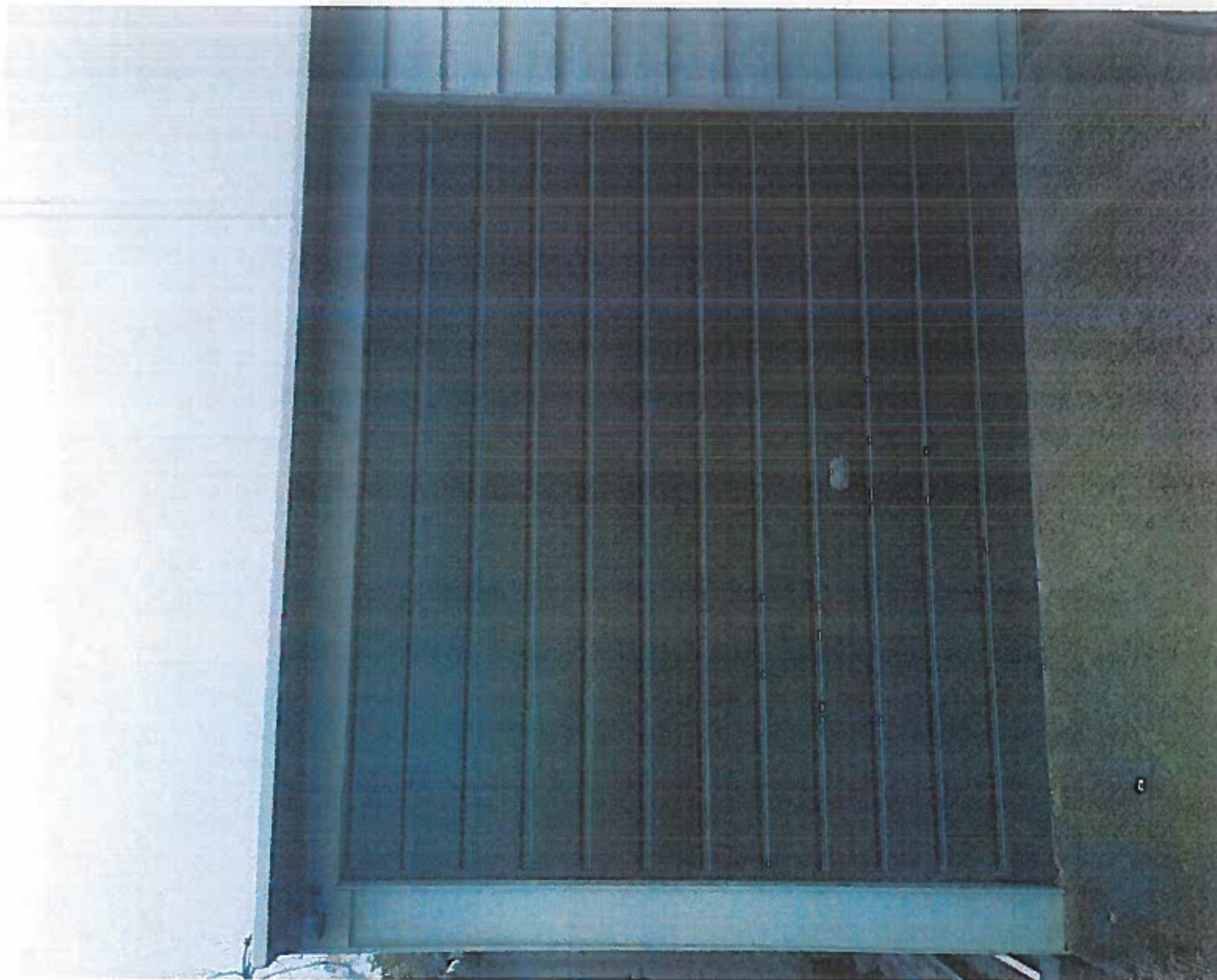








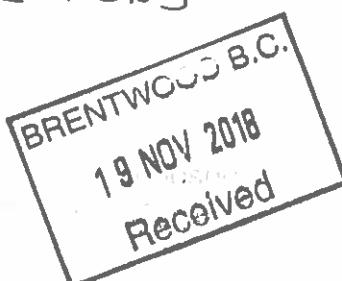






# PUBLIC NOTICE OF APPLICATION

## APPLICATION FOR A PREMISES LICENCE (Section 17, Licensing Act 2003)

Name of Applicant	TITAS BIELSKIS
Postal address of premises or a description to enable the location to be identified.	47 BYRON ROAD HUTTON BRENTWOOD ESSEX CM13 2SA
Statement of Relevant Licensable Activities which it is proposed will be carried on on or from the premises.	
STORAGE OF ALCOHOL IN GARAGE TO BE SOLD ONLINE. THERE WILL BE NO SALE OF ALCOHOL ON THE PREMISES.	
	

The Licensing Register may be inspected at the Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY between 8.30 am and 5.00 pm Monday to Thursday and between 8.30 am and 4.30 pm Friday, excluding public holidays. Details are also provided on Brentwood Borough Council's website at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

Any representations by a Responsible Authority or Interested Party must be made in writing to the Licensing Authority at the above address by...14/12/2018.....

It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction at a maximum fine of £5,000.

the following day, he was still in the same condition.

He had been drinking beer and whisky and was in a state of intoxication.

He had been drinking beer and whisky and was in a state of intoxication.

He had been drinking beer and whisky and was in a state of intoxication.

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**WINDERMERE, 47 BYRON ROAD, BRENTWOOD CM13 2SA**

## **APPENDIX 2**

### **Representations**

### **Responsible Authorities**

*Essex Police Licensing – Peter Jones*

*Quality Assurance & Safeguarding Service – Mechelle DeKock*

24 JANUARY 2019



## Dave Leonard

---

**From:** Peter Jones 42007706 <Peter.Jones@essex.pnn.police.uk>  
**Sent:** 12 December 2018 09:16  
**To:** Licensing  
**Subject:** Garage of Windermere, 47 Byron Road - Premises Licence Application  
**Attachments:** Garage of Windermere, 47 Byron Road.pdf; ATT00001.txt

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning,

Please find objection letter attached for the Premises Licence Application at Garage of Windermere, 47 Byron Road.

Regards

**Peter Jones (7706) MIOL, MBII**  
Essex Police Licensing Officer  
Epping Forest | Brentwood | Harlow  
Direct Tel. 01279 625405 | Internal. 313604  
Mob. 07870 909762 (only answered when on duty)

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Mr P Adams  
Licensing Department  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
CM15 8AY

Licensing Department  
Loughton Police Station  
158 High Road  
Loughton  
IG10 4BE  
Tel: 01279 625 405  
Email: [7706@essex.pnn.police.uk](mailto:7706@essex.pnn.police.uk)

10<sup>th</sup> December 2018

Dear Mr Adams,

#### LICENSING ACT 2003 – GRANT OF PREMISES LICENCE SECTION 17

##### NEW PREMISE: Garage of Windermere, 47 Byron Road, Brentwood

In relation to the above application for the grant of a Premises Licence received on 21<sup>st</sup> November 2018; Essex Police make the following representations.

Firstly, we consider this to be an unlawful application. Section 17 of The Licensing Act 2003, states the application must be accompanied by 'a plan of the premises to which the application relates'. The applicant has not complied with the requirements set out within the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 which includes (but is not limited to) a plan of the premises to which the application relates and which shall show (...) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises; the location of points of access to and egress from the premises (and if different) the location of escape routes from the premises.

Secondly, the applicant has failed to identify how he would promote the four licensing objectives and Essex Police objects under all 4 of the licensing objectives of Prevention of Crime & Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm.

In particular Essex Police is concerned that the applicant:

- has no security to prevent the theft of alcohol from an insecure residential garage premises (given the address will be publicly available) thus potentially allowing stolen alcohol to be made available unlawfully to others;
- has (given the grant of an off sales licence would allow any off sales, not just online sales) provided no explanation how he would prevent sales to the intoxicated persons (a criminal offence) or underage persons at point of sale at the premises. The Sale of Goods Act 1979 (and the Guidance issued under s 182 LA 2003) makes it clear that the

- sale takes place at the place and time that the alcohol is appropriated to the contract (not point of delivery).
- has given no indication how he would prevent unlawful sales. In particular he has no procedures or policy in place to prevent internet sales to those under the age of 18 nor has in place steps to protect children from harm (including the unlawful sale to minors) or the prevention of theft (by burglary) of alcoholic beverages kept in an insecure residential garage where alcohol may then be made available to minors.

We would have anticipated a proof of age process at point of sale and a process of deferred sales to prevent an intoxicated person, during the early hours of the morning, placing an order for immediate delivery. Such delivery enables persons to consume alcohol when already intoxicated and where a raft of evidence suggests such consumption leads to an increase in violence, particularly domestic violence.

In short – this application provides for the already drunk to order more alcohol where if they were to present to a traditional off-licence that sale would be refused; essentially if you are too drunk to walk/drive to a legitimate and well managed off-licence you may instead contact the applicant who will take your order and appropriate specific alcohol to you for delivery (at which point the alcohol sale takes place). Essex Police concerns as regards this aspect are intensified by the applicant's hours of sale which specifically are addressed to hours outside the traditional 2300 alcohol sales window. Drunken persons in the early hours cause a public nuisance by contravening social normalities and play music loudly in their residences; shout abuse etc. The applicant gives no indication of how combustible alcohol (especially spirits) is to be stored (during the summer the heat generated by an uninsulated garage roof will reduce the alcohol flashpoint meaning any exterior heat source is more likely to produce an explosion) and gives no indication of fire protection matters – this leads to a public safety concern.

Finally, the application is sought 24 hours a day, 7 days a week, but again the applicant states he will only accept orders 0900-1800 Monday to Saturday. Essex police would seek these hours to be the licensed hours, with a condition stating that deliveries to and from the premises be within these hours also.

For these reasons; Essex Police have no confidence the licensing objectives will be upheld and object to the granting of the licence.

Yours sincerely,



Mr Peter Jones MIOL, MBII  
Essex Police Licensing Officer  
Epping Forest, Brentwood & Harlow

## Dave Leonard

---

**From:** Dave Leonard  
**Sent:** 30 November 2018 10:09  
**To:** 'Mechelle DeKock, Local Authority Designated Officer'  
**Subject:** RE: WINDERMERE, 47 BYRON ROAD, BRENTWOOD CM13 2SA - APPLICATION FOR A NEW PREMISES LICENCE

Hi Mechelle,

I hope that all is well.

No, the applicant has not provided any additional information regarding safeguarding. You are perfectly at liberty to request this information from the applicant and I am expecting that the police will be asking the same. All you have to do is send an e-mail request directly to Mr Bielskis and copy me in. I can then act as a facilitator and amend the application to include any additional recommendations that you both agree to as conditions. If after consultation you are still unhappy with the steps that Mr Bielskis is taking in regard to the protection of children from harm, as a representative of a Responsible Authority you are entitled to make a representation against this application.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at the Warley Depot on 01277 312523.

Kind regards and Seasons greetings,

Dave

---

**From:** Mechelle DeKock, Local Authority Designated Officer <[Mechelle.DeKock@essex.gov.uk](mailto:Mechelle.DeKock@essex.gov.uk)>  
**Sent:** 30 November 2018 09:53  
**To:** Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)>  
**Subject:** RE: WINDERMERE, 47 BYRON ROAD, BRENTWOOD CM13 2SA - APPLICATION FOR A NEW PREMISES LICENCE

**Dear Dave**

**Hope you are well**

**Has the applicant explained to you in more detail how he will be checking id's on-line and also his application says mainly he will be selling through amazon , then later only selling through Amazon**

**Regards Mechelle**

---

**From:** Dave Leonard [<mailto:dave.leonard@brentwood.gov.uk>]  
**Sent:** 21 November 2018 17:24  
**To:** David Carter; hoehpps; Elaine Higgins; Richard Bates; Planning Team, Brentwood Borough Council; Garry Owles; Peter Jones 42007706; Licensing Applications Essex; Mechelle DeKock, Local Authority Designated Officer; Business Support - Trading Standards; 'public.healthteam@nhs.net'; [alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk); Paul Adams  
**Subject:** WINDERMERE, 47 BYRON ROAD, BRENTWOOD CM13 2SA - APPLICATION FOR A NEW PREMISES LICENCE

Dear Colleagues,

The Licensing Office has received an application from Mr Titas Bielskis for a new premises licence (off-sales) to conduct the online sale of alcohol from

**WINDERMERE, 47 BYRON ROAD, BRENTWOOD CM13 2SA**

Mr Bielskis proposes:

*My business is an online business through Amazon, where I will be selling the alcohol. I will only be storing the alcohol at my premises and posting it from there, the maximum stored will be around 6 cases of alcohol.*

*The business will operate 24 hours a day, however I will only accept and post the orders between 9-6 Monday to Saturday. Once again, this will only be an online service.*

*The garage, which I am applying the premises license to, is connected to the garden. It is in between two houses at the end of a small alley way.*

*The measurements of the garage are 3 metres by 4 meters and has a height of 2.25 metres.*

**I HAVE ATTACHED THE APPLICATION TOGETHER WITH IMAGES OF THE PROPOSED OUTSIDE STORAGE AREA BUT THESE DOCUMENTS HAVE NOT BEEN REDACTED AND, THEREFORE, CONTAIN PRIVATE INFORMATION WHICH IS NOT FOR VIEWING BY THE PUBLIC. SHOULD YOU NEED TO RESPOND TO ANY PUBLIC ENQUIRIES I WOULD BE GRATEFUL IF YOU WOULD KINDLY REFER THEM TO ME IN THE LICENSING OFFICE. MANY THANKS.**

**18/00058/LAPRE refers**

The consultation period for this application ends at midnight on **Wednesday, 19<sup>th</sup> December 2018.**

If you feel compelled to make a representation against this application, or if I can be of any further assistance, please do not hesitate to contact me in the Licensing Office at the Warley Depot on **01277 312523**.

Kind regards,



Dave Leonard | Licensing Officer

T: 01277 312500 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)



## Dave Leonard

---

**From:** Licence Applications CYP <LicenceApplications@essex.gov.uk>  
**Sent:** 04 December 2018 09:43  
**To:** bielskistitas@gmail.com  
**Cc:** Licensing; licensing.applications@essex.pnn.police.uk  
**Subject:** 11-2018/22 - Windermere, 47 Byron Road, Brentwood, Essex CM13 2SA

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### **RE: Licensing Act 2003:- Windermere, 47 Byron Road, Brentwood, Essex CM13 2SA**

We have received your licence application with regards to the above premises however the following queries have been raised by the LADO:

- This application does not set out how the ID checks will be undertaken to ensure alcohol is not sold to children. How is this done online? Considering in shops Challenge 25 is in place?
- The applicant also states alcohol will be sold mainly through Amazon, and on a separate record states only Amazon, can you please confirm the position please?

The deadline to receive your response is **11/12/2018**. If you either fail to respond within this timeframe or in the event that your response is not deemed satisfactory on a safeguarding basis, we will have no alternative but to inform the Licencing Office that the application is not approved.

When you respond to this email, please also send a copy to the Licensing Officer at the District Council, as above.

Local Authority Designated Officer (LADO)

FAO: Licensing

Quality Assurance & Safeguarding Service

Family Operations

70 Duke Street

Chelmsford

Essex CM1 1JP

Tel: 0333 013 9797 Email: [LicenceApplications@essex.gov.uk](mailto:LicenceApplications@essex.gov.uk)

Regards

**Sent on behalf of Mechelle DeKock, LADO**

Jenny Couling

Business Support Assistant

Corporate and Customer Services

Essex County Council | Address: E2 County Hall Chelmsford

☎ | 0333 013 1238 ✉ [jennifer.couling@essex.gov.uk](mailto:jennifer.couling@essex.gov.uk) | [www.essex.gov.uk](http://www.essex.gov.uk)

Working pattern: Mon, Tues, Thurs and Fri 9am – 2pm

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## Dave Leonard

---

**From:** Titas Bielskis <[bielskistitas@gmail.com](mailto:bielskistitas@gmail.com)>  
**Sent:** 17 December 2018 18:54  
**To:** Dave Leonard  
**Subject:** Fwd: 11-2018/22 - Windermere, 47 8yron Road, Brentwood, Essex CM13 2SA

Hi,

This is the email I sent which I did not get a response from.

Thank you

----- Forwarded message -----

**From:** Titas Bielskis <[bielskistitas@gmail.com](mailto:bielskistitas@gmail.com)>  
**Date:** Tue, Dec 4, 2018 at 12:13 PM  
**Subject:** Re: 11-2018/22 - Windermere, 47 Byron Road, Brentwood, Essex CM13 2SA  
**To:** <[LicenceApplications@essex.gov.uk](mailto:LicenceApplications@essex.gov.uk)>

Hello,

I apologise for my wording. I will be just selling on Amazon.

Also, Amazon provide an age restriction when selling alcohol, I will be using this to make sure no alcohol is sold to anyone under the age of 18.

Sorry for any inconvenience

Thank you

On Tue, Dec 4, 2018 at 9:42 AM Licence Applications CYP <[LicenceApplications@essex.gov.uk](mailto:LicenceApplications@essex.gov.uk)> wrote:

**RE: Licensing Act 2003:- Windermere, 47 Byron Road, Brentwood, Essex CM13 2SA**

We have received your licence application with regards to the above premises however the following queries have been raised by the LADO:

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Local Authority Designated Officer (LADO)

FAO: Licensing

Quality Assurance & Safeguarding Service

Family Operations

70 Duke Street

Chelmsford

Essex CM1 1JP

Tel: 0333 013 9797 Email: [LicenceApplications@essex.gov.uk](mailto:LicenceApplications@essex.gov.uk)

Regards

**Sent on behalf of Mechelle DeKock, LADO**

Jenny Couling

Business Support Assistant

Corporate and Customer Services

Essex County Council | Address: E2 County Hall Chelmsford

 0333 013 1238  [jennifer.couling@essex.gov.uk](mailto:jennifer.couling@essex.gov.uk) | [www.essex.gov.uk](http://www.essex.gov.uk)

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## Dave Leonard

---

**From:** Mechelle DeKock, Local Authority Designated Officer  
<Mechelle.DeKock@essex.gov.uk>  
**Sent:** 20 December 2018 12:58  
**To:** Dave Leonard; Licence Applications CYP  
**Subject:** FW: 11-2018/22 - Windermere, 47 Byron Road, Brentwood, Essex CM13 2SA

Dear Dave

I have considered the response when exploring with the applicant how children will be safeguarded once he is issued with a licence. Unfortunately this response is not sufficient and for me raises safeguarding concerns for children. The application itself is not comprehensive. In light of the potential for safeguarding concerns for children, I would kindly request that this matter is considered at a committee meeting where the applicant can make representation and set out how selling of alcohol from his home will be managed. I would appreciate case examples where licences have been issued to this type of application ( if you have any ).

Kind regards Mechelle

---

**From:** Titas Bielskis [mailto:[bielskistitas@gmail.com](mailto:bielskistitas@gmail.com)]  
**Sent:** 04 December 2018 12:13  
**To:** Licence Applications CYP  
**Subject:** Re: 11-2018/22 - Windermere, 47 Byron Road, Brentwood, Essex CM13 2SA

Hello,

I apologise for my wording. I will be just selling on Amazon.

Also, Amazon provide an age restriction when selling alcohol, I will be using this to make sure no alcohol is sold to anyone under the age of 18.

Sorry for any inconvenience

Thank you

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- The applicant also states alcohol will be sold mainly through Amazon, and on a separate record states only Amazon, can you please confirm the position please?

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When you respond to this email, please also send a copy to the Licensing Officer at the District Council, as above.

**Local Authority Designated Officer (LADO)**

**FAO: Licensing**

**Quality Assurance & Safeguarding Service**

**Family Operations**

**70 Duke Street**

**Chelmsford**

**Essex CM1 1JP**

**Tel: 0333 013 9797 Email: [LicenceApplications@essex.gov.uk](mailto:LicenceApplications@essex.gov.uk)**

**Regards**

**Sent on behalf of Mechelle DeKock, LADO**

**Jenny Couling**

**Business Support Assistant**

**Corporate and Customer Services**

**Essex County Council | Address: E2 County Hall Chelmsford**

**📞 0333 013 1238 ✉ [jennifer.couling@essex.gov.uk](mailto:jennifer.couling@essex.gov.uk) | [www.essex.gov.uk](http://www.essex.gov.uk)**

**Working pattern: Mon, Tues, Thurs and Fri 9am – 2pm**

WINDERMERE, 47 BYRON ROAD, BRENTWOOD CM13 2SA

## **APPENDIX 3**

### **Responsible Authorities**

### **Advisories**

*Essex County Fire & Rescue Service – Garry Owles*

*Brentwood Borough Council Planning – Tracey Balcombe*

24 JANUARY 2019



Dave Leonard

**From:** Tracey Balcombe  
**Sent:** 22 November 2018 15:51  
**To:** Dave Leonard  
**Subject:** Windermere 47 Byron Road - 18/00058/LAPRE

Hello Dave

Further to the above I can clarify that the applicant would be required to submit a planning application for a proposed partial change of use from residential to business, and therefore would request that a planning application be submitted for this.

Kind Regards, Tracey

**Tracey Balcombe | Senior Administration Officer | Brentwood Borough Council**

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## Dave Leonard

---

**From:** Titas Bielskis <bielskititas@gmail.com>  
**Sent:** 18 December 2018 00:06  
**To:** Dave Leonard  
**Subject:** Planning permission

Hello,

I have just submitted a planning permission form.

Please do message me if any more information is required.

Thank you

Titas

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## Dave Leonard

---

**From:** Garry Owles <garry.owles@essex-fire.gov.uk>  
**Sent:** 27 November 2018 13:37  
**To:** 'Titas Bielskis'  
**Cc:** Dave Leonard; Peter Jones (Peter.Jones@essex.pnn.police.uk)  
**Subject:** RE: Premises Licence Application

Ok thanks for the information I can now progress your application accordingly  
Kind Regards  
Garry

---

**From:** Titas Bielskis <bielskistitas@gmail.com>  
**Sent:** 27 November 2018 13:13  
**To:** Garry Owles <garry.owles@essex-fire.gov.uk>  
**Subject:** Re: Premises Licence Application

Hello,

The extension of the garage is a shed.

Regards,

Titas Bielskis

On Tue, Nov 27, 2018 at 9:22 AM Garry Owles <[garry.owles@essex-fire.gov.uk](mailto:garry.owles@essex-fire.gov.uk)> wrote:

Hello

Thank you for your response.

For my assessment beyond that of the licensing application, can you confirm the use of the extension attached to the garage?

Once approved The Fire Safety Order extends to all un-licensed areas of a business and if applicable I can advise you accordingly.

Kind

Regards

Garry

---

**From:** Titas Bielskis <[bielskistitas@gmail.com](mailto:bielskistitas@gmail.com)>  
**Sent:** 26 November 2018 18:52  
**To:** Garry Owles <[garry.owles@essex-fire.gov.uk](mailto:garry.owles@essex-fire.gov.uk)>  
**Subject:** Re: Premises Licence Application

Mr Owles,

I can confirm that the extension does not require a premises license. Only the garage requires a license.

Do I need to provide any additional information?

Regards,

Titas Bielskis

On Mon, Nov 26, 2018 at 5:35 PM Garry Owles <[garry.owles@essex-fire.gov.uk](mailto:garry.owles@essex-fire.gov.uk)> wrote:

Hello Mr Bielskis

I am the Fire Safety officer dealing with your licensing application for 47 Byron Road Hutton under the licensing objective of Public Safety.

I'm seeking clarification on one aspect of your application, which is the extent of the premises to be licensed.

I notice from one of the photographs you have supplied there is what appears to be an extension to the rear of the garage with double door side entry, can you confirm that this will not be used in connection with your proposed business

Technically should your licence be granted the licensed premises will fall under the requirements of the Regulatory Reform (Fire Safety) Order 2005, however I will not pursue this if the business is assumed restricted to just the garage (supported by the dimensions given in the application).

It is a requirement of the Licensing Act that your application is always supported by a 1:100 scale line drawing of the premises to be licensed, which would have clarified this; however, this requirement may have been relaxed based upon the small licensable area involved.

Should my assumption be wrong and the extension to the garage is to be used please confirm by way of such a drawing so that a better assessment of the risk may be made.

Kind

Regards

Garry Owles G.L.Fire.F

## Technical Fire Safety (South West Area Command)

Basildon & Brentwood

Tel: 01376 576700

DD: 01376 576705

Mobile: 07785977317

E-mail: [garry.owles@essex-fire.gov.uk](mailto:garry.owles@essex-fire.gov.uk)

 Please consider the environment before printing this e-mail

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<http://www.essex-fire.gov.uk>

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## Essex County Fire & Rescue Service

**Jo Turton**  
Chief Fire Officer / Chief Executive

For the attention of Mr Titas Bielskis

Windermere  
47 Byron Road  
Hutton  
Brentwood  
Essex  
CM13 2SA

**South West Group Service Delivery Point**  
Basildon Fire Station  
Broadmayne  
Basildon  
SS14 1EH  
Enquiries to : FSO Garry Owles

01376576700  
[southwestgroupsdp@essex-fire.gov.uk](mailto:southwestgroupsdp@essex-fire.gov.uk)  
[www.essex-fire.gov.uk](http://www.essex-fire.gov.uk)

Our Ref: CAS-634596  
Your Ref: PR95897331  
Date: 23<sup>rd</sup> November 2018

Dear Sir

### LICENSING ACT 2003

### THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Re: 47 Byron Road Hutton Brentwood Essex CM13 2SA

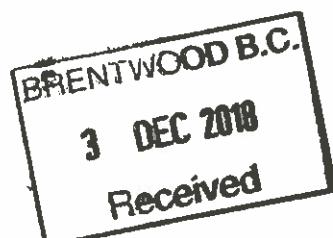
Type of Licence: Premises Licence (New Application)

Receipt is acknowledged of the above consultation(s), which will be audited by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority.

Should there be any significant concerns regarding the application(s) you will be notified in due course.

Yours faithfully

**G. Owles**  
Technical Fire Safety  
South West Area Command



Cc David Leonard Brentwood Licensing



**WINDERMERE, 47 BYRON ROAD, BRENTWOOD CM13 2SA**

## **APPENDIX 4**

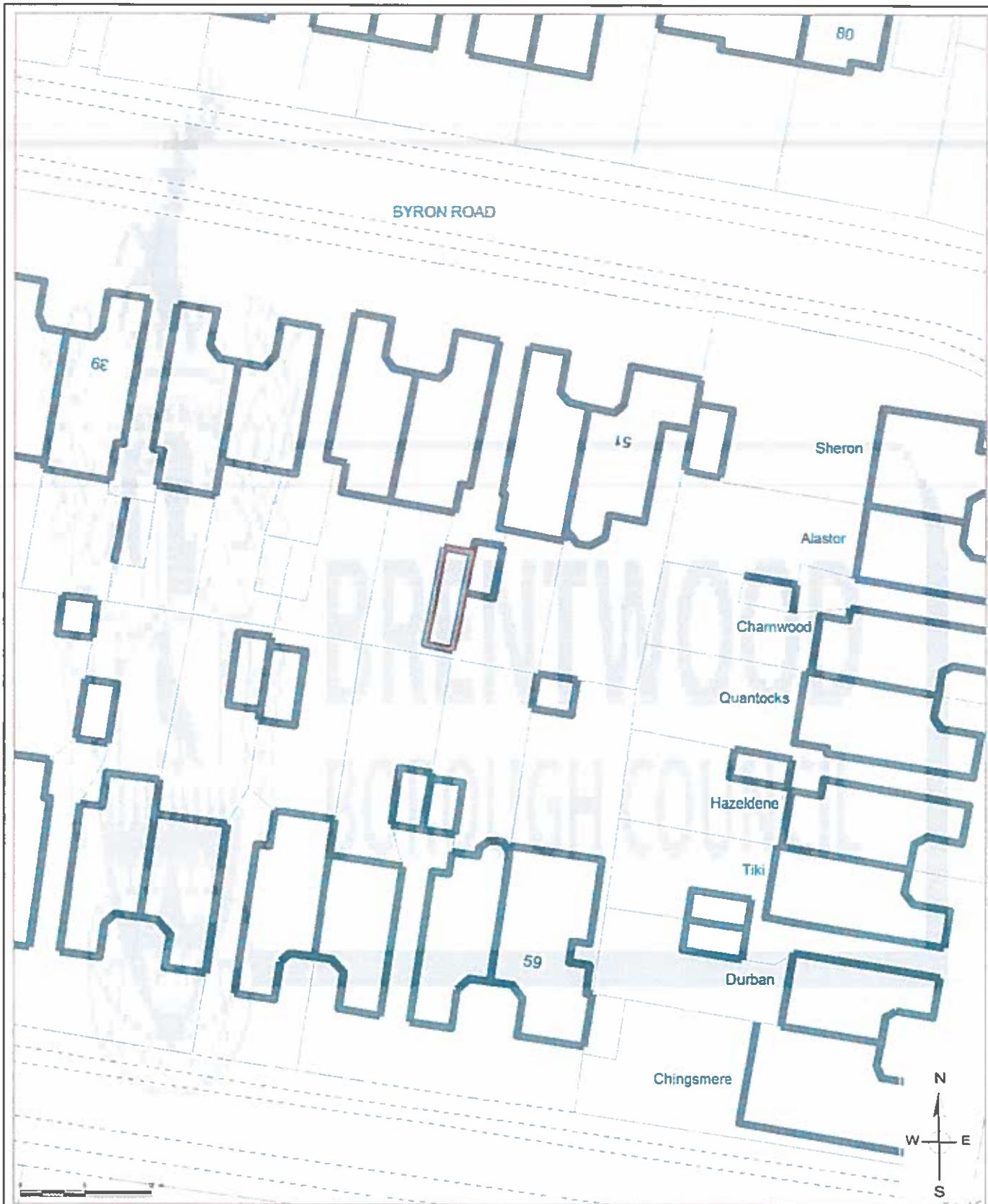
### **OS Maps**

*1:500*

*1:1250*

24 JANUARY 2019





## WINDERMERE, 47 BYRON ROAD, HUTTON CM13 2SA



Drawing No.:

Scale at A4 : 1:500

Drawn by : OSJ

Service : ICT

Date : 21st December 2018

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Philip Ruck  
Chief Executive  
Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500





## WINDERMERE, 47 BYRON ROAD, HUTTON CM13 2SA



Drawing No. :

Scale at A4 : 1:1250

Drawn by : OSJ

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Date : 21st December 2018

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24 January 2019

## Licensing and Appeals Committee

### Licensing Sub-Committee Hearing in respect of an Application to Review a Premises Licence Licensing Act 2003

**THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ**

**Report of:**      *Dave Leonard – Licensing Officer*

**Wards Affected:** *Brentwood West*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 An application has been received from Mr Peter Jones on behalf of the Chief of Essex Police to review the premises licence at ***The Raj, 21 Kings Road, Brentwood CM14 4DJ.*** The review application alleges a failure by the premises licence holder, Mr Badsha Miah, to promote the Licensing objective in relation to the Prevention of Crime and Disorder.

#### **2. Recommendation(s)**

- 2.1 That the Sub Committee:

Considers this report and appendices together with any oral submissions at the hearing and determines the application for the review of the premises licence

#### **3. Introduction and Background**

- 3.1 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:
- Sale of alcohol
  - Supply of alcohol (in respect of a club)
  - Regulated Entertainment
  - Provision of Late-Night Refreshment

- 3.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.
- 3.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued.
- 3.4 The four licensing objectives are;
  - Prevention of crime and disorder
  - Prevention of public nuisance
  - Public safety
  - Protection of children from harm
- 3.5 Any representation must be able to demonstrate that on the balance of probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.

#### **4. The Application**

- 4.1 On 5<sup>th</sup> December 2018 an application for the Review of the Premises Licence was received from Mr Peter Jones (Essex Police Licensing Officer) on behalf of the Chief of Essex Police.
- 4.2 The review application alleges a failure by the premises licence holder, Mr Badsha Miah, to promote the licensing objective in relation to the prevention of crime and disorder and are seeking the revocation of the premises licence. This follows the attendance of Immigration Compliance & Enforcement (ICE) officers at ***The Raj, 21 Kings Road, Brentwood CM14 4DJ*** on Thursday, 20<sup>th</sup> November 2018 in which a number of persons made off but were detained by the Immigration Officers.
- 4.3 Five persons were found to have no right to work in the UK and no leave to remain in the UK and were subsequently detained.
- 4.4 A copy of the review application is attached as **Appendix 1**.
- 4.5 The application together with supplementary documentary information is attached at **Appendix 2**.

- 4.6 A copy of the current premises licence together with a premises plan, OS maps and images to assist the Sub-Committee have been attached as **Appendix 3**.
- 4.7 No other representations have been received in relation to this application.
- 4.8 On 7<sup>th</sup> December 2018, Mr Badsha Miah applied to transfer the premises licence to Mr Jetu Miah and on 17<sup>th</sup> December 2018, Essex Police submitted an objection to this transfer on the grounds of the prevention of crime & disorder.
- 4.9 A Licensing Sub-Committee hearing to determine the transfer application is set for Thursday, January 17<sup>th</sup> 2019 and any relevant outcome to this hearing will be provided by means of a verbal update.

## **5. Reasons For Recommendation**

These are the options available to the Sub-Committee as provided in the Licensing Act 2003.

- 5.1 The Committee, after considering the review application and all of the relevant representations, will need to consider what action, if any, to take in order to ensure that the Licensing Objectives are complied with.
- 5.2 The following options are available to the Licensing Sub-Committee:
  - Do nothing with the licence;
  - To modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation;
  - To exclude a licensable activity from the scope of the licence e.g. to exclude regulated entertainment after a certain hour,
  - To remove the Designated Premises Supervisor e.g. because it is considered that the problems are being caused by poor management;
  - To suspend the licence for a period not exceeding three months;
  - Revoke the licence.
- 5.3 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.
- 5.4 In determining this application for review of the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

- 5.5 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure. Representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.
- 5.6 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.
- 5.7 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

## **6. Consultation**

- 6.1 This application has been consulted on in accordance with the requirements of Licensing Act 2003.

## **7. Statement of Licensing Policy**

- 7.1 There are no specific issues arising from this application in relation to the Council's Statement of Licensing Policy.

## **8. Relevant Sections of the Secretary of State's Guidance**

*11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises &, where other measures are deemed insufficient, to revoke the licence.*

*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.*

## **9. Legal Considerations**

- 9.3 In determining this application to transfer the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
- 9.4 The Sub-Committee are advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.
- 9.5 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.
- 9.5 Brentwood Council as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature. Notice must be given of the Licensing Authority's decision on this matter. The decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation.

## **APPENDICES TO THIS REPORT:**

- 1 - Copy of the Police Application to Review the Premises Licence
- 2 - Copy of the Police Supplementary Documentary Information
- 3 - Copy of the Premises Licence, Premises Plan, Location Map & images.

## **Report Author Contact Details:**

**Name:** Dave Leonard  
**Telephone:** 01277 312523  
**E-mail:** dave.leonard@brentwood.gov.uk

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## Appendix A

THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ

# APPENDIX 1

## APPLICATION FORM

*Application to Review the Premises Licence*

*Peter Jones on behalf of Essex Police*

24 JANUARY 2019



**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 Peter JONES 7706, Licensing Officer, Essex Police

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 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**

The Raj  
21 Kings Road

**Post town Brentwood**

**Post code (if known) CM14 4DJ**

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

Badsha MIAH

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

PRM\_0196\_000

**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)

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

At 18:09 hours on Thursday, 20<sup>th</sup> November 2018 Immigration Compliance & Enforcement (ICE) officers attended the The Raj situated at 21 Kings Road, Brentwood. They exercised their powers under the Licensing Act 2003 (as amended) to enter the premises.

Upon entry a number of persons made off, but were detained by Immigration Officers. Five persons were found to have no right to work in the UK and no leave to remain in the UK; and subsequently detained.

An Illegal Working Civil Penalty Referral Notice was completed and served in respect of the illegal workers.

Essex Police will also produce further documentary or other information in support of this application ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

In accordance with paragraph 11.9 of the Statutory Guidance Essex Police may amplify its representation at the subsequent hearing.

Furthermore, in accordance with Regulation 8 of those Regulations; Essex Police confirms that its representatives will attend the hearing and additionally requests permission for a Chief Immigration Officer, Immigration Compliance and Enforcement Team, East of England), or his representative, to appear at the hearing so that they may, if necessary, assist the Authority on any matter of immigration policy, procedure or practice arising in relation to the circumstances of the enforcement activity which forms the basis of this review application.

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

Peter Jones on behalf of the Chief Officer of Police  
Essex Police  
Licensing Department  
Braintree Police Station  
Blyths Meadow  
Braintree  
CM7 3DJ

Telephone number (if any)

01245 452035

E-mail address (optional)

Licensing.Applications@essex.pnn.police.uk

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

Please tick one or more boxes ✓

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

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

The grounds for review are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office discovered disqualified persons working illegally on the premises. The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated particularly seriously

**Please tick ✓ yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 3 – Signatures (please read guidance note 4)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.**

**Signature**



**Date**      **05/12/2018**

**Capacity**      **Licensing Officer**

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

<b>Post town</b>	<b>Post Code</b>
------------------	------------------

**Telephone number (if any)**

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

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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

--	--	--	--	--	--	--

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

**APPLICATION FOR REVIEW OF PREMISES LICENCE  
(LICENSING ACT 2003)**

**THE RAJ, 21 KINGS ROAD, BRENTWOOD, ESSEX,  
CM14 4DJ**

An application for review of the above premises licence from Mr Peter Jones (Essex Police Licensing) on behalf of the Chief of Essex Police has been made on the grounds of

**The prevention of crime and disorder**

Any interested party or responsible authority (as defined by the Licensing Act 2003) may make representations to the Licensing Authority no later than **2<sup>nd</sup> January 2019**.

Any representations made to the Licensing Authority must be in writing.

It is an offence knowingly or recklessly to make a false statement in connection with this application. The maximum fine for which a person is liable on summary conviction for this offence is £5,000.

Licensing Department  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex CM15 8AY  
[licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)

Dated: 5<sup>th</sup> December 2018



## Dave Leonard

---

**From:** Licensing Applications Essex <licensing.applications@essex.pnn.police.uk>  
**Sent:** 05 December 2018 11:20  
**To:** Licensing  
**Cc:** Gordon Ashford 42076878; Licensing Epping and Brentwood  
**Subject:** The Raj, 21 Kings Road, Brentwood - Application for Review  
**Attachments:** The Raj - Review Application Form.pdf; ATT00001.txt

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good Afternoon,

Please find review application attached.

This application will be served on the Premises Licence holder by Royal Mail post to the address registered on the Premises Licence.

Also please confirm by return you are happy to receive this application electronically and to serve on all responsible authorities as agreed in my earlier telephone conversation with Paul Adams (Joint Licensing Manager).

In accordance with paragraph 11.9 of the Statutory Guidance; Essex Police may amplify its representation at the subsequent hearing.

Essex Police may also produce further documentary or other information in support of this application ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

Furthermore, in accordance with Regulation 8 of those Regulations; Essex Police confirms that its representatives will attend the hearing and additionally requests permission for Jack Davis (Chief Immigration Officer, Immigration Compliance and Enforcement Team, East of England), or his representative, to appear at the hearing so that they may, if necessary, assist the Authority on any matter of immigration policy, procedure or practice arising in relation to the circumstances of the enforcement activity which forms the basis of this review application.

Regards

**Peter Jones (7706) MIOL, MBII**

Essex Police Licensing Officer

Epping Forest | Brentwood | Harlow

Direct Tel. 01279 625405 | Internal. 313604

Mob. 07870 909762 (only answered when on duty)

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THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ

## APPENDIX 2

### APPLICATION FORM

### Supplementary Documentary Information

**REDACTED**

*Application to Review the Premises Licence*

*Peter Jones on behalf of Essex Police*





**Premises Licence Review**

**The Raj**

**21 Kings Road, Brentwood, CM14 4DJ**

**Supplementary documentary information in support of review.**



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**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 Peter JONES 7706, Licensing Officer, Essex Police

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 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**

The Raj  
21 Kings Road

**Post town Brentwood**

**Post code (if known) CM14 4DJ**

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

Badsha MIAH

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

PRM\_0196\_000

**Part 2 - Applicant details**

I am

Please tick ✓ yes

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

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

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

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

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

#### Name and address

Peter Jones on behalf of the Chief Officer of Police  
Essex Police  
Licensing Department  
Braintree Police Station  
Blyths Meadow  
Braintree  
CM7 3DJ

#### Telephone number (if any)

01245 452035

#### E-mail address (optional)

Licensing.Applications@essex.pnn.police.uk

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

Please tick one or more boxes ✓

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

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

The grounds for review are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office discovered disqualified persons working illegally on the premises. The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated particularly seriously

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

At 18:09 hours on Thursday, 20<sup>th</sup> November 2018 Immigration Compliance & Enforcement (ICE) officers attended the The Raj situated at 21 Kings Road, Brentwood. They exercised their powers under the Licensing Act 2003 (as amended) to enter the premises.

Upon entry a number of persons made off, but were detained by Immigration Officers. Five persons were found to have no right to work in the UK and no leave to remain in the UK; and subsequently detained.

An Illegal Working Civil Penalty Referral Notice was completed and served in respect of the illegal workers.

Essex Police will also produce further documentary or other information in support of this application ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

In accordance with paragraph 11.9 of the Statutory Guidance Essex Police may amplify its representation at the subsequent hearing.

Furthermore, in accordance with Regulation 8 of those Regulations; Essex Police confirms that its representatives will attend the hearing and additionally requests permission for a Chief Immigration Officer, Immigration Compliance and Enforcement Team, East of England), or his representative, to appear at the hearing so that they may, if necessary, assist the Authority on any matter of immigration policy, procedure or practice arising in relation to the circumstances of the enforcement activity which forms the basis of this review application.

**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

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

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 3 – Signatures (please read guidance note 4)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.**

Signature

Date 05/12/2018

Capacity Licensing Officer

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

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

## **1.0 Outline of the Circumstances leading to the Review Application**

- 1.1 In early October 2018, Immigration Enforcement received an allegation that 5 illegal workers were working at The Raj, 21 Kings Road, Brentwood. The allegation specified that these individuals had worked there for 2 to 3 years with 2 working front of house and 3 in the kitchen and that all lived above the restaurant.
- 1.2 On the 20<sup>th</sup> November 2018, Immigration Compliance and Enforcement Officers attended The Raj and entered using their powers under section 179 Licensing Act 2003.
- 1.3 At this location they encountered 5 persons working at the restaurant who had no leave to remain in the UK and no right to work in the UK. All 5 were subsequently detained.

Those detained were:

- Offender 1 – [REDACTED];
- Offender 2 – [REDACTED];
- Offender 3 – [REDACTED];
- Offender 4 – [REDACTED]; and
- Offender 5 – [REDACTED]

- 1.4 The immigration status of each of these is set out in Document 3 (Statement of Chief Immigration Officer (CIO) [REDACTED]) but in summary none has leave to remain or work in the United Kingdom:
  - Offender 1 has never been granted leave to remain or work in the United Kingdom having entered the UK illegally in 2010 on a false visa and subsequently absconding in 2011 when he was served notice of impending deportation.
  - Offender 2 entered the UK as a student but his visa expired in 2012, subsequently coming to notice in 2016 and absconding when he was served a notice of impending deportation. He has no leave to remain or work in the UK.
  - Offender 3 entered the UK in 2008 and his leave to remain expired in 2009; since then he has been in the UK illegally and has no leave to remain or work in the UK.
  - Offender 4 entered the UK on a student visa which was terminated in 2013. He was subsequently detained working illegally at The Raj on 23<sup>rd</sup> April 2014 (the same restaurant whose licence is under consideration and which at time was owned and operated by the current DPS and licence holder – Badsha MIAH). Due to be deported in 2014 he was released whilst a late application to remain was considered – he absconded. Since 2014 he has had no leave to remain or work in the UK.
  - Offender 5 had entered the UK on a visa which expired in 2007. Discovered still in the UK in 2009 he was served with a notice of impending deportation and promptly absconded. He has no leave to remain or work in the UK.

- 1.5 This is not the first occasion when illegal workers have been discovered working at The Raj. On 23<sup>rd</sup> April 2014, 3 such workers were discovered at the premises and detained; indeed one of these was offender 4. The designated premises supervisor and premises licence holder at that time of that 2014 occurrence was Badsha MIAH.
- 1.6 At the time of this latest 'raid' – Badsha MIAH was still the designated premises supervisor and premises licence holder for the premises.
- 1.7 On entry to the premises a number of persons made off but were detained by Immigration Officers (IOs) positioned to the rear of the premises. All those on the premises were moved upstairs to the main restaurant area and questioned.
- 1.8 Offender 1 was discovered by IO [REDACTED] (IO1) as he tried to escape through the rear doors of the kitchen. Offender 1 was asked a series of questions during which he stated he had been working at the premises for a year washing up and helping in the kitchen with no set hours. He told IO1 that he had been employed by Badsha MIAH and instead of being paid he was just given food (see Document 4 – Statement of IO1).
- 1.9 Offender 2 was apprehended by IO [REDACTED] (IO2), when Offender 2 (with others) attempted to escape through the kitchen and out of the rear of the premises. He was questioned by IO2 concerning his work at the premises. Offender 2 stated he had been working at the restaurant for just over a week, working as a waiter. Offender 2 stated he worked 2 days a week and had obtained employment simply by attending the premises and asking the manager, Badsha MIAH, for a job. He had not been asked for any identification and was yet to be paid. He further stated that he was due to be paid £6 an hour (see Document 5 -Statement of IO2).
- 1.10 Offender 3 was interviewed (via an interpreter) by IO [REDACTED] (IO3). Though not dressed in a uniform, offender 3 detailed that he was working as a kitchen porter in the restaurant and had been working there one month. He further disclosed that he worked Monday, Tuesday, Friday, Saturday and Sunday between 5.00 p.m. and 11.00 p.m. daily (a total of 30 hours a week) for which he was paid £100 cash in hand by Badsha MIAH (who Offender 3 described as the premises owner). Offender 3 disclosed that the premises owner had been the one to give him the job and that he had not provided any identification documents for inspection. Offender 3 confirmed he had no contract of employment and was provided with accommodation upstairs in the restaurant building (see Document 6 – statement of IO3)
- 1.11 Offender 4 was discovered by IO [REDACTED] (IO4) in the kitchen of the restaurant where he was seen to be removing his jacket and tie. During questioning offender 4 disclosed that despite no leave to remain in the UK or having recourse to public funds he was taking prescribed medication provided by a UK hospital. He stated he lived upstairs in the restaurant and claimed he had been working there for 1 week. He stated that he was supposed to be paid £150 a week (though he had yet to be paid) for working 3 days a week (see Document 7 - Statement of IO4).

- 1.12 Offender 5 was located by IO [REDACTED] (IO5) in one of the bedrooms in the upstairs area of the premises. During questioning it was established that though having no recourse to public funds etc. and being illegally in the UK he had received non-emergency treatment at a UK hospital and was in possession of prescribed drugs. IO5 asked offender 5 a series of questions; when asked how long he had worked at the premises, offender 5 stated he had worked there for about 6 months and he was employed 1 to 2 hours a day washing up dishes. When asked how much he was paid offender 5 stated he received no pay, just food and accommodation. It was confirmed that Badsha MIAH (DPS and PLH) had originally employed him and that no identification documents had been requested (see Document 8 - Statement of IO5).
- 1.13 During subsequent searches the passport of offender 1 was discovered, this contained an expired visa. Similarly the passport of offender 4 was discovered and had an expired visa.
- 1.14 Following the identification and detention of the immigration offenders, the premises licence holder and designated premises supervisor (Badsha MIAH) was seen at the bar area by IO [REDACTED] (IO6) and questioned by him (see Document 9 – Statement of IO6).
- 1.15 During questioning the Premises Licence Holder and Designated Premises Supervisor MIAH stated that he was the manager and owner of the premises and had been for some fourteen or fifteen years. Despite various offenders having stated they lived at the premises (or had been detained in bedrooms) MIAH denied that workers lived on the premises. He further claimed that only one of those encountered working at the premises (who was not an immigration offender) worked at the premises. IO6 challenged this and referred to Offender 4 who had been detained by IO4 and who was dressed in a waiter's uniform. Upon being challenged Badsha MIAH stated "Yes, he is helping me".
- 1.16 Badsha MIAH was served a Notice of Potential Liability (NOPL) for employing illegal workers. Furthermore MIAH, when asked if he had copies of any right to work checks, he produced a copy of a passport which he claimed Offender 1 had given him. However (see Document 4 - statement of IO1) Offender 1 stated that he had been given the document by MIAH himself and that it was nothing to do with Offender 1.
- 1.17 As stated by the immigration offenders; a number have been employed without being paid other than by way of food and accommodation, others have been paid cash in hand at a wage below the minimum wage and in one case the same offender has now been employed illegally by MIAH twice in 4 years.
- 1.18 Those employed were required to be paid the national Living Wage (the highest rate of the National Minimum Wage). This is currently £7.83 an hour. MIAH has demonstrated a cynical exploitation of several workers who cannot go to the

authorities to complain about their pay and living conditions and whose employment lines the pocket of their exploiters.

- 1.19 In short, this is an example of modern day slavery. Modern slavery is an umbrella term that encompasses the offences of human trafficking and slavery, servitude, forced or compulsory labour, as set out in the different anti-slavery legislation in place in the UK.
- 1.20 This flagrant disregard of employment and revenue legislation has allowed this employer to absolve himself of liability for employer pension and National Insurance contributions; meanwhile by employing the subjects and enabling them to remain in the UK this employer contributed to a continued (and unlawful) drain on the NHS by reason of the subjects' visits to GP and hospital services. It has also denied the revenue of PAYE receipts.
- 1.21 A recent Home Office report ('The Economic and Social Costs of Modern Slavery', 30.07.18) estimates that such labour exploitation costs the UK economy £318,810 per victim (made up of expenditure on protective and preventative measures, physical and emotional harms, lost time and output, health and victim services and law enforcement costs).
- 1.22 This employer has enabled 5 persons to commit the offence of working illegally, has employed illegal workers (one twice) committed criminal offences in regards failure to pay the minimum wage, contribute to an employee's pension, make employer NI contributions and made no PAYE return as regards the subjects. All is criminal behaviour by the management of the premises licensed by the Authority. Without the prospect of work, illegal immigrants would not be attracted to the UK.
- 1.23 This is not a trivial matter and the evidence points to a sustained period of employing illegal workers, in excess of some years by reference to the allegations made to the Home Office, the admissions made by some of the offenders and that one offender was first employed in 2014 and detained (along with 2 other immigration offenders) by immigration officers on these premises in the full knowledge of Badsha MIAH.

## 2.0 Reasons for Review

- 2.1 Whether by negligence or wilful blindness five illegal workers was engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person is allowed to work. It is an offence to work when a person is disqualified to do so and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.
- 2.2 The case of *East Lindsey District Council v Hanif* (see 8.11) determined that in such circumstances, even without a prosecution, the crime prevention objective is

engaged. The statutory Guidance issued under the Licensing Act provides that certain criminal activity (in particular employing illegal workers) should be treated particularly seriously and it is envisaged that the police will use the review procedures effectively to deter such activities and crime.

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

### **3.0 Outcome Sought**

- 3.1 Essex Police asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally.
- 3.2 This submission and appended documents provide the licensing sub-committee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.
- 3.3 It is in such circumstances as this review application that a respondent may suggest that conditions are imposed which would prevent a reoccurrence of the employment of illegal workers in the future; an argument that the sub-committee should take remedial and not punitive action.
- 3.4 However since 2006 (with the introduction of the Immigration, Asylum and Nationality Act 2006) employers have had a duty to conduct checks to ensure employees and potential employees are not disqualified from working. Only by completing the required checks and maintaining records of such checks can an employer demonstrate a 'statutory excuse' and evade liability for a civil penalty issued by Immigration Enforcement. In order to protect themselves, reputable employers have been conducting these checks since 1996 when it first became a criminal offence to employ illegal workers.
- 3.5 The 2006 Act already imposes duties and responsibilities on a company or individual seeking to employ a person – whether in the licensed trade or otherwise - to conduct right to work checks.
- 3.6 In seeking revocation, Essex Police has considered and rejected conditions as an alternative, in part because this is specifically addressed paragraph 1.16 of the Guidance, viz:

*"(...) Licence conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the employer (my emphasis) by other legislation".*

- 3.7 Conditions requiring an employer (or its agent) to undertake checks that are already mandated and where advice is readily available and clearly set out for employers, keep copies of documentation and to restrict employment until these checks are made etc. replicate the requirements of the 2006 Act and should be discounted.
- 3.8 Essex Police contends that a licence holder who has himself or through his agents negligently or deliberately failed to conduct right to work checks which have been a requirement since 2006 should not be afforded an opportunity to do so until caught and then merely be asked to do what they should have been doing already. Deterrence and not mere remedy is appropriate and is supported by case law (as set out within section 8 of this submission).
- 3.9 Respondents who fail to convince a sub-committee that the imposition of conditions to undertake proper right to work checks is a suitable alternative to a deterrent outcome often point to the option of suspension of a licence; pointing out that this may be a suitable punitive response instead which will deter others.
- 3.10 Often this will include claims that the business has 'learnt its lesson' and that since its criminal activity has been discovered it has reconsidered its position, brought in new procedures, 'parachuted in' consultants and new managers etc. On occasion it is hinted that the respondent will 'accept' a suspension as an alternative to revocation, assuaging an authority's concern that an appeal may otherwise be launched. This is not a deterrent - a suspension merely warns other potential perpetrators that they may trade illegally until caught and then suffer only a brief hiatus in carrying out licensable activity before continuing with it. The risk of being caught is low so the consequence of being caught must be stiff in order to qualify as deterrence.
- 3.11 Essex Police would counter such claims and point to the continuing changes made to both immigration law and the Guidance (paragraphs 11.26 – 11.28) which point to a requirement to send a clear message to potential illegal immigrants that UK authorities will do all they can to prevent them finding illegal employment and a similar message to employers that those employing illegal workers will face severe disruption and penalties. There are simple processes (set out in section 5 of this submission) to avoid the hire of illegal workers and the legislative thrust is in avoiding the occurrence in the first place – not remedying the situation once discovered.
- 3.12 If it were not for criminally minded or complicit employers; illegal workers would not be able to obtain a settled lifestyle and deprive legitimate workers of employment. The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.

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

#### 4.0 Immigration Offences

- 4.1 Illegal workers are those subject to immigration control who either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them taking up the work in question. It is an employer's responsibility to be aware of their obligations and ensure they understand the immigration landscape to avoid the risk of prosecution, the imposition of a civil penalty or the revocation/suspension of their premises licence.
- 4.2 Since 1996 it has been unlawful to employ a person who is disqualified from employment because of their immigration status. A statutory excuse exists where the employer can demonstrate they correctly carried out document checks, i.e. that they were duped by fake or forged documents.
- 4.3 The Immigration Act 2016 came into force in July 2016 and its explanatory notes state that "*these offences were broadened to capture, in particular, employers who deliberately did not undertake right to work checks in order that they could not have the specific intent required to 'knowingly' employ an illegal worker*".
- 4.4 Since 2016 an employer may be prosecuted not only if they knew their employee was disqualified from working but also if they had reasonable cause to believe that an employee did not have the right to work: what might be described as *wilful ignorance*, where either no documents are requested or none are presented despite a request. This means an offence is committed when an employer 'ought to have known' the person did not have the right to work.
- 4.5 Since 2016 it has also been an offence to work when disqualified from doing so. It is obvious that without a negligent or wilfully ignorant employer, an illegal worker cannot work. Such an employer facilitates a criminal offence and Essex Police highlights this as relevant irrespective of whether a civil penalty is imposed or a prosecution launched for employing an illegal worker.
- 4.6 In this context, under section 3(1)(C)(i) Immigration Act 1971 (as amended by the 2016 Act) restrictions are not limited simply to employment (i.e. paid work) but now includes all work.
- 4.7 Thus an individual with no right to work in the UK commits offences if they undertake paid or unpaid work, paid or unpaid work placements undertaken as part of a course etc. are self-employed or engage in business or professional activity. For instance, undertaking an unpaid work trial or working in exchange for a non-

monetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the 'employer'.

## **5.0 Steps to Avoid the Employment of an Illegal Worker**

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

## **6.0 Relevance/Irrelevance of a Civil Penalty or Prosecution**

- 6.1 An employer found to have 'employed' an illegal worker may, dependent on culpability and the evidence available, be issued with a civil penalty or prosecuted or indeed neither.
- 6.2 Where an illegal worker is detected a civil penalty may be issued against the employer in accordance with the Home Office Code of Practice on Preventing Illegal Working (May 2014). In the case of a civil penalty the balance of probabilities test applies whereas a prosecution requires a higher burden of proof.
- 6.3 However, to issue a civil penalty under section 15 Immigration, Asylum and Nationality Act 2006 the Home Office Code of Practice requires some proof that not only was an illegal worker working at the premises but they were 'employed'. Usually this is taken as meaning the illegal worker was under a contract of service or apprenticeship, whether express or implied and whether oral or written.

- 6.4 But where an employer has not bothered with the basics of return to work checks, placed an employee on 'the books', paid the minimum wage or paid employer national insurance contributions – it becomes difficult to 'prove' the employment statement where the only evidence may be the word of an illegal worker who has since been detained or who has 'moved on'.
- 6.5 In such cases where paid employment cannot be demonstrated, a civil penalty may not be issued even where the premises licence holder or his agent has facilitated a disqualified person committing an offence under section 24B Immigration Act 1971 (as amended by Immigration Act 2016) of working illegally.
- 6.6 This does not however prevent the crime prevention objective being engaged with as the premises licence holder has nonetheless facilitated a criminal offence taking place and the lack of checks suggests that in the past (and is likely in the future) has employed illegal workers. In drawing its conclusion the sub-committee is entitled to exercise common sense and its own judgment based on the life experiences of its members. The *East Lindsey* case (see section 8) provides that action (revocation) to prevent what is likely to happen in the future is legitimate.

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

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

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

- 7.2 Essex Police submits that in the particular circumstances of cases where Immigration Compliance and Enforcement receive intelligence concerning the employment of illegal workers and act upon it; such warnings are inappropriate.
- 7.3 Not only would advance warning of enforcement activity prevent the detention of persons committing crimes and the securing of evidence; a warning after the event to comply with immigration legislation serves as no deterrent.
- 7.4 In particular; Essex Police submits that paragraph 11.10 of the Guidance must be read in conjunction with the more specific paragraphs relating to reviews arising in connection with crime (paras. 11.24 – 11.29).
- 7.5 *Paragraph 11.26*

*Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises*

*licence, for the promotion of the crime prevention objective. (...). The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.*

- 7.6 Thus the financial hardship occasioned by the suspension or revocation of the premises licence should not sway the sub-committee but instead it should look at what is appropriate to promote the objective within the wider business and local community given "*illegal labour exploits workers, denies work to UK citizens and legal migrants and drives down wages*" (Rt. Hon James Brokenshire, Immigration Minister on the introduction of the 2016 Act).
- 7.7 In particular; the sub-committee are asked to consider (below) the cases of *R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350* and *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway), [2016] EWHC 1265 (Admin)* where in both cases the High Court stated remedy of the harm or potential harm is not the only consideration and that deterrence is an appropriate consideration in dealing with reviews where there has been activity in connection with crime.
- 7.8 Paragraph 11.27 of the Guidance states:

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

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

- 7.9 Paragraph 11.28 of the Guidance states:

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

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

- 7.10 In support of this statement; Essex Police would draw the sub-committee's attention to the "*Guidance for Licensing Authorities to Prevent Illegal Working in Licensed*

*Premises in England and Wales*" (Home Office)[April 2017] where at section 4.1 it states;

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

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

## 8.0 Case Law

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

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

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

- 8.3 Issues relevant to the case before today's sub-committee which were considered in the *Bassetlaw* judgement included whether a licensing authority was restricted to remedial action (as opposed to punitive action such as revocation); and the precedence of wider considerations than those relating to an individual holder of a premises licence when certain criminal activities (as specified in the Guidance) took place.
- 8.4 It specifically examined (and set aside in the case of 'certain activities') those parts of the Guidance now contained within paragraph 11.20 and 11.23, viz.

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

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

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

*"Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State. (...) However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable."*

- 8.6 Having confirmed the legitimacy of punitive measures (suspension/revocation) for offences listed in what is now contained within paragraph 11.27 of the Guidance, Mrs Justice Slade concerned herself with another aspect of the appeal – namely the imposition of conditions which were already present but not properly implemented (paragraph 34.1). In this case the appellant was suggesting that proof of age conditions (rather than revocation) could be imposed to ensure that the legal requirement not to sell alcohol to those under 18 years of age was met by him and his staff.
- 8.7 This has some similarity with any argument that may be put forward in the case before the sub-committee today that the imposition of conditions to check immigration status either directly or through an agency (*essentially a requirement since 2006 under the Immigration, Asylum and Immigration Act 2006*) would serve as sufficient remedy for the employment of illegal workers and negate a deterrent (suspension/revocation) being imposed by the sub-committee despite the wording of the Guidance at paragraph 11.28.
- 8.8 Mrs Justice Slade stated: "*The sixth new provision was acceptable identification to establish the age of a purchaser shall be a driving licence with photographs, passport or proof of age scheme card recognised by or acceptable by the licensing authority. I am told these provisions were already in place, but not properly implemented. No doubt those are perfectly sensible and appropriate provisions to be included on a licence. However it is said that the action taken on appeal being confined in effect to reiterating existing practice with a minimal addition was entirely inappropriate to meet the situation where there have been sales of alcohol to 14 year old girls".*
- 8.9 Essex Police contends that in the case before the sub-committee the facts are similar. In the cited case straightforward sensible enquiries could have been made as to the age of the children and the imposition of additional conditions as a form of remedy was considered inappropriate by Mrs Justice Slade for 'those serious cases' set out in the Guidance.

8.10 In the case before the sub-committee, simple steps (set out at Appendix A) were available to prevent the employment of illegal workers – none were taken; the imposition of conditions to remedy this situation is inconsistent with the section 182 Guidance and this case citation. A negligent employer should expect revocation in the first instance.

8.11 *East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway), [2016] EWHC 1265 (Admin)*

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

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

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

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

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

## **APPENDIX A**

The first 4 ‘hits’ on a Google search for “right to work” are links to employer checklists and information on the GOV.UK website.

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

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

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

### **General Advice**

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

### **Checking the Documents**

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

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

### **Taking a copy of the documents**

When you copy the documents:

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

- keep copies during the applicant's employment and for 2 years after they stop working for you
- record the date the check was made

### If the job applicant can't show their documents

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

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

Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents don't allow the person to work.

The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

### ACCEPTABLE DOCUMENTS

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/441957/employers-guide-to-acceptable-right-to-work-documents-v5.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441957/employers-guide-to-acceptable-right-to-work-documents-v5.pdf)

**RESTRICTED (when complete)****WITNESS STATEMENT**

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

URN

Statement of: [REDACTED] .....

Age if under 18: **OVER 18** (If over 18 insert "over 18")Occupation: **CHIEF IMMIGRATION OFFICER**

This statement (consisting of 4 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature ..... Date: 26 November 2018

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

I am a Chief Immigration Officer of the Home Office Immigration Enforcement Immigration Compliance & Engagement Team East of England, based at Custom House, Viewpoint Road, Felixstowe, Suffolk IP11 3RF. I have been an Immigration Officer since April 1991 and have worked at a number of ports of entry to the UK, although my main work has been in the areas of enforcement and crime investigation. My current role is as the senior officer of the Immigration Enforcement arrest team, operating in the counties of Norfolk, Suffolk and Essex, responding to intelligence relating to alleged immigration offences in this area, liaising with local police and other law enforcement agencies and supporting other government departments, local authorities and relevant other organisations in enquiries or investigations relating to non-British nationals. As part of my duties I have responsibility for the compilation and custody of Home Office records in both written and electronic form. These records are compiled by officers and members of staff during their duties, from information which they have particular and specific knowledge of at the time of compiling, in light of the volume of records compiled and the length of time that has elapsed, they cannot reasonably be expected to have any recollection of the matters dealt with in relation to a specific record.

At the request of Essex Police Licensing Team, I have examined Home Office records relating to immigration offenders encountered during an enforcement visit conducted to the premises of "The Raj" located at 21 Kings Road, Brentwood, Essex CM14 4DJ.

Home Office records show that on 20 November 2018 Immigration Officers from this team conducted an enforcement visit to these premises to locate and arrest persons subject to immigration control who

**RESTRICTED (when complete)**

Continuation of Statement of [REDACTED]

Page 2

were suspected of working illegally in the United Kingdom.

Home Office records show that a total of five immigration offenders were recorded as being encountered by the officers during the execution of the search warrant. They are recorded as:

**Offender 1**

[REDACTED] a Bangladeshi national born [REDACTED] who was first encountered by Immigration Officers following his arrest in Wiltshire on 04.11.2011. He stated that he'd entered the United Kingdom with a false visa valid in January 2010. He was served notification that he was an illegal entrant to the UK and was released pending documentation to remove him. He subsequently absconded from his reporting conditions and was not encountered until he was arrested on 20.11.2018 at "The Raj" when on being seen by officers, he attempted to escape. Following his arrest he stated that he was not working, merely helping out in exchange for food and accommodation. He was detained and transferred into Immigration detention facilities on the same night. He has never been granted any permission to remain or to work in the United Kingdom.

**Offender 2**

[REDACTED] a Bangladeshi national born [REDACTED] originally entered the United Kingdom on 08.04.2010 when he held a visa to study, valid until 31.12.2012. In February 2016, he sought asylum in the United Kingdom and as an overstayer was notified of his liability to removal and placed on reporting restrictions., he last reported in October 2017, shortly before his application for asylum, which had been refused, was finally determined at an appeal hearing. Having lost his appeal, nothing more was heard from him until 20.11.2018 when he was seen by officers at "The Raj" and attempted to escape, having been arrested and detained, he told officers that he'd only been at the premises working for a week, although he was found to have in his possession the front door key to the property. He was detained and transferred to immigration detention facilities the same night.

**Offender 3**

[REDACTED] a Bangladeshi national born [REDACTED] arrived in the United Kingdom in 2008 with a visa valid until 04.05.2009 after which he made no contact whatsoever with the Home Office. On 20.11.2018 he was arrested at "The Raj" in Brentwood when immigration officers entered the premises and he was one of several staff seen to attempt to escape out of the back door through the kitchen. When interviewed, he admitted to working at the Raj for approx one month as a kitchen porter, working Monday, Tuesday, Friday, Saturday, Sunday between the hours of 1700 until 2300. He stated that he was paid £100 per week by Badsha MIAH, whom he described as the restaurant manager and that his accommodation is also included as he lives above the restaurant in a room with another two individuals. He provided no documentary evidence before being given the job by

Signature: ..... Signature: ..... Witnessed by: .....  
2004/05(1) Page 123

**RESTRICTED (when complete)**

Continuation of Statement of: [REDACTED] .....

Page 3

**Badsha MIAH** and has been given no contract. He stated his work clothes were provided by the boss and he then signed the officer's notebook to confirm the accuracy of his statements. He was detained and transferred to immigration detention facilities the same night.

**Offender 4**

[REDACTED] a Bangladeshi national born [REDACTED] arrived in the United Kingdom with a visa valid as a student until 30.04.2012; he subsequently gained an extension of student leave until 15.05.2014. This was later curtailed until 01.09.2013 due to issues with his college and he made no further applications or contact with the Home Office until he was arrested at "The Raj" on 23.04.2014 when he claimed to be on a "work placement" however his employer stated that he was working 20 hours per week and when he produced identification, his residence permit clearly showed that he was prohibited from employment. He was detained and had a removal flight booked for early May 2014 but subsequent representation by a solicitor led to an application for him to remain and he was released pending this being concluded. On 03.06.2014 during an Employer Liaison Visit to "The Raj of India" Restaurant, 17 The Street, Rayne Essex CM77 6RW he was encountered at the premises, folding serviettes and preparing tables but denied working and stated that he was just visiting a friend; however the manager on duty stated that subject was working there as a waiter and had done so for a couple of weeks. Due to his pending application he could not be detained at that point. Following refusal of his application, he was subsequently listed as an absconder after he failed to report in line with his bail conditions. On 20.11.2018 he was again encountered by Immigration Officers, this time having returned to work at "The Raj" in Brentwood, where on seeing officers he immediately sought to remove his tie and jacket. He was detained and transferred to immigration detention facilities the same night.

**Offender 5**

[REDACTED] a Bangladeshi national who gave his date of birth initially as [REDACTED] and subsequently was recorded as [REDACTED]. He had been encountered by enforcement officer in Tyneside on 08.10.2009 when there was a dispute over his age and stats and he was subsequently found to have been issued a visa to visit the United Kingdom in 2007, this expiring on 18.04.2007. He was served with notice that he was liable to removal and released pending documentation; he was not heard from again until 20.11.2018 when he was encountered in an upstairs room at "The Raj" in Brentwood and was arrested and detained whilst in bed. He admitted that he'd been working at the restaurant for six month, washing up; and signed an officer's notebook to confirm this. He was detained and transferred to immigration detention facilities the same night.

Further Home Office records show that the premises of "The Raj" at 21 Kings Road, Brentwood was

**RESTRICTED (when complete)**

Continuation of Statement of: [REDACTED] [REDACTED] .....

Page 4

subject of an enforcement operation on 23.04.2014 when three Bangladeshi nationals were found among the five staff and were found to be immigration offenders. The manager at that time was recorded as "Badha MIAH" a British national born [REDACTED]. Records in relation to the operation conducted on 20.11.2018 record the manager as "Badsha MIAH" a British national born [REDACTED].

I make this statement of my own free will from records that I have seen and accessed today, 26 November 2018. I am willing to attend court or any other judicial or review hearing if necessary.

Signature: ..... Signature: 105 Witnessed by: .....  
2004/05(1) Page 105

**RESTRICTED (when complete)****WITNESS STATEMENT**

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

URN

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Statement of: [REDACTED] IO1

Age if under 18 Over 18 ... (If over 18 insert "over 18") Occupation: Immigration Officer.....

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

Signature ..... [REDACTED] Date: 21/11/2018

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

I am an Immigration Officer currently based at EAST OF ENGLAND ICE, CUSTOM HOUSE, VIEWPOINT ROAD, FELIXSTOWE, SUFFOLK, IP11 3RF. I am an Arrest trained Immigration Officer. On 21<sup>st</sup> NOVEMBER 2018, I was tasked to attend The RAJ, 21 KINGS ROAD, BRENTWOOD, ESSEX, CM14 4DJ.

My role on the visit was Cover officer of IO [REDACTED].

I attended the address with IO [REDACTED] and as per my tasking entered the address through the front door, I was tasked to head straight down to the basement and go to the kitchen area. As I entered IO [REDACTED] alerted me to a male trying to get away from us and running down the stairs, I quickly pursued.

As I got to the kitchen door, a male ran straight into me I took him to the side and arrested him as as a person liable to be detained, he was given the administrative caution and confirmed to me that he fully understood. (Arrested 17(1) of Sch 2 of the 1971 Immigration Act AA). He said to me that he has no leave in the United Kingdom.

I placed the male in handcuffs using the front stack technique, checking for tightness and double locking them.

Signature: [REDACTED] Signature Witnessed by: .....

## RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] .....

Page 2

Once the situation had calmed down and the other staff that tried to make their way off were controlled I made my way up to the restaurant area with my arrested male.

Q, NAME?

A, [REDACTED]

Q, DATE OF BIRTH?

A, [REDACTED]

Q, NATIONALITY?

A, BANGLADESH

I conducted checks with IO [REDACTED] who was back at the office looking at Home Office systems.

Checks confirmed that [REDACTED] is known as [REDACTED] on Home Office systems and that he does not have any leave in the United Kingdom or right to work.

I relayed the information to [REDACTED] and he understood and agreed with what I was saying.

I then asked [REDACTED] a number of questions relating to his employment:

How long have you been working here?

*I have been helping here for a year*

What is your job role/ what are your duties?

*Washing up, helping in kitchen*

What days/ hours do you work each week?

*Not planned hours, I started a few mins before you arrived*

Do you work the same hours/ days every week?

*Not planned*

Who gave you this job (name and role in business)?

*One of my friends, he is not here now*

Who tells you what days/ hours to work?

*I help when they are busy*

Who tells you what tasks/ duties to do each day?

*My friend*

Who gave you this job (name and role in business)?

*Guy behind the counter, badsha miah*

How are you paid (money, accommodation, food)?

*I am given food,*

Signature: [REDACTED] .....  
2004/05(1)

Signature: [REDACTED] .....  
Witnessed by: .....  
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## RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] .....

Page 3

If money, how much and how do you receive it?	<i>Nothing at all</i>
Do you pay income tax or have a National Insurance number?	<i>No</i>
What name does the employer know you as?	<i>He calls me Ahmed</i>
Did you show documents before being offered the job? If so, what?	<i>Yes he did, I gave him a copy of a passport</i>
Does your employer know you're not allowed to work in the UK?	<i>I don't know</i>

IO [REDACTED] provided me with a copy of a passport that the manager stated [REDACTED] had given him, [REDACTED] told me that he had been given the document by the manager and it was nothing to do with him.

I suspected that [REDACTED] could have a passport or some kind of evidence of his identity upstairs in his living area, CIO [REDACTED] authorised a Para 25 Sch 2 search.

A search was conducted, nothing relating to his identity was found, he was allowed to pack a bag.

Detention was authorised by CIO [REDACTED].

A search of the male was conducted, under Para 25B Sch 2, this was due to the fact he had tried to evade me, he had come directly from the kitchen where I had observed big kitchen knifes.

The male was escorted to the vehicle, then transferred on to Immigration custody.

I make this statement with my recollection of events and my original notes made at scene.

**WITNESS STATEMENT**

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

Statement of

IO2

URN:

Age if under 18

Over 18

(if over 18 insert 'over 18')

Occupation:

Immigration Officer 16713

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

Signature:

Date:

21 November 2018

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

I am a designated Immigration Officer based at the BEDFORD IMMIGRATION OFFICE.

On 20 NOVEMBER 2018 I was on duty at the business premises THE RAJ, 21 KINGS ROAD, BRENTWOOD, ESSEX, CM1 4DJ. I was in full arrest uniform, wearing issued Personal Protective Equipment (PPE) and other officers were present.

The entry of the premises was under Section 179 of the Licencing Act 2003. I arrived at the address along with the other officers and remained on the rear of the property at 1807hrs.

At the same time as entering I saw Mr [REDACTED] who when officers entered the front of the premises, three men, including [REDACTED], ran to the kitchen in an attempt to escape out of the rear of the restaurant. I stopped the men from escapeing and once inside I arrested Mr [REDACTED] as a suspected Immigration offender. I took him to the side of the restaurant and questioned Mr [REDACTED] and he confirms his name and that he is a BANGLADESH national whos leave to enter the United Kingdom had expired with a DOB of [REDACTED].

Mr [REDACTED] could speak English to a very good standard and I did not require an interpreter to communicate. I asked to question Mr [REDACTED] further on the work he performs at the premises and what his relationship is to the manager of the premises.

Signature:

Signature witnessed by:  
Page 129

Continuation of Statement of [REDACTED]

LR - HOW LONG HAVE YOU BEEN WORKING HERE?

RA - JUST OVER A WEEK.

LR - WHAT ARE YOUR DUTIES?

RA - I SERVE DRINKS.

LR - HOW ARE YOU PAID?

RA - CASH.

LR - WHAT SHIFTS DO YOU WORK?

RA - MONDAYS, TUESDAYS.

LR - HOW DID YOU APPLY FOR THE JOB?

RA - I JUST CAME HERE AND SPOKE TO THE MANAGER.

LR - WHAT WAS HIS NAME?

RA - MIA.

LR - DID HE ASK TO SEE ANY RIGHT TO WORK?

RA - HE TOLD ME, I SAID I'D GIVE LATER.

LR - HOW MUCH WERE YOU PAID LAST WEEK?

RA - NOTHING.

LR - HOW MUCH WOULD THEY HAVE PAID YOU?

RA - SIX POUNDS AN HOUR.

At the end of the questioning I showed the subject my pocket notebook. I read out my

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

Continuation of Statement of [REDACTED].....

questions and his answers. I asked the subject to sign my pocket notebook to say that he has read and understood what has been said. And that he agrees that it is a true account; He signed to confirm this.

When I searched subject under Schedule 2 Paragraph 25B of the Immigration Act 1971 (As Amended), subject had in his possession a key to the front door of the restaurant.

This statement is made from my recollection of events and has been produced from the information held in my pocket notebook Serial Number 013182 which I produce as LR01.

---

Signature: .....  
[REDACTED]  
03/2015

Signature witnessed by: .....  
[REDACTED]  
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**WITNESS STATEMENT**

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

Statement of

IO3

URN:

Age if under 18      Over 18

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

Assistant Immigration Enforcement Officer

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

Signature:

Date:

21/11/2018

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

Job Ref – TS31CEP1091

I am Assistant Immigration Officer Cox, warrant number 17375 and part of HOME OFFICE IMMIGRATION COMPLIANCE AND ENFORCEMENT TEAM, EAST OF ENGLAND. On the 20/11/2018, I was tasked to carry out a visit to THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ. I was in attendance wearing full personal and protective equipment in line with HOME OFFICE policy and regulations. The Officer in charge was IMMIGRATION OFFICER (IO) [REDACTED] who conducted his briefing at WICKES CAR PARK, BRENTWOOD before deployment. Power of entry was through Section 179 of the Licensing Act 2003. This was authorised by HMI [REDACTED]. The power used allowed us to search the premises to locate Immigration offenders, as we were in receipt of intelligence that illegal workers and immigration offenders were present at the restaurant. My role was Arrest Two with my cover being IO [REDACTED].

At approximately 18:05, I entered the premises accompanied by the Officer in Charge (OIC), IO [REDACTED], IO [REDACTED] and AIO [REDACTED]. On entry to the premises I heard an IO shout runners and saw officers move downstairs towards the kitchen area and back door. Rear cover intercepted these individuals and we moved all workers upstairs back into the seating area to start to question them. I questioned my subject, [REDACTED], a male with a Date Of Birth of [REDACTED], Bangladeshi national. I arrested him for being an Immigration Offender. He was wearing no identifiable work clothes and appeared to be in normal civilian attire.

Signature:

Signature witnessed by:

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Continuation of Statement of [REDACTED]

Illegal working questions conducted at 18:38 hours on 20/11/2018 in Bengali using Big Word interpreter  
P0037880.

Q. "What is your job here?"

A. "Working as a kitchen porter"

Q. "How long have you worked here?"

A. "One month"

Q. "What days do you work?"

A. "Monday, Tuesday, Friday, Saturday and Sunday"

Q. "What hours on these days?"

A. "17:00 until 23:00"

Q. "How much do you get paid?"

A. "£100 a week cash in hand"

Q. "Who pays you?"

A. "Badsha Miah"

Q. "Is that your boss?"

A. "Owner of restuarant"

Q. "Who gave you the job?"

A. "Badsha Miah"

Q. "Did you provide any documents when you started the job?"

A. "No"

Q. "Do you have an employment contract?"

A. "No"

Q. "Is your accommodation tied to the job?"

A. "Yes"

Q. "Where do you live?"

A. "Upstairs"

Q. "Have you been supplied with any work aprons, clothing, who provided these to you?"

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

03/2015

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Page 35 of 46

Continuation of Statement of [REDACTED]

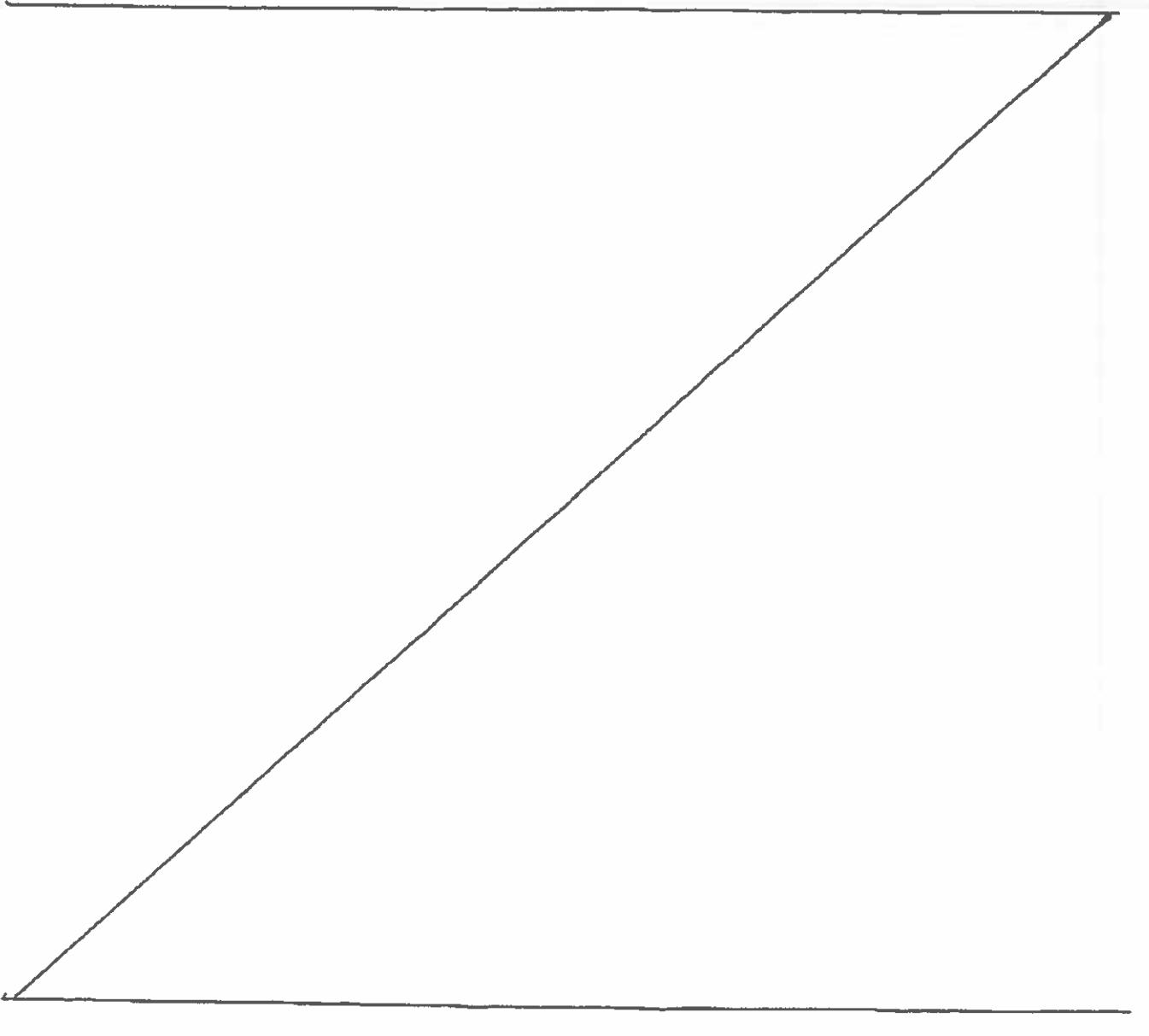
A. "Work clothes provided by the boss"

Q. "What is the name of the place where you work?"

A. "The Raj?"

End of illegal working questions. Statement signed by the individual in pocket note book.

This statement is made from my recollection of events and with reference to my pocket notebook, serial numbers IE017663, pages 57-67 which I exhibit as reference SC/01.



Signature:



Signature witnessed by:

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03/2015

RESTRICTED (when complete) RG 11 (2009)

**WITNESS STATEMENT**

(CJA Act 1967, s.3 MCA Act 1980, ss 5A (3) (a) and 5B, MCA Rules 1991, r 70)

IO4

URN

Statement of:

Age if under 18 Over 18..... (If over 18 insert 'Over 18')

Occupation: Immigration Officer

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

Signature

Date: 21/11/2018

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

On Tuesday 20th November 2018 I was on duty as an arrest trained Immigration Officer.

The Officer in charge of the visits to be conducted on this day was Immigration Officer

[REDACTED] IO [REDACTED] conducted a pre visit briefing for the visit along with fellow Immigration Officers from the Felixstowe and Bedford offices. The target premises for the visit was a restaurant called, The Raj, 21 Kings Road, Brentwood, Essex, CM14 4DT and entry to the premises was to be gained using Section 179 of the Licensing Act 2003. There were no named targets for the visit however there was an allegation received stating that the premises was suspected of employing five illegal workers who worked in restaurant. I was instructed during the briefing that I was to walk in through the front door to the business address and contain any staff within the main restaurant area. On entering the restaurant, I was informed along with other officers covering the rear of the premises that staff were attempting to leave the kitchen which was situated on the basement level. I went down the stairs and walked through a door in to the kitchen. I immediately met a male in the kitchen who was taking off his jacket and tie. The male stated that he spoke English and with this I

Signature:

Signature Witnessed by: .....

**RESTRICTED (when complete)**

Continuation of Statement of [REDACTED]

Page 2

asked him to come with me upstairs in to the restaurant area. Once in this area I spoke with this male and asked him to confirm his name, date of birth and nationality. The male replied, [REDACTED] BANGLADESH. I then asked [REDACTED] if he had a visa and he replied 'NO'. At approximately 1812hrs I arrested [REDACTED] and cautioned him. [REDACTED] stated that he understood why he was being arrested and I went on to ask the following questions:

Q: When did you arrive in the United Kingdom?

A: I CAME ON A STUDENT VISA IN 2010 AND ARRIVED ON 31/03/2010. I WAS ARRESTED IN 2014.

Q: Do you have any family in the United Kingdom?

A: NO

Q: Do you take any medication?

A: YES, I TAKE MEDICATION EVERY DAY FOR UROLOGY AND BLADDER ISSUES.

Q: Where do you live?

A: UPSTAIRS, 21 KINGS ROAD.

Q: Where is your passport?

A: WITH THE HOME OFFICE.

Q: How long have you worked at this restaurant?

A: 1 WEEK.

Q: Who is the boss?

A: ULLAH.

Signature: [REDACTED]  
200405(1)

Signature Witnessed by: [REDACTED]

## RESTRICTED (when complete)

Page 3

Continuation of Statement of [REDACTED]

Q: How much do you get paid?

A: £150 PER WEEK AND I GET CASH.

Q: Do you pay rent?

A: NO I HAVENT PAID YET.

With this information I conducted checks with an officer based in the Bedford Enforcement office. Checks showed that [REDACTED] was served as an immigration offender in 2017 and he was liable to be arrested and detained. I then continued my questioning of the subject:

Q: How many days do you work?

A: IT VARIES, 3 DAYS. MAINLY FRIDAY AND SATURDAY.

I then went upstairs with [REDACTED] where he showed me his medication and a letter from St Barts hospital in London. [REDACTED] provided two boxes of medication, Doxycycline 100mg and [REDACTED] stated that he takes one of these tablets twice a day. I gathered the medication that [REDACTED] had which was a total of 10 tablets and allowed him to gather a small bag of belongings. At 1845hrs I referred [REDACTED]'s case to CIO [REDACTED] who was present on the visit and with the details of the case he authorised the detention of [REDACTED] and service of papers.

[REDACTED] was escorted back to the restaurant area which was downstairs from the accommodation area. [REDACTED] along with four other males were escorted from the premises at 1910hrs and [REDACTED] was placed in the cell van. [REDACTED] and the other arrested males were conveyed from the address and transported directly to Brook House IRC on direction and instruction from the detention estate. I and other officers arrived at Brook House IRC at 2045hrs and at approximately 2115hrs [REDACTED] was taken in to Brook House and his fingerprints and photograph were taken. [REDACTED] was served with his immigration papers and

Signature: [REDACTED]  
2004/05(1)

Signature Witnessed by: .....

RESTRICTED (when complete)

Continuation of Statement of [REDACTED]

Page 4

[REDACTED]  
[REDACTED] he completed a travel document form. I and other officers left Brook House IRC at approximately 2300hrs. This statement is taken from my recollection of events and from the notes I made at the time of the visit in my pocket note book in pages 60, 61, 62 and 63. [REDACTED]

Signature:  
2004/05(1)

Signature Witnessed by:

## WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1987, s 9; Magistrates' Court Act 1980, s 59

Statement of **105** URN:

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

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

Tuesday 27<sup>th</sup> November 2018

Signature: [REDACTED]

Date:

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

On TUESDAY 20<sup>th</sup> NOVEMBER 2018 2018, whilst in full uniform and personal protective equipment I attended, along with colleagues from FELIXSTOWE IMMIGRATION ENFORCEMENT OFFICE AND BEDFORD ENFORCEMENT OFFICE, THE RAJ, 21 KINGS ROAD, BRENTWOOD, ESSEX, CM14 4DJ. The Officer in Charge (OIC) was IMMIGRATION OFFICER (IO) [REDACTED]. Officers present in the visit briefing lead by OIC [REDACTED] were IO [REDACTED], IO [REDACTED], CIO (Chief Immigration Officer) [REDACTED], IO [REDACTED], IO [REDACTED], AIO (Assistant Immigration Officer) [REDACTED], IO [REDACTED] and two Inspectors from INDEPENDENT CHIEF INSPECTORS OF BORDERS AND IMMIGRATION, [REDACTED] and [REDACTED].

Officers were to attend THE RAJ and power of entry was to be Section 179 of the Licensing Act 2003, authorised by Her Majesty's Inspector (HMI) [REDACTED]. An allegation had been received to state there were 5 illegal workers working at THE RAJ, 21 KINGS ROAD, BRENTWOOD.

At 18:12hrs, I assumed rear cover of the premises with IO [REDACTED] and CIO [REDACTED]. OIC [REDACTED] advised over the airwave radio that Officers were entering the front of the premises. A male of Asian origin ran from the rear door of the premises and ran straight into IO [REDACTED]. IO [REDACTED] arrested and handcuffed the male immediately and I assisted IO [REDACTED] in escorting the male back into the premises. I remained as cover officer for IO [REDACTED] until OIC [REDACTED] asked me to go upstairs to the linked accommodation to search for further members of staff. At 18:20hrs, I used the internal staircase in the restaurant and went upstairs with CIO [REDACTED] to the staff accommodation. At the top of the stairs, there was a large fridge and cases of alcohol. I could see approximately 4 doors within the corridor and knocked on one door and entered. I turned the light on whilst announcing that I was from Immigration. I saw a male of Asian appearance in bed and I introduced myself once again and explained that I was here to speak to all members of staff. I asked him if he could get up out of bed and sit on another bed across the other side of the room. The male was fidgety and had his hands

Signature: [REDACTED]

Signature witnessed by: N/A [REDACTED]

2008/11 (1)  
UKBA

RESTRICTED (when complete)

Continuation of Statement of [REDACTED]

concealed when I entered and I therefore wanted to take him out of his personal bed space and place him in a space where I believed he couldn't conceal anything under bedcovers.

I showed my warrant card once again to the male and asked him if he had any ID that he could show me. He stated that he didn't. The male spoke enough English for me to communicate with him and therefore an interpreter was not used. I asked him if he had a visa to be in the UK and he shook his head and said no. I asked him to confirm that he did not have a visa to be allowed to be in the UK and he confirmed he did not. At 18:21hrs, I arrested the male under Paragraph 17(1) Schedule 2 of the Immigration Act 1971 as a person liable to be detained. I explained to him that this was because he admitted to me that he has no visa and gave him the admin caution. I asked him if he understood and he stated that he did. I asked the male for his name, date of birth and nationality and he stated his details were, '[REDACTED] A NATIONAL OF BANGLADESH.'

[REDACTED] stated to me that he came to the UK on a visit visa in 2007 and hasn't spoken to the home office since.

I conducted checks with IO [REDACTED] who was based in an office and he confirmed that Home Office systems show that [REDACTED] a national of Bangladesh entered the UK on a visit visa valid to 18/04/2007 and there was no further trace of him being granted of applying for any further leave in the UK.

I explained to [REDACTED] that he had checked his details with the Home Office and that he has not had any leave to be in the UK since 2007 and that he was therefore considered to be an overstayer in the UK and liable to be arrested and detained. I informed him that he was still under arrest for this reason.

I asked [REDACTED] if he had any medical conditions and he stated he gets headaches and provided me with a letter from Royal Globe Hospital. The hospital letter states that he appears to have headaches which have stemmed from previous ear infections. [REDACTED] stated that he takes Amitriptyline tablets for this. I ensured that [REDACTED] had medication with him and he provided me with 22 Amitriptyline 10mg tablets which he takes one tablet once a day. [REDACTED] stated he had no other medical conditions. [REDACTED] stated he was a single male and had no family in the UK. He stated he was unwilling to return to Bangladesh voluntarily.

At 18:26hrs, CIO [REDACTED] authorised a 25A Schedule 2 search of [REDACTED] bed space where he was located to search for any documents that may aid in his removal. CIO [REDACTED] also authorised detention and service of papers of [REDACTED] and he began conducting the search.

At approximately 18:30hrs, I began asking [REDACTED] questions about his employment at THE RAJ, 21 KINGS ROAD, BRENTWOOD. I recorded all the questions and answers within my pocket notebook.

Q. HOW LONG HAVE YOU WORKED HERE?

A. ABOUT 6 MONTHS.

Q. WHAT DO YOU DO HERE?

A. DO THE WASHING UP IN THE KITCHEN.

Q. HOW OFTEN DO YOU WORK?

A. 1 TO 2 HOURS A DAY.

Signature:

nature witnessed by:

N/A.....

2007/1/31  
UKBA

RESTRICTED (when complete)

Continuation of Statement of [REDACTED]

at 1210hrs with reference to my original notes made during the visit.

[REDACTED]

Signature:

[REDACTED]

Signature witnessed by:

[REDACTED]

OFFICIAL SENSITIVE - (when completed)

Continuation of Statement of [REDACTED]

JJD: What are the Companies House and VAT numbers of the business?

BM: 554105639 VAT

JJD: What is your position here?

BM: Manager and owner

JJD: How long have you been working here?

BM: 14/15 years

JJD: Have you taken any right to work evidence from them?

BM: Yes, I have some here (photographed and recorded on my phone)

JJD: Do your workers live upstairs?

BM: No

JJD: Are all the men here tonight working for you?

BM: They are working and helping here

JJD: Are they all in paid employment?

BM: Only [REDACTED] is working.

JJD: I challenge that as this man is wearing a waiter's uniform (being dealt with by IO [REDACTED])

DM: Yes, he is helping me.

MIAH was given the opportunity to sign my phone after this interview, but he refused.

I was provided information by members of my team of those who had been encountered working illegally. I added their names to an Illegal Working Civil Penalty Referral Notice which I served and explained to BADSHA MIAH at 18-Ghrs. I again photographed and recorded this on my phone.

At 1910hrs all Officers and five offenders left the premises. The offenders were transported to Brook House and booked into detention.

This statement was compiled at Custom House, Viewpoint Road, Felixstowe, IP11 3RF on Wednesday 21<sup>st</sup> November 2018

Signature: [REDACTED]

Signature witnessed by: \_\_\_\_\_

11/2018

## OFFICIAL SENSITIVE (when completed)

MIG 15

## WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 10; Magistrates' Courts Act 1980, s.5B

Statement of [REDACTED]

IO6

URN: [REDACTED] [REDACTED] [REDACTED]

Age if under 18

Over 18

(If over 18 insert 'over 18') Occupation: Immigration Officer

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

Signature: [REDACTED]

Date: 21/11/2018

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

I am currently employed as an Immigration Officer on the ICII East of England – Felixstowe team.

On Tuesday 20<sup>th</sup> November 2018 I led an Immigration Enforcement visit to THE RAJ, 21 KINGS ROAD, BRENTWOOD, ESSEX, CM144DJ. On my team were Immigration Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED] and Chief Immigration Officer [REDACTED]. Also present were ICIBI inspectors [REDACTED] and [REDACTED] who played no part in the visit other to inspect my team's performance and entered after the team under informed consent recorded by CIO [REDACTED] in his PNB.

I entered the premises at 1809hrs and immediately noticed members of staff running to the stairs leading to the basement kitchen of the property. At this point I called "runners" to members of my team on the radio. I then proceeded to the bar area where I encountered a male I now know to be BADSHA MIAH born [REDACTED] a GBR national and the Designated Premises Supervisor for the alcohol licence at the premises. I immediately explained who I was and that I was entering his premises under section 179 of the Licensing Act 2003 and served a Notice to Occupier to him. He confirmed his understanding but refused to sign my phone when offered the chance to do so. I was aware during this period that several members of staff had tried to evade my officers and had therefore been arrested. All members of staff were then brought to the restaurant area of the premises and were questioned resulting in five arrests.

I then questioned BADSHA MIAH regarding illegal working which was recorded on my phone:

JJD: What is the name of the business?

BM: The Raj

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

03/2015 MO 11

Continuation of Statement of [REDACTED]

**Q. HOW MUCH DO YOU GET PAID?**

**A. I DON'T GET PAID, I GET FOOD.**

**Q. DO YOU PAY RENT HERE?**

**A. NO.**

**Q. WHO GAVE YOU THE JOB?**

**A. ( [REDACTED] couldn't provide me with the spelling for the male who gave him the job however I wrote down the name that he stated to me.) Radha MIAH.**

**Q. DID HE ASK YOU TO SHOW ANY ID TO SHOW YOU CAN WORK HERE?**

**A. NO. NOTHING.**

I asked [REDACTED] to read the questions and answers in my pocket notebook and sign if he agreed with what I had written and that I had recorded everything correctly. He signed my notebook.

I allowed [REDACTED] to pack a small bag of belongings and then escorted him to the awaiting cell van at 19:11hrs. No handcuffs or restraints were used throughout as [REDACTED] was compliant.

[REDACTED] was transferred with 4 other detained males to Brook House Immigration Removal Centre (IRC) where we arrived at 20:51hrs. No incident or issues throughout journey. [REDACTED] was booked in and handed over the G4S staff at the IRC at approximately 22:40hrs.

At 23:00hrs, all officers left Brook House IRC. There were no incident or issues.

This statement was compiled with reference to my personal issued note book number IE008777, pages 31, 32, 33, 34, 35, 36, 37 and 38.

Signature:

2009/11/1  
UKBA

Signature witnessed by:

N/A

RESTRICTED (when complete)

## Appendix C

**THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ**

# **APPENDIX 3**

## **PREMISES LICENCE**

*Premises Licence, Premises Plan, OS Maps & Images*

24 JANUARY 2019



**Licensing Act 2003  
Premises Licence**

**Premises licence number PRM/0196/2005**

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

**The Raj  
21 Kings Road  
Brentwood  
Essex**

<b>Post town</b>	<b>Brentwood</b>	<b>Post code</b>	<b>CM14 4DJ</b>
<b>Telephone number</b>		<b>01277 212755</b>	

**Where the licence is time limited the dates**

**Not applicable**

**Licensable activities authorised by the licence**

- 1. Sale of alcohol**
- 2. Late Night Refreshment**

**The times the licence authorises the carrying out of licensable activities**

**Supply of Alcohol:-**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 11.00 to 00.00
- 2) Sundays, Good Friday & Christmas Day, 12.00 to 23.30
- 3) New Year's Eve, except on a Sunday 11.00 to 00.00
- 4) New Year's Eve, on a Sunday, 12.00 to 23.30pm
- 5) 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

**Late Night Refreshment:-**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 23.00 to 00.30 the following day.
- 2) Sundays, Good Friday & Christmas Day, 23.00 to 00.00
- 3) New Year's Eve, except on a Sunday 23.00 to 00.30 the following day
- 4) New Year's Eve, on a Sunday, 23.00 to 00.00 the following day
- 5) 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

**The opening hours of the premises**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 11.00 to 00.30 the following day.
- 2) Sundays, Good Friday & Christmas Day, 12.00 to 00.00
- 3) New Year's Eve, except on a Sunday 23.00 to 00.30 the following day
- 4) New Year's Eve, on a Sunday, 23.00 to 00.00 the following day
- 5) 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**

**On supplies**

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

**Badsha Miah  
174 Warley Hill  
Brentwood  
Essex  
CM14 5HF**

**07903 931012**

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

Not applicable

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

**Badsha Miah  
174 Warley Hill  
Brentwood  
Essex  
CM14 5HF**  
**07903 931012**

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

**PRM/0183/2005 Issued by Brentwood Borough Council.**

Dated 21<sup>st</sup> September 2005



**for Licensing Authority**

**INFORMATIVE**

**THIS LICENCE NOT CONFER ANY APPROVAL UNDER THE PLANNING ACTS OR BUILDING CONTROL REGULATIONS.**

## **Annex 1 - Mandatory conditions**

### **SUPPLY OF ALCOHOL**

- a) i. No supply of alcohol may be made under this Licence at a time when there is no Designated Premises Supervisor as defined in The Licensing Act 2003 in respect of this Licence,  
ii. or at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
- b) Every supply of alcohol under this licence must be made or authorised by a person who holds a Personal Licence as defined in The Licensing Act 2003.

## **Annex 2 - Conditions consistent with the Operating Schedule**

### **EMBEDDED CONDITIONS**

#### **1. PERMITTED HOURS**

Alcohol shall not be sold or supplied except during the permitted hours.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by person taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

#### **B. SUPPLY OF NON-ALCOHOLIC BEVERAGES**

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

#### **C. USE OF PREMISES**

The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

#### **4. SUPPLY OF ALCOHOL ONLY TO PERSON TAKING TABLE MEALS.**

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to person taking table meals, and for consumption by such a person as an ancillary to his meal.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

None

#### **Annex 4 – Plans**

This licence is issued subject to the following attached plans:

Drawing no. 5717 title The Raj Restaurant.

**Licensing Act 2003**  
**Premises Licence Summary**

**Premises licence number PRM/0196/2005**

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

The Raj  
21 Kings Road  
Brentwood  
Essex

<b>Post town</b>	Brentwood	<b>Post code</b>	CM14 4DJ
<b>Telephone number</b>		01277 212755	

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

1. Sale of alcohol
2. Late Night Refreshment

**The times the licence authorises the carrying out of licensable activities**

**Supply of Alcohol:-**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 11.00 to 00.00
- 2) Sundays, Good Friday & Christmas Day, 12.00 to 23.30
- 3) New Year's Eve, except on a Sunday 11.00 to 00.00
- 4) New Year's Eve, on a Sunday, 12.00 to 23.30pm
- 5) 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

**Late Night Refreshment:-**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 23.00 to 00.30 the following day.
- 2) Sundays, Good Friday & Christmas Day, 23.00 to 00.00
- 3) New Year's Eve, except on a Sunday 23.00 to 00.30 the following day
- 4) New Year's Eve, on a Sunday, 23.00 to 00.00 the following day
- 5) 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

**The opening hours of the premises**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 11.00 to 00.30 the following day.
- 2) Sundays, Good Friday & Christmas Day, 12.00 to 00.00
- 3) New Year's Eve, except on a Sunday 23.00 to 00.30 the following day
- 4) New Year's Eve, on a Sunday, 23.00 to 00.00 the following day
- 5) 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**

**On supplies**

**Name, (registered) address of holder of premises licence**

**Badsha Miah  
174 Warley Hill  
Brentwood  
Essex  
CM14 5HF**

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

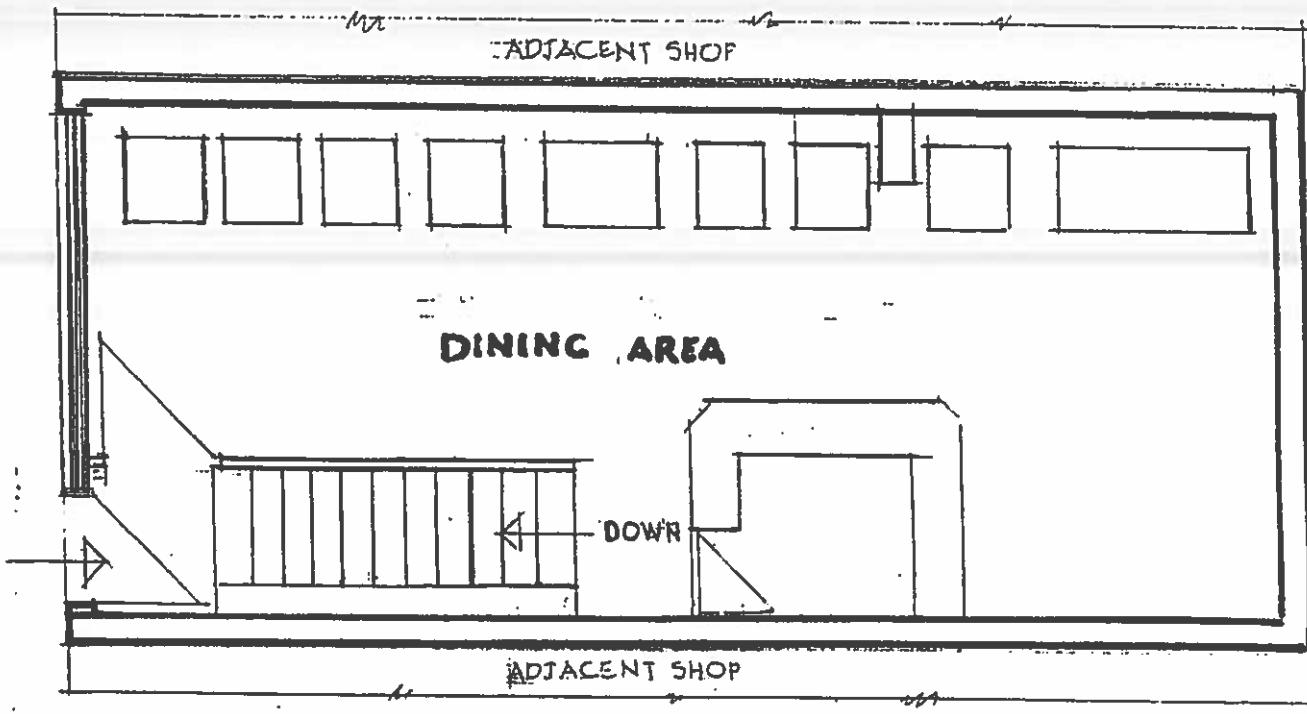
**Not applicable**

**Name of designated premises supervisor where the premises licence authorises  
the supply of alcohol**

**Badsha Miah**

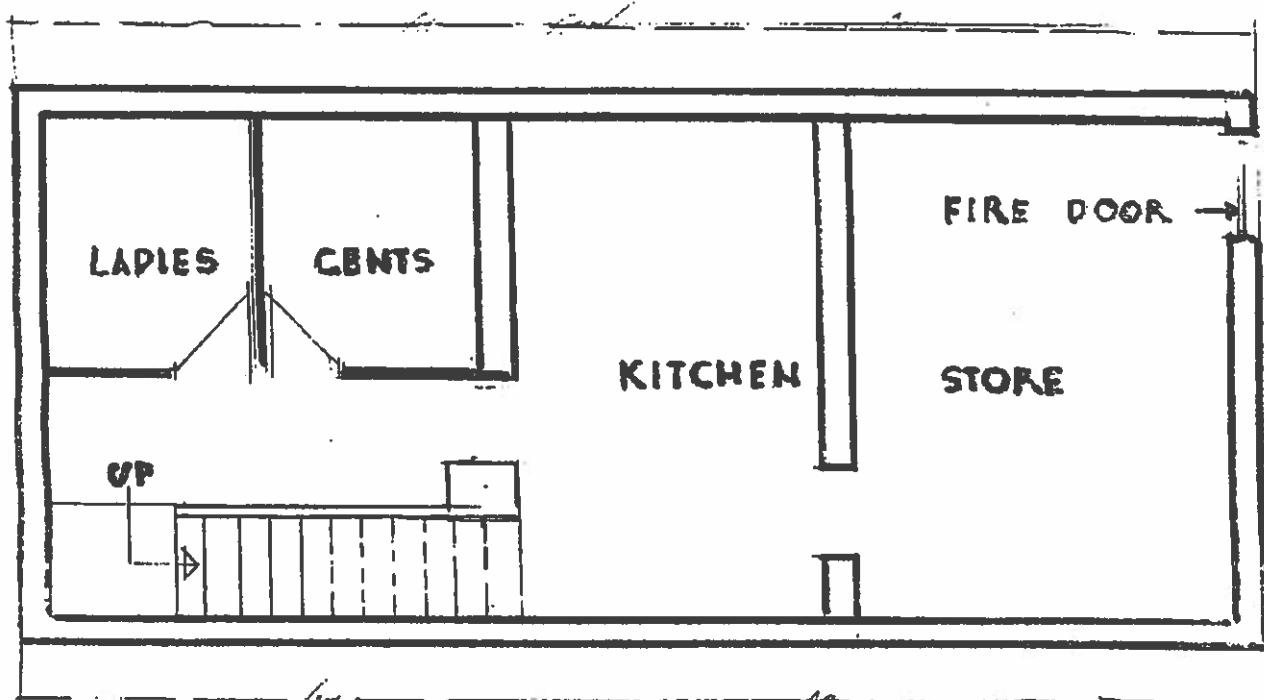
**State whether access to the premises by children is restricted or prohibited**

**Not restricted or prohibited**



GROUND FLOOR PLAN

TWO FIRE EXTINGUISHERS - GROUND FLOOR  
ONE EXTINGUISHER TO BASEMENT AND ONE BLANKET

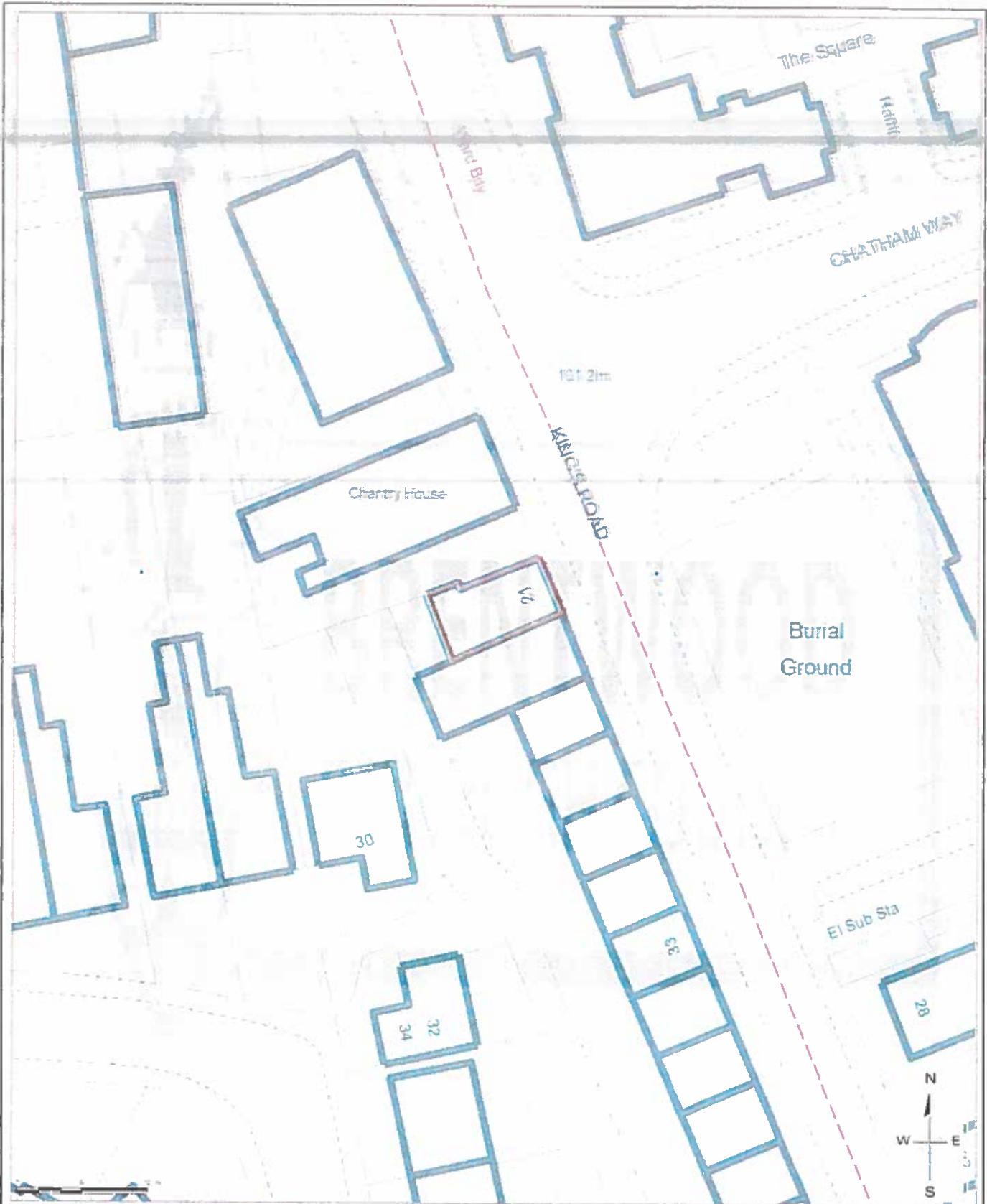


THE RAJ RESTAURANT

DO NOT SCALE FOR DETAILS  
ALL DIMENSIONS TO BE CHECKED ON SITE  
FOR DRINK LICENCE

Client: MR. MIAH 174 WARLEY HILL BRENTWOOD	Title: GROUND+BASEMENT PLANS THE RAJ RESTAURANT 21 KINGS ROAD BRENTWOOD SX	Scale: 1. 100	Dwn. By: John Alioua M.Beng (M.I.A.S)	Dwng. No.: 5717
Page 15 of 20		Date: 15 JULY 2005		





## THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ

Drawing No. :

Scale at A4 : 1:500

Drawn by : OSJ

Service : ICT

Date : 21st December 2018

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Philip Ruck  
Chief Executive  
Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



## THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ

Drawing No.:

Scale at A4: 1:1250

Drawn by: OSJ

Service: ICT

Date: 21st December 2018

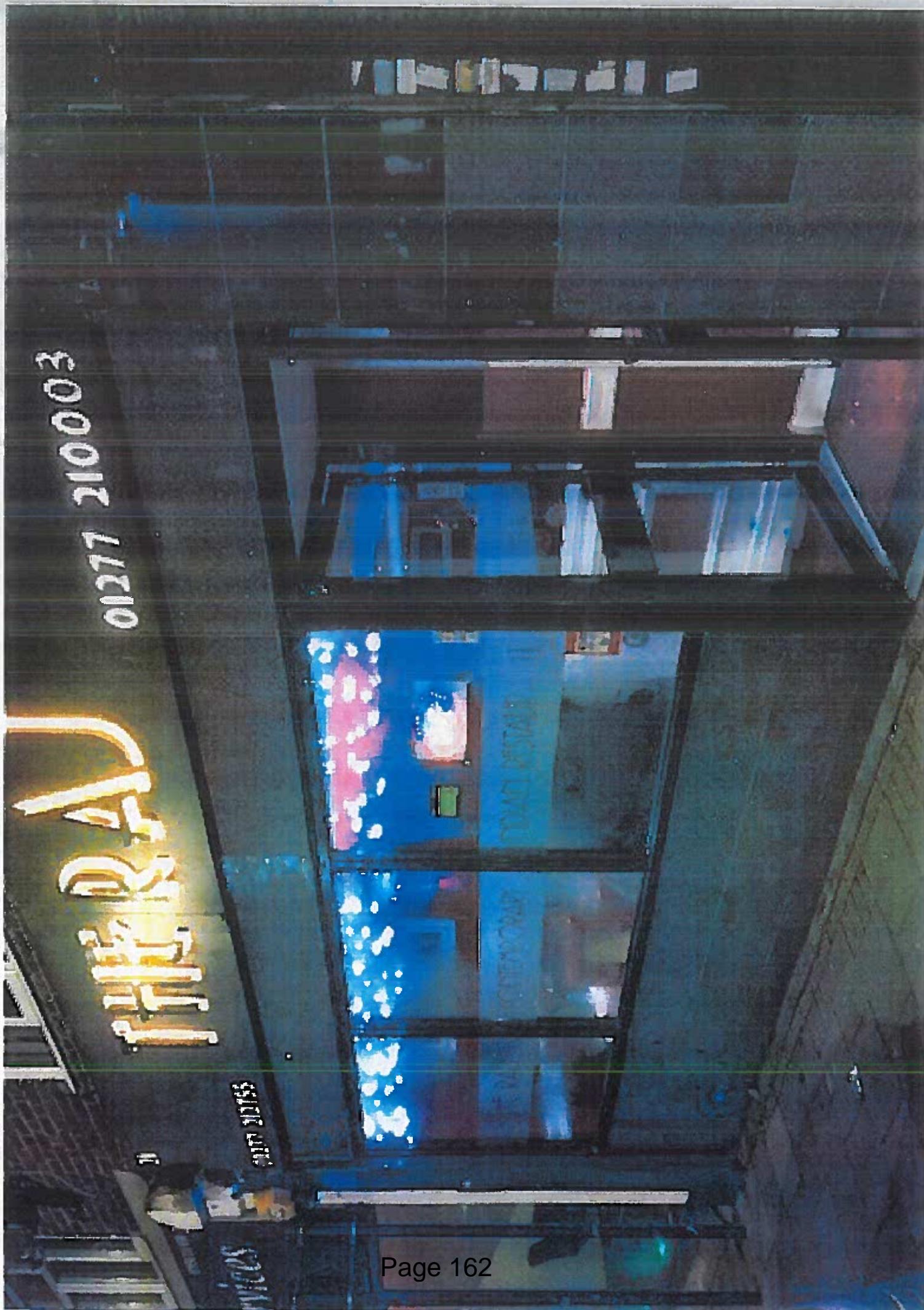
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Philip Ruck  
Chief Executive  
Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500

THE RAU  
01277 210003





## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Licensing Sub-Committees**

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

### **Licensing Act 2003 and Gambling Act 2005**

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

### **Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:**

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

### **Scrap Metal Dealing**

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

### **Street Collections and House to House Collections**

- (a) Appeals against refusal to grant or renew a license.

**Licensing of sex establishments**

- (a) Determination of all applications, revocations and appeals.

**Street Trading**

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

**Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis**

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

**Animal Welfare and Security, except for the following:**

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

**Exercise of Powers under Caravan Sites and Control of Development Act 1960,  
except for:**

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

**Mobile Homes**

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.