Licensing Sub-Committee Hearings Meeting

Grand Jury Room, Town Hall, High Street, Colchester, CO1 1PJ
Monday, 19 August 2019 at 10:00

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003. This includes licensing the sale of alcohol and the provision of a variety of licensable activities such as recorded music, stage plays and the showing of films.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.
Dates of the meetings are available here:
https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx.
Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here: http://www.colchester.gov.uk/haveyoursay.

Audio Recording, Mobile phones and other devices

The Council audio records public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Library and Community Hub, Colchester Central Library, 21 Trinity Square,
Colchester, CO1 1JB
telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call
e-mail: democratic.services@colchester.gov.uk

COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Monday, 19 August 2019 at 10:00

The Licensing Sub-Committee Hearing Members are:

Roger Buston - Member, Dave Harris - Member, Barbara Wood - Member

The Licensing Sub-Committee Hearing Substitute Members are:
All members of the Council who are not Cabinet members or members of this Panel who have undertaken the necessary training.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 5 are normally dealt with briefly.

1 **Appointment of Chairman**

To appoint a Chairman for the meeting

2 **Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

3 **Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

4 **Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

Flowchart - Mirra 7 - 8

5 **Mirra** 9 - 74

The Committee have been asked to determine an application for a review of a premises licence under the Licensing Act 2003

Part B
(not open to the public including the press)

6 **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

7 **Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 22 July 2019.

22 July 2019 Licensing Sub-Committee minutes

- This report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial / business affairs of a particular person, including the authority holding information).

e-mail: democratic.services@colchester.gov.uk
website: www.colchester.gov.uk

The Licensing Sub-Committee Review Process

OUTLINE OF APPLICATION
Made by Licensing & Food Safety Manager

↓

APPLICATION
To be presented by the applicant or their representative
Witnesses for the applicant (if any) to give evidence

↓

QUESTIONS TO THE APPLICANT
By the respondent, members of the Sub-Committee and officers

↓

OTHER PARTIES IN SUPPORT OF THE APPLICATION
Each party to present its case

↓

QUESTIONS TO THE OTHER PARTIES
By the applicant, respondent, members of the Sub-Committee and officers

↓

RESPONDENT
The respondent or their representative to present their case
Witnesses for the respondent (if any) to give evidence

↓

QUESTIONS TO THE RESPONDENT
By the applicant, members if the Sub-Committee and officers

↓

CLOSING STATEMENTS
Made by each party - respondent
other parties, applicant

↓

EXCLUSION OF THE PUBLIC

↓

DECISION
All parties will be asked to leave while the Sub-Committee considers the application and reaches its decision
All parties will then be asked to return and the decision of the Sub-Committee will be read out

The decision of the Sub-Committee will be sent in writing to all those who made a representation →

← There is a right of appeal to the Magistrates Court and details of this are included in the decision letter

Licensing Committee – 19 August 2019	Agenda Item 5
Mirra 98 High Street Colchester	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for the review of a premises licence under the Licensing Act 2003

1. Application

Applicant and Premises	
Application Type	Review
Applicant	Essex Police
Premises	Mirra
Premises Licence Holder	Mr Ismet Cam
Premises Address	98 High Street, Colchester, CO1 1TH
Ward	Castle

2. Current licensable activities and hours under Premises licence M014294

Supply of alcohol							
On / Off the premises or both			**On sales**		Off sales	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	09.00	09.00	09.00	09.00	09.00	09.00	09.00
End	23.00	23.00	23.00	23.00	23.00	01.00	23.00

Performance of live music							
Indoors/Outdoors or both			**Indoors**		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	12.00	12.00	12.00	12.00	12.00	12.00	12.00
End	23.00	23.00	23.00	23.00	23.00	01.00	23.00

Playing of recorded music							
Indoors/Outdoors or both			**Indoors**		Outdoors	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	07.00	07.00	07.00	07.00	07.00	07.00	07.00
End	23.00	23.00	23.00	23.00	23.00	01.00	23.00

Late Night Refreshment							
On/Off or both			**On**		Off	Both	
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start						23.00	
End						01.00	

3. Conditions

Operating Schedule
The conditons attached to the licence are shown under the following annexes within Annex 2 – Premises Licence • Annex 1 – Mandatory Conditions • Annex 4 – Conditions consistent with the Operating Schedule

4. Grounds for Review

Licensing Objective
1. Prevention of Crime and Disorder Immigration Compliance and Enforcement Officers of the Home Office discovered disqualified persons working illegally on the premises.

The Licensing Authority has accepted the application for a review of the premises licence in respect of Mirra, 98 High Street, Colchester which was made by Essex Police **(Annex 1).** The application was accepted and duly served and advertised by the Licensing Authority in accordance Section 51 of the Licensing Act 2003 and the regulations that accompany it.

In support of its application for a review of this premises licence, Essex Police has outlined the grounds under which it is applying for the review and has also submitted detailed background information to evidence the reasons why it believes such a review is necessary. This evidence is attached as **Annex 1** of this report.

4. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications
Reviews 13.9 The review of a licensed premises is the key protection for residents and businesses where one or more of the licensing objectives are being undermined

and these problems can be linked to the operation of a licensed premises. A responsible authority or any other body can ask for the review of a licence.

13.10 When considering a review request, or other possible enforcement action, the Licensing Authority will consider all relevant matters and in particular –

- The use of the premises for criminal activities such as the supply of drugs or money laundering
- Failure to promptly respond to a warning given by a responsible authority
- Failure to engage with the responsible authorities in an effective manner
- Previous convictions for licensing offences
- Previous failure to comply with licence conditions

13.11 The Licensing Authority will not normally engage its role as a responsible authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals are entitled to do so in their own right where there are sufficient grounds to do so.

13.12 Where responsible authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give the licence holder early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given, such as using an Improvement Plan before bringing the premises to review. Responsible authorities may seek to amend a licence via review where evidence indicates the need for permanent enforceable conditions to be added to a licence.

13.13 It should be noted that a review can be called without an early warning where a serious situation has occurred and immediate action is required. Where premises are associated with serious crime and/or disorder a senior Police officer may apply for a summary review of a premises licence.

13.14 The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed of.

5. Crime and Disorder Act 1998

The Council is required to have regard to the wider legislative context arising from Section 17 of the Crime and Disorder Act 1998 which provides that –

Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applied to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can to prevent –

- crime and disorder in its area (including antisocial and other behaviour adversely affecting the local environment); and
- the misuse of drugs, alcohol and other substances in its area; and
- re-offending in its area.

6. Section 182 Statutory Guidance

The following paragraphs of the Section 182 Statutory Guidance issued by the Secretary of State are relevant to this application.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

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. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;

• for the organisation of racist activity or the promotion of racist attacks; • for employing a person who is disqualified from that work by reason of their immigration status in the UK;
• for unlawful gambling; and
• for the sale or storage of smuggled tobacco and alcohol.

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

7. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –
• Modify the conditions of the premises licence • Exclude a licensable activity from the licence • Remove the Designated Premises Supervisor • Suspend the licence for a period not exceeding three months • Revoke the licence

Annexes

Annex 1	Application
Annex 2	Premises Licence

Report Author

John Ruder, Licensing Manager	email jon.ruder@colchester.gov.uk telephone 01206 282840

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Alan Beckett on behalf of the Chief Constable of Essex Police
(Insert name of applicant)
apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Mirra Restaurant 98 High Street Colchester CO1 1TH	
Post town Colchester	**Post code (if known) CO1 1Th**

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

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

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 CHIEF OFFICER OF POLICE ESSEX POLICE POLICE STATION BLYTHS MEADOW BRAINTREE CM7 3DJ
Telephone number (if any)
E-mail address (optional)

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".

The circumstances are that on Friday 14th June 2019 Immigration Officers executed a search warrant at the venue.

As part of their inquiries 3 illegal workers were identified, 2 in the kitchen and one was waiting staff.

Two of the suspects were arrested and the third released pending inquiries into his immigration status.

A notice warning of a resultant civil penalty has been issued.

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

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.

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

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

	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

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
……Alan BECKETT
……

Date **24/06/2019**
……

Capacity **Licensing Officer (on behalf of the Chief Constable)**
……

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.

Colchester Borough Council

Premises Licence

Granted under the Licensing Act 2003 s18

Colchester Borough Council
Licensing Team
PO Box 889
Rowan House, 33 Sheepen Road
Colchester CO3 3WG

Premises licence number: 089706

PART 1 - PREMISES DETAILS	
Mirra 98 High Street Colchester	
Post town:	**Post code:** CO1 1TH
Telephone number at premises:	

Date Licence Granted: 13 July 2016

Regulated Activities authorised by this licence:	
Performance of Plays	
Film Exhibitions	
Indoor Sporting Events	
Boxing or Wrestling Entertainment	
Performance of Live Music	Licensed
Playing of Recorded Music	Licensed
Performance of Dance	
Other Music or Dance Entertainment (see Schedule)	
Facilities for Making Music	
Facilities for Dancing	
Other Facilities for Music & Dance	
Late Night Refreshment	Licensed
Sale by Retail of Alcohol	Licensed

The times the licence authorises the carrying out of licensable activities:		
a) The sale by retail of alcohol :-		
Monday	09.00 to 23.00	
Tuesday	09.00 to 23.00	
Wednesday	09.00 to 23.00	
Thursday	09.00 to 23.00	
Friday	09.00 to 23.00	
Saturday	09.00 to 01.00	
Sunday	09.00 to 23.00	
Seasonal Variations		
Non-Standard Times	Valentines Day: 09.00 to 02.00 Mothers Day: 09.00 to 02.00 Fathers Day: 09.00 to 02.00 Christmas Eve: 09.00 to 02.00 New Years Eve: 09.00 to 02.00	
On/Off Premises	Alcohol may be served ON the premises	
Further Details		
b) The provision of regulated entertainment and entertainment facilities: –		
	Performance of Plays	**Exhibition of Films**
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Indoor Sporting Events	**Boxing or Wrestling Entertainment**
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Performance of Live Music	**Playing of Recorded Music**
Monday	12.00 to 23.00	07.00 to 23.00
Tuesday	12.00 to 23.00	07.00 to 23.00
Wednesday	12.00 to 23.00	07.00 to 23.00

Thursday	12.00 to 23.00	07.00 to 23.00
Friday	12.00 to 23.00	07.00 to 23.00
Saturday	12.00 to 01.00	07.00 to 01.00
Sunday	12.00 to 23.00	07.00 to 23.00
Seasonal Variations		
Non-Standard Times	Valentines Day: 12.00 to 02.00 Mothers Day: 12.00 to 02.00 Fathers Day: 12.00 to 02.00 Christmas Eve: 12.00 to 02.00 New Years Eve: 12.00 to 02.00	
Indoors/Outdoors	Activity may take place INDOORS	Activity may take place INDOORS
Further Details	Amplified live music will be played at the first floor seating area.	

	Performance of Dance	**Other Music or Dance Entertainment**
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Facilities for Making Music	**Facilities for Dancing**
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Other Facilities for Music & Dance	**Late Night Refreshment**
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		23.00 to 01.00
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		The provision of Late Night Refreshments is permitted INDOORS only

Further Details		

The Opening Hours of the Premises	
Monday	07.00 to 23.00
Tuesday	07.00 to 23.00
Wednesday	07.00 to 23.00
Thursday	07.00 to 23.00
Friday	07.00 to 23.00
Saturday	07.00 to 01.00
Sunday	07.00 to 23.00
Seasonal Variations	
Non-Standard Times	Valentines Day: 07.00 to 02.00 Mothers Day: 07.00 to 02.00 Fathers Day: 07.00 to 02.00 Christmas Eve: 07.00 to 02.00 New Years Eve: 07.00 to 02.00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
Alcohol may be served ON the premises

PART 2	
Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence	
Licence Holder 1	**Licence Holder 2**
Mr Ismet Cam	

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

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Harun Karali

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

Richard Block
Assistant Director Environment

Date of Issue: 6 February 2018

Annex 1 – Mandatory Conditions

All supplies of alcohol

1. No sale/supply of alcohol shall be made under the premises licence-
    a. At a time when there is no designated premises supervisor in respect of the premises licence; or
    b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.

Drinks promotions

3(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

3(2) In this paragraph, an irresponsible promotion means one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a. games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

e. dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

Provision of water

4. The responsible person must ensure that free portable water is provided on request to customers where it is reasonably available.

Age verification policy

5(1) The premises licence holder or club premises certificate holder must ensure that the an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

5(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
    a. a holographic mark; or
    b. an ultraviolet feature.

Alcoholic drink measures

6. The responsible person must ensure that–

a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
   (i) beer or cider: ½ pint;
   (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
   (iii) still wine in a glass: 125 ml; and

b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c. where a customer does not in relation to the sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Minimum Drinks Pricing

7(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7(2) For the purposes of the condition set out in paragraph (1)-

a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
b. "permitted price" is the price found by applying the formula-
   P=D+(DxV)
   Where –
   (i) P is the permitted price
   (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
   (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of alcohol;
c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
   (i) The holder of the premises licence
   (ii) The designated premises supervisor (if any) in respect of such a licence, or
   (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the members or officer to prevent the supply in question; and
e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

7(3) Where the permitted price given by Paragraph (b) of paragraph 2would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7(4)(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) or paragraph 2 on a day ("the first day") would be different from the permitted price on the next day (2the second day") as a result of a change to the rate of duty or value added tax.

7(4)(2) The permitted price which would apply on the first day applied to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door supervision

8. Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out security activity, they must be licensed by the Security Industry Authority.

Exhibition of films
9(1). Any exhibition of films must be screened in accordance with the category issued by the British Board of Film Classification (BBFC) certification.

9(2). Admission of persons under the age of 18 shall be restricted in accordance with any recommendation made by the above film classification body and any guidance issued under the licensing authority's Statement of Licensing Policy.

Annex 2 – Embedded Restrictions - None listed

Annex 3 – Conditions Carried Forward on Conversion - None listed

Annex 4 – Conditions Consistent with the Operating Schedule

General - all objectives
To ensure all licensing objectives are met for the prevention of crime and disorder, protection of public safety, prevention of public nuisance and the protection of children from harm by:

• Installing, operating and maintaining a CCTV camera system in compliance with Police rquirements. The system will record in real time and operate while the premises are open for licensable activities. The recordings are to be kept for a minimum period of 31 days and made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request;

• Having the Designated Premises Supervisor or a Duty Manager during the absence of the DPS on the premises at all times while the licensable activities are carried out;

• Providing adequate lighting; the premises will be lit with adequate lighting to ensure that all areas are clearly visible during operating hours. Emergency lighting will be installed as per the plans accompanying this application to ensure public safely egress from the premises during a power cut and/or emergency;

• Ensuring safe evacuation from the premises by training staff to implement an emergency exit plan;

• Providing an additional exit from the premises with clear signs showing the means of escape routes to ensure safe egress from the premises in the event of an emergency. The additional will located to the rear of the premises leading to a safe outdoor area;

• All fire exits and means of escape are signed in accordance with BS5499

• Age restrictions: The Designated Premises Supervisor will ensure that staff are trained prior to commencement of their employment about age restricted products and ensure that they sign a training log to confirm that they have understood the training. The training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals;
• No alcohol will be sold to anyone under the age of 25 unless they have provided convincing evidence of their age and they are aged over 18;

• Ensuring that all electronic tills automatically prompt the seller to check the age of the buyer when alcoholic products are entered for sale into the till;

• Staff training - staff will be trained in the following areas to ensure they are equipped with good knowledge of what is and is not permitted on the premises:

1. What to do if they think that there is a customer behaviour problem or one is likely to occur.
2. What to do and any special responsibilities in case of fire or any other emergency likely to lead to the evacuation of the premises.
3. Where the supply of alcohol is concerned or where any age restriction is applicable training should be given and maintained.
4. What is acceptable proof of age identification and what is not, as the names of cards may change or and new cards introduced having gained the PASS accreditation.
5. Staff should know what would be expected of them if an incident occurred and potentially that if a court case ensued that they may have to give evidence.
6. What the drug policy is and what to do if drug are found on the premises.
7. What to do if they feel threatened or feel they are at risk how best to deal with such situations.
8. Ensuring that all staff are trained to maintain the refusals book, enter sales correctly on the tills so that the prompts show when appropriate and monitor staff to ensure their training is put into practice.

• A training log will be maintained and all staff will sign this log to show what training they received and when. This log is to be available for Police and/or Local Authority inspection on demand.
• No alcohol will be sold to someone over 18 if the staff know, or have reason to believe, that the alcohol is being purchased for someone who is under 18 years old.

Prevention of Crime & Disorder

• To install, operate and maintain a CCTV camera system in compliance with Police requirements. The system will record in real time and operate while the premises are open for licensable activities. The recordings are to be kept for a minimum period of 31 days and made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

• CCTV footage to show clear head and shoulders images of all customers entering the premises

• CCTV to cover the and inside and outside of the premises

• Sufficient numbers of staff will be trained on how to access, search and download footage from the CCTV system such that there is always a member of staff capable of downloading the footage in the premises. Where a member of staff is not available the system installer/maintainer/technician must be contactable to download the footage.

• Display signs to inform customers that CCTV is in use at the premises

• Measures to be agreed with the Police to reduce crime and disorder. The development of good relations with local police officers will be beneficial in preventing incidents occurring in the premises. If customers become accustomed to policemen being frequent visitors, problem behaviour can be discouraged. Additionally, records will kept of any crime or disorder incidents and where sales of alcohol have been refused (in the Refusal Book) to help the police and local authority monitoring. This log is to be available for Police and/or Local Authority inspection on demand.

• Display clear signs stating that anti-social behaviour will not be tolerated

• Provision of emergency lighting to provide lighting in the event of a power cut

• Provision of additional escape routes; there are two escape routes from the premises

• First Aid provision: a first aid box is to be available at the premises at all times and the staff will be trained to provide first aid in the event of an incident within the premises.

Public Safety

• To meet all health and safety objectives within the property: mainly complying with Health and Safety at Work etc Act 1974, Building Regulations Part B (Fire Safety) and Part M (Access to and use of Buildings)

• To install a Fire detection and alarm system to ensure that public safety is optimised at all times. The accompanying plans show all fire exits and positions of fire detection equipment and exits;

• All fire exits and means of escape are signed in accordance with BS5499;

• Provision of emergency lighting to provide lighting in areas of the premises during the event of a power cut or similar emergency

• The Designated Premises Supervisor will regularly liaise with local police to ensure that necessary measures are adopted to ensure a collaborative and integrated effort is spent for the safety of the public.

• Training of staff on a regular basis to ensure that their knowledge of measures to maintain public safety is up-to-date at all times.
Staff should be trained to know what to do during an incident within the premises and be aware of risks that could compromise/infringe on public safety.

• Regularly test and check the working order of fire detection system, alarm system, CCTV system, emergency lighting other measures installed for the safety of the public.

• Do not sell alcohol to under age people(s), drunk people or officers on duty. Always check ID when in doubt.

Prevention of Public Nuisance

• The sale of alcohol for consumption on the premises and the playing of live amplified music will be both permanent licensable activities.

• The licensable activities to stop at 23:00 hours on weekdays and Sunday's and at 01:00 hours on Saturdays with the exception of Valentine's Day, Mother's Day, Father's Day, Christmas Eve and New Year's to stop at 02:00 hours.

• Clear notices and to be displayed at entrances and exits warning customers to leave premises in a quiet and orderly manner.

• Taking all the necessary measurements to keep noise to a minimum at all times. Display signs asking customers to leave the premises quietly.

• Keep windows, doors etc closed - NB: for health and safety reasons the premises will be properly ventilated and access to emergency exits will not be obstructed/ restricted.

• Speakers will be kept inside the premises, and not positioned near to openings such as doors or windows.

• No music will be played or directed outside the premises as a means of attracting custom.

• All sound amplification systems to be played through a sound limiting device.

• Only in-house speakers with anti-vibration mounts to be used rather than artist and DJ speaker systems.

• The Designated Premises Supervisor will ensure all staff, DJs and artists understand the in-house noise control requirements.

• Relaxing or calming music will be played towards the end of an event and to allow customers' hearing to adjust before they leave the premises in order to ensure they are more likely to be quieter as they leave.

• A specific taxi firm will be designated for staff and customers to use and ensure that taxi drivers do not use the vehicle horn to attract attention.

• Considerate loading/unloading arrangements: all deliveries will be accepted only between the hours of 08:00 to19:00.

• A waste management arrangement to be put in place to ensure that all waste generated from the premises is disposed of in a suitable way in order to ensure no nuisance is caused to the immediate neighbours and local residents.

• Regular monitoring checks will be carried out to ensure noise is being adequately controlled.

Protection of Children

• To install clear signs to warn families to keep children with them at all times

• To keep sharp and flammable objects away from the reach of children

• No alcohol will be sold to anyone under the age of 25 unless they have provided convincing evidence of their age and they are aged over 18.

• Convincing evidence is -
  • A passport with photograph
  • A photo driving licence
  • A proof of age card with the holder's photograph complying with the PASS approved identification scheme and bearing the PASS hologram.
  • In all cases, the buyer should closely resemble the photograph and the identification should show the bearer to be at least 18 years old.

• Ensure that all electronic tills automatically prompt the seller to check the age of the buyer when alcoholic products are entered for sale into the till.

• The Designated Premises Supervisor will ensure that staff are trained prior to commencement of their employment about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The Designated Premises Supervisor will keep records of training and instruction given to staff detailing the areas covered and make them available for inspection upon request by the licensing team, police or trading standards.

• The Designated Premises Supervisor will require staff to note any refusals to sell to young people in a refusals log book. The refusals log book will be checked and signed monthly by the Designated Premises Supervisor. The refusals log book will be made available for inspection upon request by the licensing team, police or trading standards.

• The Designated Premises Supervisor will adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the display of posters in clearly visible parts within the premises.

Annex 5 – Conditions Agreed with Responsible Authorities - None listed

Annex 6 – Conditions Attached after a Hearing by the Licensing Authority – None listed

Essex Police submission regarding review of the premises Licence for:

Mirra Restaurant, 98 High Street, Colchester, CO1 1TH

Premises Licence holder.

Mr Ismet CAM,
[redacted]

Designated Premises Supervisor

Mr Harun KARALI,
[redacted]

ESSEX POLICE
Protecting and serving Essex

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List of appendices

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Appendix B	Statement Chief Immigration Officer DAVIS
Appendix C	Statement Police Licensing Officer BECKETT
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Appendix K	Immigration Report for SUBJECT 3

1.0 Introduction

1.1 At approximately 17.25 hours on Friday 14th June 2019 Immigration Officers executed a search warrant under Schedule 2, Paragraph 17(2) of the Immigration Act 1971 at Mirra Restaurant, 98 High Street, Colchester.

1.2 Companies House shows the company listed as Mirra Dine & Drink Ltd, with Mr Ismet CAM listed as the sole director. The company was incorporated on 28 September 2017 under company number 10986992.

1.3 A number of staff were encountered on the premises and Immigration Officers commenced their investigations.

1.4 One male questioned, SUBJECT 1, A Turkish national who claimed that he had entered the County illegally in the back of a lorry. In a subsequent interview he stated he had started work that Monday and was paid £6 per hour (cash in hand) He stated he had had not shown any documents to get a job. When initially detained the subject was wearing a brown "Mirra" embossed chef style uniform. SUBJECT 1 was found in the restaurant kitchen. He further stated that he was hired by a male called [redacted] (thought to be the manager) (**See appendix G for photo of subject 1)**

1.5 Another male questioned, SUBJECT 2, a national of Uzbekistan was located in the main customer area and was wearing a "Mirra" embossed grey apron, white shirt and black trousers. He stated he had no permission to work in the United Kingdom and checks revealed that he originally arrived in the United Kingdom on 13 December 2013 in possession of a visa, valid for six months. When subsequently interviewed further he stated he had worked for a few days "helping to serve" and was to be paid £7.50 per hour. SUBJECT 2 was encountered in the restaurant serving area.

1.6 A further person questioned was SUBJECT 3. He was located in the kitchen area and was wearing what was described as chef's clothes (A photo taken indicates he was wearing a black Mirra branded polo type top with red and white checked trousers.) He stated that he had entered the county illegally in the back of a lorry about six months ago. A subsequent interview he stated he had been working 2 or 3 days as a baker for some 7 or 8 hours per day. He claimed he had not received any money as he was on trial and had shown no documents to work. Again he claimed it was the Manager that had given him work. SUBJECT 3 was encountered in the restaurant kitchen. **(see appendix B for details of all those spoken to by Immigration Officers and appendix H for photo**)

1.7 Both Subjects 2 and 3 were subsequently arrested and SUBJECT 1 was released while further checks were made regarding his status in the Country

1.8 Inquiries with the Home Office have further confirmed that neither SUBJECT 1, SUBJECT 2 nor SUBJECT 3 have the right to work in the UK.

1.9 A notice regarding the possibility of a civil penalty was issued

1.10 About 12.00hrs on Friday 21st June 2019 The Police Licensing Officer BECKETT attended the venue and by phone had a conversation with a male who identified himself as the Manager, as well as being aware of the Immigration visit. He was asked about what right to work checks were carried out and he stated that he sent details off to his accountant but that could take a week to process. He was advised that the system was clearly not working. He then stated that he had been shown an online link from one of the Officers (who was taken to be one of the Immigration Officers). Mr BECKETT left a copy of latest Home Office guidance together with his business card for the managers information and attention. **(see appendix A)**

1.11 Since April this year the national minimum wage for 25s and above (pertinent to all 3 subjects) is £8.21 per hour

1.12 As well as referring to Essex Police, the Immigration Service also made a referral to Essex County Fire and Rescue Service as fire escapes were found to be blocked, making the premises unsafe.

2.0 Reason for review

2.1 Whether by negligence or wilful blindness one or more illegal workers were 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 8.12) 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 Guidance is clear that "Licence conditions should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation" (paragraph 1.16). The 2006 Act imposes duties and responsibilities already.

3.6 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).

3.7 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.

3.8 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 selling alcohol before continuing with their activity. The risk of being caught is low so the consequence of being caught must be stiff in order to qualify as deterrence.

3.9 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.

3.10 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.

3.11 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 Brokenshine, 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 28th January 2019).

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

APPENDIX B

MG 11 (2004)

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] **DAVIS**.....

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

This statement (consisting of 3 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 .. [redacted] ..... Date: 20 June 2019

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 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 "Mirra" located at 98 High Street, Colchester, CO1 1TH.

Signatu [redacted] ..... Signature Witnessed by: .....

Home Office records show that on 14 June 2019 Immigration Officers from this team conducted an enforcement visit to these premises to execute a search warrant issued on 29 May 2019 to locate a Turkish male by the name of [redacted] who was suspected of working illegally in the United Kingdom. Home Office records show among the staff present, three immigration offenders were arrested. They are recorded as:

[redacted] a Turkish national born [redacted] who was encountered in the kitchen, wearing "Mirra" branded uniform. He admitted that he had arrived in the United Kingdom illegally concealed in the rear of a lorry. He was arrested as a person liable to be detained under the Immigration Act and on subsequent interview stated that he had been working since Monday as a chef, being paid £6 an hour cash in hand and had not showed any identity documents to get the job. He identified '[redacted] as the man who had employed him. [redacted] has never been granted any permission to remain or to work in the United Kingdom.

[redacted] a national of Uzbekistan born [redacted] was encountered in the main customer dining area wearing a branded "Mirra" grey apron, white shirt and black trousers. He immediately admitted that he had no permission to work in the United Kingdom and a check of Home Office records showed that he originally arrived in the United Kingdom on 13 December 2013 in possession of a visa valid for six months. Following his arrest as a person liable to detention under the Immigration Act he gave an account of his employment, stating that he had worked for a few days "helping to serve", was to be paid £7.50 per hour and had not shown any identity documents when he was given the job, he pointed out the manager / leaseholder in the grey waistcoat as the man who had given him work. [redacted] has never been granted any permission to work in the United Kingdom.

[redacted] a Turkish national born [redacted] was encountered in the kitchen area wearing chef's clothes. He stated that he'd arrived in the United Kingdom illegally in the back of a lorry six months ago and was arrested as a person liable to detention under the Immigration Act. Following this, he admitted that he'd been working for 2 or 3 days on trial as a baker for 7 to 8 hours a day. He wasn't receiving any money as he was on trial and had shown no

Signature: [redacted] .....Signature Witnessed by: .....

2004/05(1)

identity documents when he had gained the work. He identified "[redacted] as the man who had given him work. [redacted] has never been granted any permission to remain or to work in the United Kingdom.

I make this statement of my own free will from records that I have seen and accessed today, 20 June 2019. I am willing to attend court or any other judicial or review hearing if necessary.

Signature: [redacted] .....Signature Witnessed by: .....

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2;Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: [redacted] BECKETT

Age if under 18: over 18 *(if over 18 insert 'over 18')* Occupation: Licensing Officer 75984

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

Signature:..... [redacted] ..... (witness) Date: 21/06/2019

About 12.00hours on Friday 21sr June 2019 I attended Mirra Restaurant situated at 98 High Street, Colchester CO1 1TH.

I introduced myself and showed my Police identification badge. A female member of staff advised me that her manager was not in but she got him on the phone.

I introduced myself again and he identified himself as [redacted] and said he was the Manager.

I started off by mentioning the raid by Immigration Officer the previous week and he said he was aware of it.

I asked what right to work checks he currently carries out. He stated that he took a person's details and forwarded them to his accountant who could take up to a week to respond.

I said that system clearly is not working as he had illegal workers in the restaurant.

He did say that a person from the Immigration raid had showed him an online link he could use and that would help.

I said that I had printed off the latest government guidance for employers (issued in January 2019) and that I would leave it at the restaurant for him.

I left the guidance together with a card that had my contact details.

Statement completed at Colchester Police Station 12.40 hours 21/06/2019

Signature: ..... [redacted] Signature witnessed by: .....

Home Office

Status Verification, Enquiries and Checking

Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected)	
Home Office ref (if known)	
Police Officer	[redacted]BECKETT
Police email address	[redacted]
Subject's name	[redacted]
Subject's nationality	Uzebeskistan
Subject's date of birth	[redacted]
Male / female	Male
Subject's address	Not Known
Additional information	Particularly requst right to work status please.

Justification / legislation : This information is requested under the provision of the Licensing Act 2003 and The Crime and Disorder Act 1998. This information will be used in a Licensing hearing following a raid by Immigration Officers at Mirra restaurant, Colchester where illegal workers were found. Required in 2 weeks please.

Below: Home Office official use only		
Cid/Personal ID/HO	[redacted]	
Check(s) requested	**Response**	
Confirmation of details	Nationality	Turkey
	Name	[redacted]
Current status	Valid leave to remain in the UK?	Not Applicable
	On 18-Jun-2019 an EEA (BIO) - Residence Card - Non EEA National – (Unknown Relationship) application was submitted which remains under consideration	
Right to work	Does the individual have the right to work in the UK?	No. See below
Recourse to public funds	Does the individual have recourse to public funds in the UK?	No
Other	The above named subject is currently on immigration bail with employment prohibited. Due to the Non EEA application being submitted this could change as now under EU Law and not immigration rules.	

Standard Disclaimer

The above information is confidential and forwarded on the understanding that it is not disclosed to any third party. Should there be any ensuing criminal legal proceedings, any of the above information may only be submitted in the form of an official Home Office witness statement, which you can obtain through this office. If a witness statement is required, please send this form by email to: ICESSVECStatements@homeoffice.gsi.gov.uk.

Home Office

Status Verification, Enquiries and Checking

Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected)	
Home Office ref (if known)	
Police Officer	[redacted] BECKETT
Police email address	[redacted]
Subject's name	[redacted]
Subject's nationality	Uzebeskistan
Subject's date of birth	[redacted]
Male / female	Male
Subject's address	Not Known
Additional information	Particularly requst right to work status please.

Justification / legislation : This information is requested under the provision of the Licensing Act 2003 and The Crime and Disorder Act 1998. This information will be used in a Licensing hearing following a raid by Immigration Officers at Mirra restaurant, Colchester where illegal workers were found. Required in 2 weeks please.

Below: Home Office official use only		
Cid/Personal ID/HO	[redacted]	
Check(s) requested	**Response**	
Confirmation of details	Name	[redacted]
Current status	Valid leave to remain in the UK?	No
	[redacted]	
Right to work	Does the individual have the right to work in the UK?	No
Recourse to public funds	Does the individual have recourse to public funds in the UK?	No

Standard Disclaimer

The above information is confidential and forwarded on the understanding that it is not disclosed to any third party. Should there be any ensuing criminal legal proceedings, any of the above information may only be submitted in the form of an official Home Office witness statement, which you can obtain through this office. If a witness statement is required, please send this form by email to: ICESSVECStatements@homeoffice.gsi.gov.uk.

Home Office

Status Verification, Enquiries and Checking

Subject 1 filled : To be completed by the Police (Justification and legislation must be completed or your request will be rejected)	
Home Office ref (if known)	
Police Officer	[redacted]BECKETT
Police email address	[redacted]
Subject's name	[redacted]
Subject's nationality	Turkey
Subject's date of birth	[redacted]
Male / female	Male
Subject's address	Not Known
Additional information	Particularly requst right to work status please.

Justification / legislation : This information is requested under the provision of the Licensing Act 2003 and The Crime and Disorder Act 1998. This information will be used in a Licensing hearing following a raid by Immigration Officers at Mirra restaurant, Colchester where illegal workers were found. Required in 1 week please.

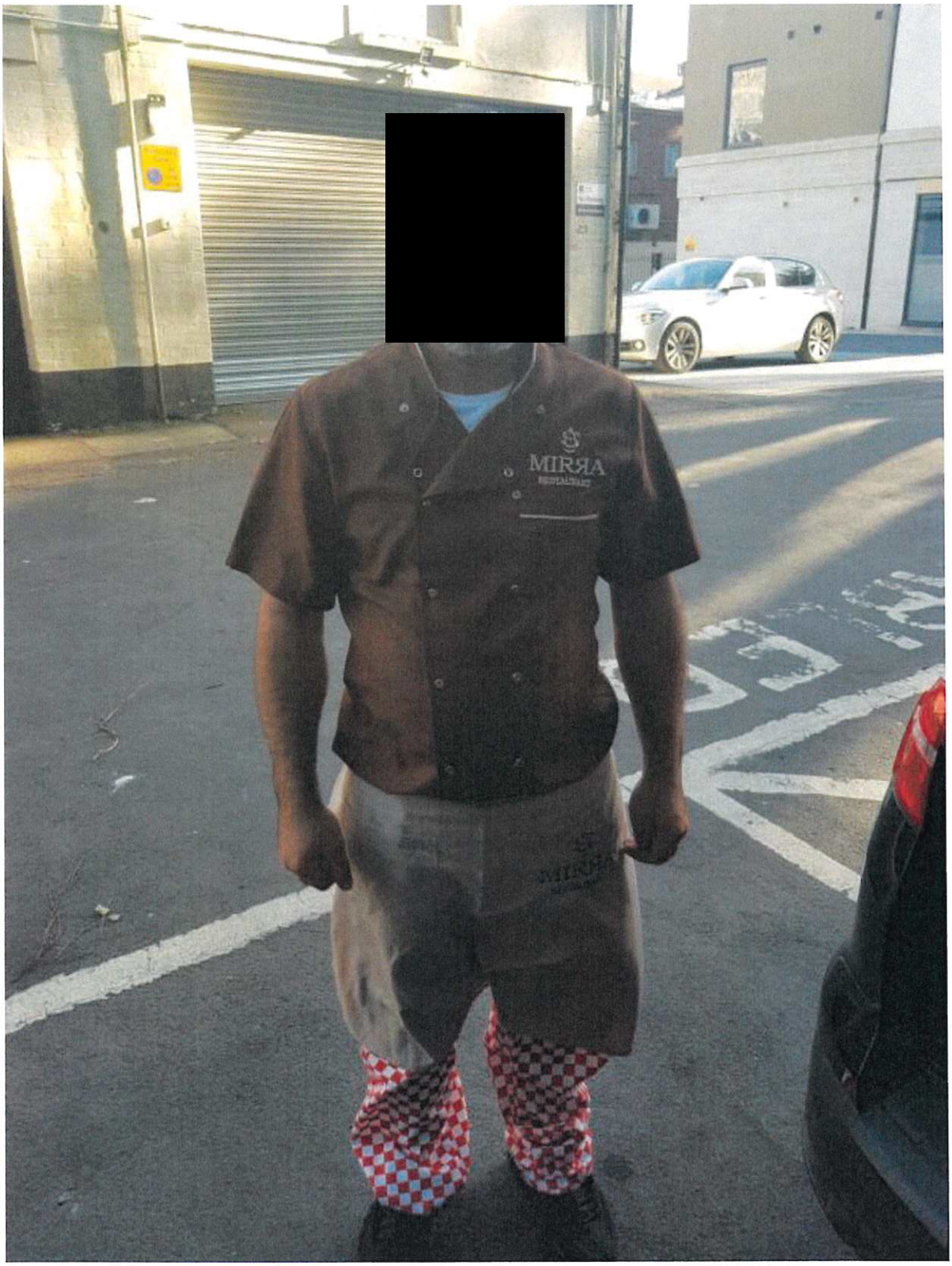
Below: Home Office official use only		
Cid/Personal ID/HO	[redacted]	
Check(s) requested	**Response**	
Confirmation of details	Is there a trace of the subject?	Yes
Current status	Valid leave to remain in the UK?	No
Right to work	Does the individual have the right to work in the UK?	No
Recourse to public funds	Does the individual have recourse to public funds in the UK?	No
Other	On 14-Jun-2019 the above named subject was served with a notice RED.0001 as an Illegal Entry. [redacted]	

Standard Disclaimer

The above information is confidential and forwarded on the understanding that it is not disclosed to any third party. Should there be any ensuing criminal legal proceedings, any of the above information may only be submitted in the form of an official Home Office witness statement, which you can obtain through this office. If a witness statement is required, please send this form by email to: ICESSVECStatements@homeoffice.gsi.gov.uk.

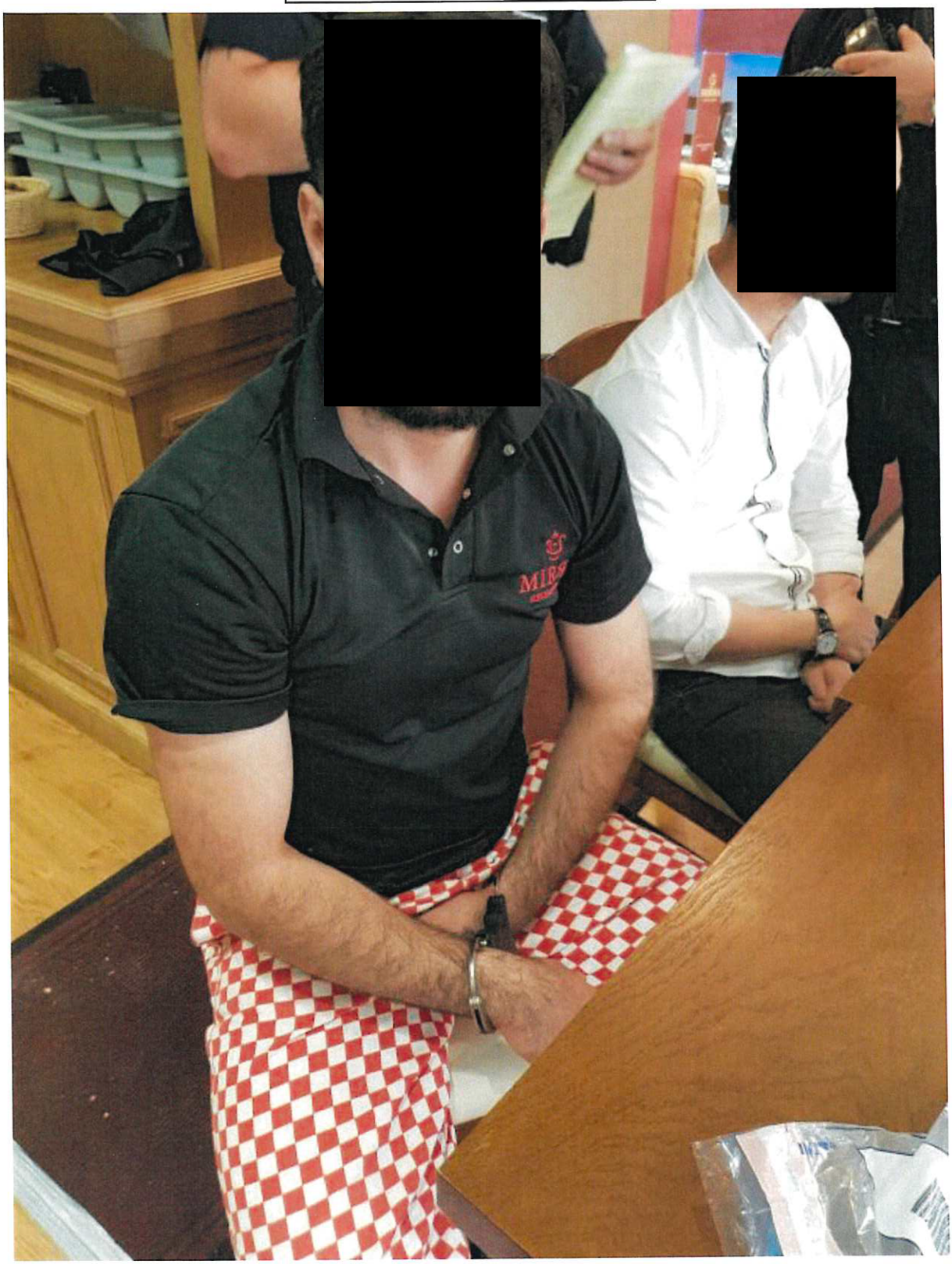
ESSEX POLICE
Protecting and serving Essex

Photo of SUBJECT 1 taken by Immigration Officers



APPENDIX H

Photo of SUBJECT 3 Taken by Immigration Officers



Encounter	
Details	
Type of work	Visit
Visit reference	EV7-23,072
Created by	Clouting, [redacted]
ProntoID	[redacted] TUR Turkey
Time	17:41
Created at geolocation	**Easting** 599879 **Northing** 225225
Creation date	14-06-2019 17:40:12
Chosen Identity	
Identity source/type	Declared
Name	[redacted]
DOB	[redacted]
Gender	Male
Nationality	TUR Turkey
Languages	
Languages spoken	None specified

OFFICIAL SENSITIVE

Interpreter used?	No
Encounter	
Type of encounter	[redacted]
Encountering officer	Clouting, [redacted] Officer
Declared immigration status	[redacted]
How and when did the subject last enter the UK?	
Is this person the subject of the visit?	[redacted]
Justification for questioning someone who is not the subject of the visit	Turkish male who was extremely interested in our presence. Seemed nervous and overly friendly.
Where in the premises was the subject located?	Kitchen COQ/345929
Do you know the subject's CID Person ID?	Yes
CID Person ID	[redacted]
Details of vulnerabilities/ safeguarding issues	
Section 55 issues?	No
Referral to social services?	No
Referral to NRM (National Referral Mechanism)?	No
References (Person ID, HO Ref, Port Ref, BRP)	[redacted]

OFFICIAL SENSITIVE

Visit Report: EV7-23,072 Enforcement 14/6/2019

Visit reference	EV7-23,072
Created by	Davis, [redacted]
ProntoID	[redacted] - UZB Uzbekistan
Time	17:25
Created at geolocation	Easting 599859 Northing 225217
Creation date	14-06-2019 17:35:11
Chosen Identity	
Identity source/type	Declared
Name	[redacted]
DOB	[redacted]
Gender	Male
Nationality	UZB Uzbekistan
Languages	
Languages spoken	None specified
Interpreter used?	
Encounter	
Type of encounter	[redacted]
Encountering officer	Davis, [redacted] - Manager
Declared immigration status	[redacted]
How and when did the subject last enter the UK?	[redacted]
Is this person the subject of the visit?	[redacted]
Where in the premises was the subject located?	Public seating area
Do you know the subject's CID Person ID?	Yes
CID Person ID	[redacted]
Details of vulnerabilities/ safeguarding issues	
Section 55 issues?	No
Referral to social services?	No

Encounter	
Details	
Type of work	Visit
Visit reference	EV7-23,072
Created by	Gear, [redacted]
ProntoID	[redacted] TUR Turkey
Time	17:28
Created at geolocation	No geolocation available
Creation date	14-06-2019 17:28:11
Chosen Identity	
Identity source/type	Declared
Name	[redacted]
DOB	[redacted]
Gender	Male
Nationality	TUR Turkey

OFFICIAL SENSITIVE

Languages	
Languages spoken	None specified
Interpreter used?	
Encounter	
Type of encounter	[redacted]
Encountering officer	Gear, [redacted] Officer
Declared immigration status	[redacted]
How and when did the subject last enter the UK?	[redacted]
Is this person the subject of the visit?	[redacted]
Where in the premises was the subject located?	In the kitchen
Do you know the subject's CID Person ID?	Yes
CID Person ID	[redacted]
Details of vulnerabilities/ safeguarding issues	No known
Section 55 issues?	No
Referral to social services?	No
Referral to NRM (National Referral Mechanism)?	No
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	**Systems checked** CID **Result of checks** No trace