

AGENDA SUPPLEMENT (1)

Meeting: Eastern Area Licensing Sub Committee

Place: West Wiltshire Room - County Hall, Bythesea Road, Trowbridge

Date: Wednesday 15 January 2020

Time: 2.00 pm

The Agenda for the above meeting was published on 7 January 2020. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Kevin Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email committee@wiltshire.gov.uk

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This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

7d **Appendix 3b - Evidence submitted by Home Office (Immigration Enforcement) - To follow (Pages 3 - 80)**

The evidence relied upon by the Review Applicant is attached

DATE OF PUBLICATION: 10 January 2020

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Home Office

Premises Licence Review

**MR ABUL JASHIM
Tale of Spice
9 North Street
Pewsey
SN9 5ES**

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Outline of the Circumstances leading to the Review Application

Summary

- 1.1 For the third time in 5 years, an immigration enforcement operation has discovered multiple persons working at these premises whilst they have no right to do so. All these operations have taken place whilst MR ABUL JASHIM has been the Premises Licence Holder.
- 1.2 This premise has previously been visited by Immigration Enforcement on two previous occasions; 16 April 2015 and 12 June 2015. A total of 8 arrests were made during these visits.
- 1.3 ABUL JASHIM has been the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS) since October 2016.
- 1.4 On Friday 20th September 2019 Immigration Enforcement officers conducted a visit to the premises. Entry to the premises was gained under Section 179 of the Licensing Act 2003 (as amended).
- 1.5 During the visit nine employees were encountered five of whom were found to be immigration offenders with no permission to work in the UK.
- 1.6 As a result of employing illegal workers, the business received a £40,000 fine, served by the Civil Penalty Compliance Team.
- 1.7 Succeeding parts of this application explore relevant legislation and the statutory guidance and Home Office (Immigration Enforcement) ask the sub-committee to revoke the premises licence as a deterrent to others and the management/owner of this premises in particular.
- 1.8 Copies of all the witness statements or pocket notebook (PNB) entries made by relevant immigration officers are appended; should the sub-committee wish to read these.
- 1.9 Home Office (Immigration Enforcement) ask the subcommittee to consider the flagrant disregard for the legalities of employing responsibly, the failure to heed prior warnings and advice and ask that the subcommittee revoke the premises licence as a deterrent to others and the management/owner of this premises in particular.

Occurrence

- 1.10 On Friday 20th September 2019 Immigration Enforcement officers conducted a visit to the premises.
- 1.11 The operation was conducted by a number of Immigration Compliance & Enforcement (ICE) officers. The team was led by Officer in Charge (OIC) [REDACTED] in company with Immigration Officer's (IO's) [REDACTED], [REDACTED], [REDACTED] and [REDACTED] and [REDACTED].
- 1.12 Entry to the premises was gained under Section 179 of the Licensing Act 2003 (as amended).
- 1.13 The premises and its management were already known to the immigration authorities because of the previous visits where illegal workers were discovered.
- 1.14 During a visit conducted on 18th August 2018, seven persons were encountered working on the premises. Five of the seven persons encountered were arrested as they had no permission to work in the UK. As a result of employing illegal workers, the business received a £20,000 fine, served by the Civil Penalty Compliance Team. The fine is still outstanding as the company was dissolved.
- 1.15 During a visit conducted on 4th April 2014, nine persons were encountered working on the premises. Six of the nine persons encountered were arrested as they had no permission to work in the UK. As a result of employing illegal workers, the business received a £15,000 fine, served by the Civil Penalty Compliance Team. The fine is still outstanding as the company was dissolved.
- 1.16 The ICE officers subsequently identified that five persons had been working illegally in the restaurant.
- 1.17 OIC [REDACTED] served the 'Notice to Occupier' form to an individual who identified himself as the duty manager.
- 1.18 During the visit, officers encountered five individuals had no permission to work in the UK. Three of the individuals were given continued immigration bail and reminded that their bail conditions prohibit them from working and the other two individuals were arrested.
- 1.19 The arresting officers advised the OIC that the arrested individuals indicated that their belongings were located at the staff house at [REDACTED], [REDACTED], [REDACTED]. OIC [REDACTED] directed officers to attend the address with the arrested individuals.

- 1.20 Entry was gained to the address under Paragraph 25A of Schedule 2 to the Immigration Act 1971 (as amended) using a key which was provided by the duty manager at the Tale of Spice restaurant in Pewsey.
- 1.21 The PLH and DPS MR ABUL JASIM was served with a notice of potential liability (NOPL) in respect of all the illegal workers on 21st September 2019 by post.
- 1.22 The situation regarding each of the illegal workers is described below.

[REDACTED]

- 1.23 IO [REDACTED] entered the premises at approximately 18:19 hours on 20th September 2019 and made their way to the kitchen, on the ground floor, to the rear of the premises, where they encountered an unknown male (Male 1) removing his apron. IO [REDACTED] directed him to the identified sterile area by the front door where he took a seat before IO [REDACTED] began questioning him.
- 1.24 Male 1 gave his name as [REDACTED], DOB [REDACTED] from [REDACTED], he provided a photograph of his passport and a visit visa on his mobile phone (JR001). Copies of identification documents were taken and recorded on PRONTO.
- 1.25 At approximately 18:41 [REDACTED] was arrested by IO [REDACTED] under Section 17 (1) of the Immigration Act 1971 as a suspected Worker in Breach of his visit visa which was issued on 25/04/2019 valid until 25/10/2019. The admin caution was explained to [REDACTED] and this encounter and arrest was recorded on PRONTO.
- 1.26 Following the arrest IO [REDACTED] continued to interview [REDACTED] in relation to his illegal working (Exhibit JR002). A mitigating Circumstances interview (Exhibit JR003) was also conducted and [REDACTED] was offered the opportunity to depart the UK voluntarily (Exhibit JR004).
- 1.27 IO [REDACTED] asked [REDACTED] the following questions;
- IO [REDACTED]: How long have you been working here?
[REDACTED]: Two days
- IO [REDACTED]: What is your job role/what are your duties?
[REDACTED]: Washing dishes.
- IO [REDACTED]: What days/hours do you work each week?
[REDACTED]: Four hours each day.
- IO [REDACTED]: How much do you get paid?

██████████: I was going to be paid £220 per week and accommodation but I've only worked two days and not been paid.

IO ██████████: On 31st May, Police encountered you at the staff house at Slater Road, but you said you did not work at the restaurant. Is that true?

██████████: Yes, I wasn't working then.

IO ██████████: Did your employer ask you for documents when you started work?

██████████: He asked me, and I said I was a visitor but I would work voluntarily for him.

IO ██████████: What was your reason for coming to the UK?

RASHID: Business visit

IO ██████████: Did you have meetings pre-arranged?

██████████: No

IO ██████████: Who did you have business meetings with?

██████████: SLC in Northampton. I attended conference for one day.

IO ██████████: When do you intend to return to ██████████?

██████████: 24th October 2019, I already have my ticket.

IO ██████████: What do you intend to do between attending one day conference on 27 April and returning to ██████████ on 24 October 2019?

██████████: I intend to visit different areas of the UK for business.

IO ██████████: Which other towns have you visited?

██████████: Gillingham, Blandford, Swindon, Stratford and Pewsey.

IO ██████████: How did you get the job at the restaurant?

██████████: Mr Jashim said he needed help in restaurant because of carnival.

IO ██████████: How did you find the job?

██████████: Over the internet.

1.28 Under paragraph 25A of schedule 2 of the Immigration Act 1971 as amended, ██████████ was then taken to ██████████ to locate his passport. ██████████ admitted this was staff accommodation for the Tale of Spice. At the premises he voluntarily surrendered his passport. ██████████ was encouraged to pack a bag of personal belongings before being taken to police custody.

1.29 At custody IO ██████████ served Immigration papers on ██████████ whilst IO ██████████ completed "papers served" on PRONTO.

[REDACTED]

1.30 IO [REDACTED] arrived at the premises which appeared to be open for business with customers present and IO [REDACTED] entered the premises at approximately 18:20hrs after covering the side exit.

1.31 IO [REDACTED] was directed to speak with a male who was initially directed downstairs after he was serving customers. IO [REDACTED] found the male behind the bar pouring a range of drinks for customers and answering the restaurant phone.

1.32 IO [REDACTED] took a picture of the male in his uniform behind the bar (which is exhibited at IJ001)

1.33 Checks confirmed that the individual was [REDACTED], a [REDACTED] national born [REDACTED].

1.34 IO [REDACTED] conducted an illegal working interview in English with this individual.

IO [REDACTED]: How long have you been working here?

[REDACTED]: Been here 1 day because of the carnival.

IO [REDACTED]: What is your job role/what are your duties?

[REDACTED]: Running the bar, phones for bookings and takeaways.

IO [REDACTED]: What are your start and finish times?

[REDACTED]: 18:00hrs start, finish 21:00hrs.

IO [REDACTED]: Who provided the uniform?

[REDACTED]: The manager

IO [REDACTED]: Who is the manager?

[REDACTED]: Jasim.

IO [REDACTED]: Who gave you this job?

[REDACTED]: Jasim.

IO [REDACTED]: When did you start work here?

[REDACTED]: Today

IO [REDACTED]: Who provides you with food, accommodation or any other payment?

[REDACTED]: Jasim provide accommodation, no money because I am going tomorrow. Free food eating here.

IO [REDACTED]: How are you paid?

[REDACTED]: Accommodation and free food. No money.

IO [REDACTED]: What name does the employer know you as?

[REDACTED]: [REDACTED].

IO [REDACTED]: Did you show any documents before being offered the job?

[REDACTED]: No, I'm just going to help him for a few hours. He knows me so it is not a problem.

IO [REDACTED]: Does your employer know that you are not allowed to work in the UK?

[REDACTED]: Yes, just to help as we know each other a long time.

[REDACTED]

1.35 IO [REDACTED] was instructed to conduct an interview with the manager JASHIM ABUL.

IO [REDACTED]: What is the name of the business?

ABUL: Tale of Spice

IO [REDACTED]: How long have you been working here?

ABUL: 9 years.

IO [REDACTED]: Who employs the staff here?

ABUL: The owner Ullah.

IO [REDACTED]: Who pays the wages here?

ABUL: The owner.

IO [REDACTED]: How are wages paid?

ABUL: I don't know about everyone because the owner pays. Mine comes in to my bank.

IO [REDACTED]: What documents do you have in relation to workers here?

ABUL: Nothing on site the owner knows everything and will call me to tell me someone is coming to work

IO [REDACTED]: Do you know if the owner has documents?

ABUL: No.

IO [REDACTED]: What are the Companies House and VAT numbers of the business?

ABUL: 321929113

1.36 ABUL told IO [REDACTED] that he was the manager of the premises but not responsible for employment.

1.37 Following the conclusion of the interview, IO [REDACTED] allowed the manager to continue to operate his business.

[REDACTED]

1.38 IO [REDACTED] was asked to speak with another male encountered by IO [REDACTED] at the premises. Home Office checks confirmed this person as [REDACTED].

1.39 IO [REDACTED] conducted an illegal working interview with [REDACTED] with the assistance of a [REDACTED] interpreter.

1.40 IO [REDACTED]: How long have you been working here?

[REDACTED]: 2 days for the carnival.
IO [REDACTED]: What is your job role/what are your duties?
[REDACTED]: Yesterday outside helping at a stall the business has.
IO [REDACTED]: What are your start and finish times?
[REDACTED]: 18:00hrs until 22:00hrs at night.
IO [REDACTED]: What are your duties?
[REDACTED]: Serving food at the stall outside.
IO [REDACTED]: Who gave you the job here?
[REDACTED]: Nobody invited me, I know the carnival comes here
IO [REDACTED]: Who asked you to help out at the stall?
[REDACTED]: No one asked but the manager I know.
IO [REDACTED]: Is that Jasim?
[REDACTED]: Yes.
IO [REDACTED]: How are you paid?
[REDACTED]: No money.
IO [REDACTED]: Who allows you to stay and have food?
[REDACTED]: The manager Jasim.
IO [REDACTED]: Does your employer know that you are not allowed to work in the UK?
[REDACTED]: I don't think so.
IO [REDACTED]: Did Jasim ask to see any documents when you helped at the stall?
[REDACTED]: No

- [REDACTED]
- 1.41 IO [REDACTED] entered the premises at 18:22hrs and was directed to speak to a male now known [REDACTED], I was told by a fellow IO that [REDACTED] was found in the kitchen preparing food.
- 1.42 [REDACTED] presented IO [REDACTED] with an Application Registration Card. IO [REDACTED] conducted checks on Home Office IT systems which confirmed that [REDACTED] had not been successful in any attempt to regularise his stay in the United Kingdom and [REDACTED] not have right to work in the United Kingdom.
- 1.43 IO [REDACTED] arrested [REDACTED] under Schedule 2, Paragraph 17(1) of the Immigration Act 1971 as amended. IO [REDACTED] explained the reasons in full to [REDACTED], who confirmed that he understood.
- 1.44 IO [REDACTED] conducted an illegal working interview with [REDACTED].
IO [REDACTED]: How long have you been working here?
[REDACTED]: 2 or 3 months.

IO [REDACTED] : What is your role?
[REDACTED] : Kitchen worker.
IO [REDACTED] : What are your duties?
[REDACTED] : Cutting veg in the kitchen.
IO [REDACTED] : What days do you work each week?
[REDACTED] : 2 or 3 days.
IO [REDACTED] : How many hours do you work each week?
[REDACTED] : 2 or 3 hours.
IO [REDACTED] : Do you work the same hours and days each week?
[REDACTED] : Yes every week the same.
IO [REDACTED] : Who gave you this job?
[REDACTED] : Friends of friends, I don't know their names.
IO [REDACTED] : Who tells you what days to work?
[REDACTED] : The manager tells me.
IO [REDACTED] : Who tells you what tasks to do each day?
[REDACTED] : The manager tells me.
IO [REDACTED] : How are you paid?
[REDACTED] : Money, food and accommodation.
IO [REDACTED] : How much money do you receive?
[REDACTED] : £50 - £60 a week.
IO [REDACTED] : Who pays you?
[REDACTED] : The manager.
IO [REDACTED] : Do you pay income tax or have a NI number?
[REDACTED] : No, I am paid in cash.
IO [REDACTED] : What name does the employer know you as?
[REDACTED] : [REDACTED].
IO [REDACTED] : Did you show documents before being offered the job?
[REDACTED] : Didn't show ID.
IO [REDACTED] : Does your employer know you're not allowed to work in the UK?
[REDACTED] : I don't know.
IO [REDACTED] : Who else works here?
[REDACTED] : Just the people here now.

1.45 [REDACTED] was taken to the cell van and transported to his home address accompanied by IO [REDACTED], IO [REDACTED] and IO [REDACTED].

Reasons for Review

- 2.1 Whether by negligence or wilful blindness 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 8.11) determined that in such circumstances, even without a prosecution, the crime prevention objective is engaged. The statutory Guidance issued under the Licensing Act provides that certain criminal activity (in particular employing illegal workers) should be treated particularly seriously and it is envisaged that the police will use the review procedures effectively to deter such activities and crime.
- 2.3 Home Office (Immigration Enforcement) 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 Home Office (Immigration Enforcement) has proceeded straight to review.

Outcome Sought

- 3.1 Home Office (Immigration Enforcement) 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 subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.
- 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 subcommittee 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 Home Office (Immigration Enforcement). In order to protect themselves, reputable employers have been conducting these checks since 1996 when it first became a criminal offence to employ illegal workers.

- 3.5 The 2006 Act already imposes duties and responsibilities on a company or individual seeking to employ a person—whether in the licensed trade or otherwise - to conduct right to work checks
- 3.6 In seeking revocation, Home Office (Immigration Enforcement) has considered and rejected conditions as an alternative, in part because this is specifically addressed paragraph 1.16 of the Guidance, viz: "(...) Licence conditions should not duplicate other statutory requirements or other duties, or responsibilities placed on the employer (my emphasis) by other legislation".
- 3.7 Conditions requiring an employer (or its agent) to undertake checks that are already mandated and where advice is readily available and clearly set out for employers, keep copies of documentation and to restrict employment until these checks are made etc. replicate the requirements of the 2006 Act and should be discounted.
- 3.8 Home Office (Immigration Enforcement) contends that a licence holder who has himself or through his agents negligently or deliberately failed to conduct right to work checks which have been a requirement since 2006 should not be afforded an opportunity to do so until caught and then merely be asked to do what they should have been doing already. Deterrence and not mere remedy is appropriate and is supported by case law (as set out within section 8 of this submission).
- 3.9 Respondents who fail to convince a subcommittee that the imposition of conditions to undertake proper right to work checks is a suitable alternative to a deterrent outcome often point to the option of suspension of a licence; pointing out that this may be a suitable punitive response instead which will deter others.
- 3.10 Often this will include claims that the business has 'learnt its lesson' and that since its criminal activity has been discovered it has reconsidered its position, brought in new procedures, 'parachuted in' consultants and new managers etc. On occasion it is hinted that the respondent will 'accept' a suspension as an alternative to revocation, assuaging an authority's concern that an appeal may otherwise be launched. This is not a deterrent - a suspension merely warns other potential perpetrators that they may trade illegally until caught and then suffer only a brief hiatus in carrying out licensable activity before continuing with it. The risk of being caught is low

so the consequence of being caught must be stiff in order to qualify as deterrence.

- 3.11 Home Office (Immigration Enforcement) would counter such claims and point to the continuing changes made to both immigration law and the Guidance (paragraphs 11 .26 — 11 .28) which point to a requirement to send a clear message to potential illegal immigrants that UK authorities will do all they can to prevent them finding illegal employment and a similar message to employers that those employing illegal workers will face severe disruption and penalties. There are simple processes (set out in section 5 of this submission) to avoid the hire of illegal workers and the legislative thrust is in avoiding the occurrence in the first place—not remedying the situation once discovered.
- 3.12 If it were not for criminally minded or complicit employers; illegal workers would not be able to obtain a settled lifestyle and deprive legitimate workers of employment. The use of illegal labour provides an unfair competitive edge and deprives the UK economy of tax revenue. Illegal workers are often paid below the minimum wage (itself an offence) and National Insurance payments are not paid. The main draw for illegal immigration is work and low-skilled migrants are increasingly vulnerable to exploitation by criminal enterprises; finding themselves in appalling accommodation and toiling in poor working conditions for long hours for little remuneration.
- 3.13 A firm response to this criminal behaviour is required to ensure that the licence holder and/or its agents are not allowed to repeat the exercise and in particular, in the interests of the wider community to support responsible businesses and the jobs of both UK citizens and lawful migrants. It is also required to act as a deterrent to others who would otherwise seek to seek an unfair competitive advantage, exploit workers and deny work to the local community, evade the payment of income tax and(unlawfully) inflate their profits to the expense of others.

Immigration Offences

- 3.14 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 their vocation/suspension of their premises licence.
- 3.15 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.

- 3.16 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”*.
- 3.17 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.
- 3.18 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 Home Office (Immigration Enforcement) highlights this as relevant irrespective of whether a civil penalty is imposed, or a prosecution launched for employing an illegal worker.
- 3.19 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.
- 3.20 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 nonmonetary reward (such as board and lodging) is working illegally and is a criminal offence committed by the worker and facilitated by the ‘employer’.

Steps to Avoid the Employment of an Illegal Worker

- 3.21 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 Home Office (Immigration Enforcement) 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.
- 3.22 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.
- 3.23 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.
- 3.24 The first 4 'hits' on a Google search for "right to work" are links to employer checklists and information on the GOV.UK website.
- 3.25 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.
- 3.26 Appendix A sets the above out in some detail.

Relevance/irrelevance of a Civil Penalty or Prosecution

- 3.27 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.
- 3.28 Where an illegal worker is detected a civil penalty maybe 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 where as a prosecution requires a higher burden of proof.

- 3.29 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.
- 3.30 But where an employee 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 maybe the word of an illegal worker who has since been detained or who has 'moved on'.
- 3.31 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.
- 3.32 This does not however prevent the crime prevention objective being engaged with as the premises licence holder has none the less 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 subcommittee is entitled to exercise common sense and its own judgment based on the life experience so fits members. The East Lindsey case (see section 8) provides that action (revocation) to prevent what is likely to happen in the future is legitimate.

Appendix A – Right to Work checks

The first 4 'hits' on a Google search for "right to work" are links to employer check lists 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 16th May 2014 last updated 16th August 2017).

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

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

General Advice

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

Checking the Documents

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

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

Taking a copy of the documents

When you copy the documents:

- Make a copy that can't be changed, e.g. a photocopy

- for passports, copy any page with the expiry date and applicant's details (e.g. nationality, date of birth and photograph) including endorsements, e.g. a work visa
- for biometric residence permits and residence cards (biometric format), copy both sides
- for all other documents you must make a complete copy
- keep copies during the applicant's employment and for 2 years after they stop working for you
- record the date the check was made

If the job applicant can't show their documents

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

- you're reasonably satisfied that they can't show you their documents because of an outstanding appeal, administrative review or application with the Home Office;
- they have an Application Registration Card; or
- they have a Certificate of Application that is less than 6 months old
Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents don't allow the person to work.

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

Acceptable Documents

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441957/employers_guide_to_acceptable_right_to_work_documents_v5.pdf

Appendix B – Statutory Guidance & Caselaw

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

3.33 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/s 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.

3.34 Home Office (Immigration Enforcement) 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.

3.35 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.

3.36 In particular; Home Office (Immigration Enforcement) 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).

3.37 Paragraph 77.26

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.

3.38 Thus the financial hardship occasioned by the suspension or revocation of the premises licence should not sway the sub-committee but instead it should look at what is appropriate to promote the objective within the wider business and local community given "illegal labour exploits workers, denies work to UK citizens and legal migrants and drives down wages" (Rt. Hon James Brokenshire, Immigration Minister on the introduction of the 2016 Act).

3.39 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] EWHC1265 (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.

3.40 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.

Home Office (Immigration Enforcement) 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.

3.41 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.

Home Office (Immigration Enforcement) considers this paragraph self-explanatory; where an enterprise employs illegal workers, it is the duty of Home Office (Immigration Enforcement) to bring forward reviews and for the authority to consider revocation in the first instance.

- 3.42 In support of this statement; Home Office (Immigration Enforcement) would draw the subcommittee's attention to the "Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England and Wales" (Home Office) [April2017] 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".

- 3.43 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.
- 3.44 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.

Case Law

- 3.45 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.
- 3.46 *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.

- 3.47 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.
- 3.48 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.

- 3.49 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.”

- 3.50 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.
- 3.51 This has some similarity with any argument that may be put forward in the case before the subcommittee 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 subcommittee despite the wording of the Guidance at paragraph 11.28.
- 3.52 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”.*
- 3.53 Home Office (Immigration Enforcement) contends that in the case before the subcommittee the facts are similar. In the cited case straight forward, 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 in appropriate by Mrs Justice Slade for ‘those serious cases’ set out in the Guidance.
- 3.54 In the case before the subcommittee, 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.
- 3.55 *East Lindsey District Council v Abu Hanif (Trading as Zara’s Restaurant and Takeaway), [2076] EWHC 7265 (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, Home Office (Immigration Enforcement) would argue, indistinguishable from the matter before the subcommittee today.

- 3.56 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 C – Supporting Evidence

OIC [REDACTED] Statement

IO [REDACTED] Statement

IO [REDACTED] Statement

IO [REDACTED] Statement

IO [REDACTED] Statement

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of:

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer

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: (witness).....Date: 13/11/2019

I am employed by the Home Office, Immigration Enforcement as an Immigration Officer in the Bristol Immigration, Compliance and Enforcement Team, at the office situated at CONFERENCE HOUSE, CONFERENCE AVENUE, PORTISHEAD, BS20 7LZ.

On 20TH SEPTEMBER 2019 I participated in a visit to TALE OF SPICE, 9 NORTH STREET, PEWSEY, WILTSHIRE, SN9 5ES. My role was Officer in Charge.

I arrived at TALE OF SPICE, 9 NORTH STREET, PEWSEY, WILTSHIRE, SN9 5ES at 1815 and entered under Section 179 of the Licencing Act 2003 (as amended). I immediately served and explained the form 'Notice to Occupier', on a male who was at the counter who identified himself as being the duty manager. I then oversaw the visit in my capacity as officer in charge, until 1910 when I departed the premises.

During the visit, officers from my team encountered nine employees (individuals encountered behind the bar, in the commercial kitchen or waiting tables). Checks on Home Office records showed that five of those employees were immigration offenders with no permission to work in the UK. Three of those individuals were given continued immigration bail on the scene and reminded that their bail conditions prohibit them from taking employment. Two of the individuals were arrested under Paragraph 17(1) of Schedule 2 to the Immigration Act 1971 and detained pending their removal from the UK.

The arresting officers (IC and IO told me that the arrested individuals indicated their belongings were located at the staff house at I directed the team to attend that address with the arrested persons.

I arrived at at 1915 and entered under Paragraph 25A of Schedule 2 to the Immigration Act 1971 (as amended) using a key which was provided by the duty manager. I left the form 'Notice to Occupier' in a prominent position in the hallway as the premises was unoccupied when I entered. I then oversaw a search of the premises in my capacity as officer in charge for relevant documents under Paragraph 25A of Schedule 2 to the Immigration Act 1971 (as amended). I departed the premises at 1939, securing the door using the key (witnessed by IO). I then returned the key to the duty manager and drove to MELKSHAM POLICE CUSTODY.

On 21ST SEPTEMBER 2019 I served a Referral Notice for a potential civil penalty in relation to the five suspected illegal workers. This was sent by post to the business address.

Signature: Signature witnessed by:

Witness contact details

Name of witness: Home address:
Portishead Postcode:
Home telephone No: N/A Work telephone No: 01275 841500
Mobile: E-mail address: @homeoffice.gov.uk
Preferred means of contact (specify details): Work phone
Best time to contact (specify details): Monday-Friday 9-5
Gender: Date and place of birth: N/A
Former name: N/A Ethnicity Code (16 + 1): N/A

DATES OF WITNESS NON-AVAILABILITY: N/A

Witness care

- a) Is the witness willing to attend court? Yes If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance? N/A
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? No If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No x
- b) I have been given the Victim Personal Statement leaflet Yes No x
- c) I have been given the leaflet "Giving a witness statement to the Home Office..." Yes No x
- d) I consent to Home Office Immigration Enforcement having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes No N/A x
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A x
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes x No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A x

I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A X
'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness: PRINT NAME:
Signature of parent/guardian/appropriate adult: N/A PRINT NAME:N/A.....
Address and telephone number (of parent etc.), if different from above:

Statement taken by Office / station: Bristol ICE. Time and place statement taken:
13/11/2019 12:10, Bristol ICE.



Government Security Classification.. OFFICIAL
Approved for Immigration Enforcement use – April 2014

MG11T



2014

Government Security Classification. OFFICIAL..



This tear off section to be completed and handed to the witness

The Home Office (Immigration Enforcement) – Contact Details

The officer dealing with your case/taking this statement is:

Officer: _____ Rank & Number: _____

Office: _____

Telephone: _____

Contact E-Mail: _____

Reference No: _____

The officer dealing with your case can help but may not always be available.

Giving a witness statement to the Home Office– what happens next?



Thank you for coming forward. We value your help and we will do everything we can to help you.

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

Is there anything else I can do?

Yes. It is important to tell the Home Office:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact the officer dealing with your case to update this information as soon as it changes. It is needed when the trial date is set.

Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, the Home Office, the police and CPS are separate organisations.

Who will read my statement?

Everyone involved with the case will read your statement (e.g. Home Office, the police, CPS, defence and the magistrate or judge).

What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the Home Office in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately and inform the Home Office officer dealing with your case.

Will I be told what is happening in the case?

The Home Office and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact the Home Office at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare). Victims of crime are usually told:

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason.

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty' or
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent

- a letter telling you when and where to go
- an explanatory leaflet.

What will happen if I don't go to court?

If you have any problems or concerns about going to court, you must inform the officer dealing with your case as soon as possible. If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you. If you still fail to attend without good reason you may be found 'in contempt of court' and arrested.

Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible, a look around a court room so you know what to expect.

The officer dealing with your case will be able to provide you with contact details.

The Witness Service does not discuss evidence or give legal advice.

Extra Help is available to support vulnerable or intimidated witnesses. If the CPS lawyer thinks that a witness qualifies for this help, known as 'Special Measures', he/she will ask the court for permission to use them. The Witness Service, police or Home Office will tell you what is available and the police or CPS will be able to discuss your needs.

Victim Support and Witness Service

The Victim Support scheme operates from a number of locations across the UK, and their volunteers are specially trained to provide free and confidential information, support and advice.

All victim and witnesses will be offered support from Victim Support's Witness Service, which is **independent**, confidential and free. This support will include someone to talk to, a quiet place in which to wait and a chance to see the court before the day of the trial. Although the Witness Service volunteers will explain the court process to you, they cannot discuss the specific details of the case.

Victim Support Helpline
0845 30 30 900

The Witness Charter

The Home Office Immigration Enforcement is not a signatory of the Witness Charter but adheres to the spirit of charter which sets out the standards of service that witnesses can expect to receive at every stage of the Criminal Justice process from:

- The Home Office, if you are a witness to a crime or incident
- Other Criminal Justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence in a criminal court

The standards apply to all witnesses, regardless of whether you are also the victim. If you are a victim of a crime, you have rights that are set out in the Code of Practice for Victims of Crime.

Unlike the Victims Code of Practice, the Witness Charter is not set out in law, and there may be constraints which affect the ability of the Criminal Justice agencies to provide the service to all witnesses in all cases.

Being kept updated on progress during the investigation:

After you have given a statement, if the offence is of a **very serious nature** and the Home Office have told you that you are likely to be called to give evidence in court, the Home Office will seek to update you:

- at least once a month on the progress of the case until the point of closure of the investigation or
- at the point at which someone is charged, summoned, or dealt with out of court.

Being kept updated on progress after charge:

If you are a prosecution witness to any offence, the Home Office will seek to inform you:

- when the defendant has been charged
- whether the defendant has been released on bail to attend court , or help in custody until the first court appearance
- what relevant bail conditions apply.

Further information about being a witness can be downloaded from the Crown Prosecution Service website at www.cps.gov.uk/victims_witnesses

WITNESS STATEMENT

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

Four empty rectangular boxes for identification numbers.

Statement of

URN:

Age if under 1

Over 18

Occupation:

Immigration Officer

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

Signature:

Signature box

Date:

131119

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

I am the above named Immigration Officer number and am based at the Plymouth Enforcement Office on the South West Compliance and Enforcement Team. It is part of my duties to determine the Immigration status of persons who are subject to control under the Immigration Act 1971 as amended.

1. On Friday 20th September 2019 at approximately 17:17 I attended a briefing for an Enforcement visit to Tale of Spice 9 North Street Pewsey Wiltshire SN9 5ES following allegations of illegal workers.

2. Entry was gained under Section 179 of the Licencing Act 2003 as the premises held a licence for the sale of alcohol and late-night refreshments. I attended the premises with

Immigration Officers: OIC

IO

IO

IO

and IO

My role was the Arresting Officer.

Signature:

Signature witnessed by:

SELF

Continuation of Statement of _____

- 3. I entered the premises at approximately 18:19 hours on 20th September 2019 and made my way to the kitchen, on the ground floor, to the rear of the premises, where I encountered an unknown male (Male 1) removing his apron. I directed him to the identified sterile area by the front door where he took a seat before I began questioning him.
- 4. Male 1 gave his name as _____, DOB _____ from _____ he provided a photograph of his passport and visit visa on his mobile phone (JR001). Copies of Identification documents were taken and recorded on PRONTO.
- 5. At approximately 18:41 Male 1 was arrested by myself under Section 17 (1) of the Immigration Act 1971 as a suspected Worker in Breach of his visit visa which was issued on 25.04.19 valid until 25.10.19. I explained the admin caution to him I recorded this encounter and arrest on PRONTO.
- 6. Following the arrest I continued to interview Male 1 in relation to his illegal working (JR002) I also conducted a Mitigating Circumstances interview (JR003) and offered him the opportunity to depart the UK voluntarily (JR004)
- 7. Under paragraph 25A of schedule 2 of the Immigration Act 1971 as amended Male 1 was then taken to _____ to locate his passport. He admitted this was staff accommodation for the Tale of Spice. At the premises he voluntarily surrendered his passport. He was encouraged to pack a bag of personal belongings before being taken to police custody.

Signature: Signature witnessed by: SELF

Continuation of Statement of _____

8. At custody I served Immigration papers on male 1 whilst I ~~IO~~ completed "papers served" on PRONTO.

9.

Signature: Signature witnessed by: SELF



**RESTRICTED – FOR POLICE AND PROSECUTION ONLY
(when complete)**

Home address: 2nd Floor West Point, Ebrington Street, Plymouth, Devon

Post Code: PL4 9LT

E-mail address (if applicable and witness wishes to be contacted by e-mail): [REDACTED]

Mobile number:

Contact point (if different from above):

Work telephone Number.

male Date and place of birth: n/a

Maiden name: Height: Ethnicity Code:

State dates of witness non-availability:

None

I consent to police having access to my medical record(s) in relation to this matter: Yes No N/A

I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A

The CPS will pass information about you to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services.

Does the person making this statement have any special needs if required to attend court and give evidence? (eg language difficulties, visually impaired, restricted mobility, etc.). If 'Yes', please enter details. Yes No

.....

Does the person making this statement need additional support as a vulnerable or intimidated witness? If 'Yes', please enter details on Form MG2. Yes No

.....

Does the person making this statement give their consent to it being disclosed for the purposes of civil proceedings (eg child care proceedings)? Yes No

Statement taken by (print name): SELF

Station: Immigration Enforcement 2nd Floor West Point, Ebrington Street, Plymouth, Devon PL49LT

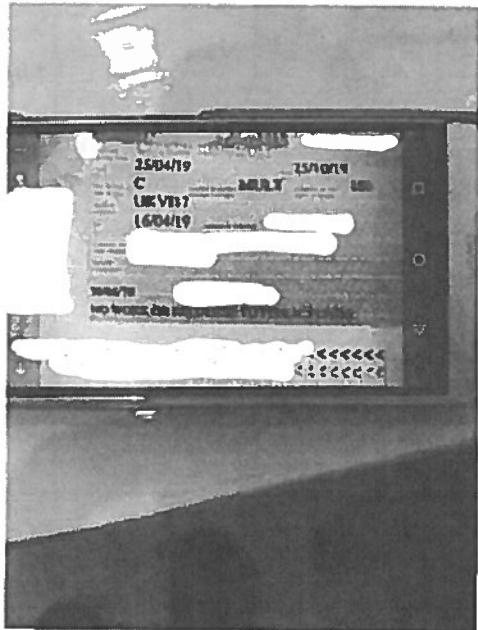
Time and place statement taken: Westpoint,

Signature of witness:.....



OFFICIAL SENSITIVE

Visit Report: EV24-31,931 Enforcement 20/9/2019

Document 2	Document type	National passport
	Name in document (if different from above)	
	Document reference	
	Document expiry date	
	Country of issue (if different from nationality above)	
	Suspected fraudulent	
	Notes	
	Photos	
Notes		
No notes entered.		

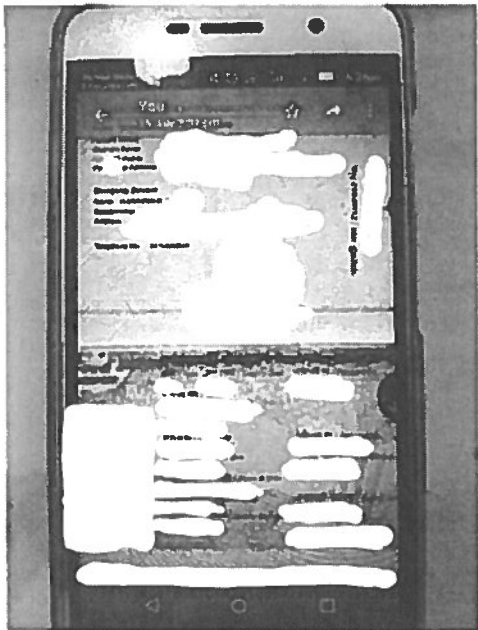
visa

Arrest

Details

Type of work	Visit
Visit reference	EV24-31,931
Created by	
Prontold	
Subject CID Person ID	

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Identity Documentation	
Document 1	<p>Document type</p> <p>Name in document (if different from above)</p> <p>Document reference</p> <p>Document expiry date</p> <p>Country of issue (if different from nationality above)</p> <p>Suspected fraudulent</p> <p>Notes</p> <p>Photos</p>  <p>ppt copy from phone</p>

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	EV24-31,931
Created by	
ProntoID	
Subject CID Person ID	Unknown
Subject name	
Subject DOB	
Subject nationality	
Subject gender	
Time	21:07
Created at geolocation	No geolocation available
Creation date	20-09-2019 21:06:55

Language of Interview

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

Obligation

How long have you been working here?	Two days
What is your job role/ what are your duties?	Washing dishes
What days/ hours do you work each week?	Four hours each day
how much do you get paid?	I was going to be paid £220 per week and accommodation but I've only worked two days and not been paid
on 31st may police encountered you at staff house at Slater road but you said you did not work at restaurant is that true?	Yes, I wasnt working then
did employer ask you for documents when you started work?	He asked me ani said I was visitor but I would work voluntary for him

OFFICIAL SENSITIVE

Control

No details provided.

Remuneration

No details provided.

Pre-employment Checks

No details provided.

Additional Questions

what was your reason for coming to the UK?	Business visit
did you have meetings pre arranged?	No
who did you have business meetings with?	SLC in Northampton I attended a conference for one day
when did you intend to return to BGD ?	24th october 19 I already have my ticket
what did you intend to do between attending one day conference on 27 April and returning to BGD on 24th October 19	I intended to visit different areas of the UK for business
which other towns have you visited?	GILLINGHAM, BLANDFORD, SWINDON, STRATFORD PEWSEY
how did you get the job at the restaurant	██████████ said he needed help in restaurant because of carnival
how did you find the job	Over the internet

Photographs

No photographs.

Declaration

Interviewee signature ██████████ ██████████	20-09-2019 21:30:49
--	---------------------

OFFICIAL SENSITIVE

Observations	
Observations	
Management Checks Complete	
Date management checks complete	09-10-2019 21:34:11
Reviewer(s)	

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Mitigating Circumstances					
Details					
Type of work	Visit				
Visit reference	EV24-31,931				
Created by					
ProntolD					
Subject CID Person ID	Unknown				
Subject name					
Subject DOB					
Subject nationality					
Subject gender	Male				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>416398</td> </tr> <tr> <td>Northing</td> <td>160102</td> </tr> </table>	Easting	416398	Northing	160102
Easting	416398				
Northing	160102				
Creation date	20-09-2019 18:46:04				
Medical					
Currently taking any medication	Yes				
Length of time medication taken	One month , I take one now and again if I need it				
Details of medication/ dosage	Indigestion tablets				
Medication prescribed by	Bought from coop				
Registered with a GP surgery	No				
Hospital treatment or consultations received in the past 3 years?	No				
Currently awaiting NHS treatment	No				
Pregnant	No				
Notes					

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Partner and Dependants in UK

Relation 1	Relationship to the subject Name Date of birth Place of birth Nationality Immigration status Notes
-------------------	---

Criminal History

Criminal history in the UK	No
Criminal history in another country	No
Notes	

Armed Forces

Subject/ dependant is a member of Armed Forces?	No
--	----

Declaration

Notes	
Interviewee signature ()	
	20-09-2019 19:25:08

Bio Data

Details

Type of work	Visit
Visit reference	EV24-31,931

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Created by	
Prontoid	
Subject CID Person ID	Unknown
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Created at geolocation	Easting 416395 Northing 160096
Creation date	20-09-2019 18:46:51
UK Contact Details	
Address line 1	
Address line 2	
Town or city	
County	
Postcode	
Phone numbers	
Email address	
Family Overseas	
No family overseas.	
Origin Country Proof	
Name of last employer in country of origin	
Name and address of primary school in country of origin	
Name and address of secondary school in country of origin	
Name and address of family doctor in country of origin	
Name and address of place of worship in country of origin	
Name and address of local police station in country of origin	
Name and address of local hospital in country of origin	

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Last address in country of origin	
Additional	
Notes	I No family or dependants in the UK
Interviewee signature ()	
	20-09-2019 21:33:08
Management Checks Complete	
Date management checks complete	09-10-2019 21:29:06
Reviewer(s)	

Offer of Voluntary Departure					
Details					
Type of work	Visit				
Visit reference	EV24-31,931				
Created by					
ProntID					
Subject CID Person ID	Unknown				
Subject name					
Subject DOB					
Subject nationality					
Subject gender	Male				
Time	18:50				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>416405</td> </tr> <tr> <td>Northing</td> <td>160102</td> </tr> </table>	Easting	416405	Northing	160102
Easting	416405				
Northing	160102				
Creation date	20-09-2019 18:50:01				

OFFICIAL SENSITIVE

Visit Report: EV24-31,931 Enforcement 20/9/2019

Offer	
Voluntary departure offered	Yes
Voluntary departure offer accepted	Yes
Notes	I already have a ticket to go home on 24 october 19
Declaration	
Interviewee signature ()	
	20-09-2019 18:51:28
Management Checks Complete	
Date management checks complete	09-10-2019 21:37:11
Reviewer(s)	

Entry to Premises					
Details					
Type of work	Visit				
Visit reference	EV24-31,931				
Created by					
Address	(New Address)				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>416133</td> </tr> <tr> <td>Northing</td> <td>160080</td> </tr> </table>	Easting	416133	Northing	160080
Easting	416133				
Northing	160080				
Creation date	20-09-2019 19:33:36				
Power of Entry					
Entry gained	Yes				
Time of entry	15:33				
Are you the officer who gained entry?	No				



Immigration Enforcement

MG 11

RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Justice Act 1967 s.9; Magistrates' Courts Act 1980, ss.5A (3)(a) and 5B; Magistrates' Courts Rules 1981 r 70)

Statement of _____ URN

--	--	--	--

Age if under 18 OVER 18 (if over insert 'over 18') Occupation IMMIGRATION OFFICER

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 anything in it, which I know to be false, or do not believe to be true.

Signature _____ Date 15/11/19

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

I am Immigration Officer _____, currently attached to Bristol Immigration Enforcement and Compliance based in _____

On the 20th September 2019 I was on duty in full Home Office issued uniform. I attended a briefing in relation to alleged illegal working at Tale of Spice, 9 North Street, Pewsey, Wiltshire, SN9 5ES and whilst conducting this visit I took the Arrest 2 role. Entry to the premises was to be gained by Section 179 of the Licensing Act 2003.

At approximately 1815hrs I arrived in the vicinity of the premises which appeared open for business with customers present and entered at approximately 1820hrs after covering the side exit. Upon entry I was directed to sweep the premises, directing a male downstairs, then encounter a male who identified himself as the floor manager and I cleared him from my enquiries for the time being. I was then asked to encounter a male who I initially directed downstairs after he was serving customers and I found him behind the bar, where alcohol is served, pouring a range of drinks and answering the restaurant phone to customers. I took a picture of this male in his uniform behind the bar which I exhibit as IJ001 below, the male spoke a good level of English and I conducted an illegal working interview with the subject;

Q: How long have you been working here?

A: I am here 1 day because of the carnival

Q: What is your job role/ what are your duties?

A: Running the bar, phones for bookings and takeaways

Q: What are your start and finish times?

A: 1800hrs start finishing at 2100hrs

Q: Who provided the uniform?

A: The manager

Q: Who is the manager?

A: Jasim

Q: Who gave you the job?

A: Jasim

Signature: _____
2004 (1)

Signature witnessed by: *self*

(CONT)

RESTRICTED (when complete)

Continuation of Statement of:

Q: When did you start working here?

A: Today

Q: Who provides you with accommodation or any other payment?

A: Jasim is providing accommodation, no money because I am going tomorrow. I get free food eating here.

Q: How are you paid?

A: Accommodation and free food, no money.

Q: What name does the employer know you as?

A:

Q: Did you show documents before being offered the job?

A: No, I am just going to help him for a few hours, he knows me, so it is not a problem.

Q: Does your employer know you're not allowed to work in the UK?

A: Yes, just to help him as we know each other a long time.

I noted my observations of the subject working; the subject signed my notebook to confirm the answers given and I was then asked to interview the floor manager on the day regarding the employment of those with no right to work in the United Kingdom.

Q: What is the name of the business?

A: Tale of Spice

Q: What is your position here?

A: Manager

Q: How long have you been working here?

A: 9 years.

Q: Who employs the staff here?

A: The owner ullah

Q: Who pays the staff?

A: The owner

Q: How are the wages paid?

A: I don't know about everyone but mine are paid in to my bank.

Q: What documents do you have in relation to workers here?

A: Nothing on site, the owner knows everything and will call me to tell me someone is coming to work

Q: Do you know if the owner has documents?

A: No

Q: What is the companies house and VAT numbers of the business?

A: 321919113

Following the conclusion of this interview I allowed the manager to continue operating his business and I was asked to speak to another male originally encountered by Immigration Office and conduct and interview regarding his right to work in the United Kingdom. I conducted the interview using Home Office interpreter who was on site at the time;

Signature:
2004 (1)

Signature witnessed by: Self

RESTRICTED (when complete)

Continuation of Statement of:

Q: How long have you been working here?

A: 2 days for the carnival

Q: What is your job role/ what are your duties?

A: Yesterday outside helping at a stall the business has

Q: What are your start and finish times?

A: 1800hrs until 2200hrs at night

Q: What are your duties?

A: Serving food at the stall outside

Q: Who gave you the job here?

A: Nobody invited me, I know the carnival comes here.

Q: Who asked you to help at the stall?

A: no one asked but the manager I know

Q: Is that Jasim?

A: Yes

Q: How are you paid?

A: I came yesterday so 2 days for free accommodation and food, I just came to visit.

Q: Are you paid any money?

A: No Money

Q: Who allows you to stay and have food?

A: The manager Jasim

Q: Does your employer know you are not allowed to work in the UK?

A: I don't think so

Q: Did Jasim ask to see any documents when you helped at the stall?

A: No

This male signed my notebook to confirm the statements. I was advised that this male was brought from the staff only kitchen area by the arrest 1 pairing and his coat was with the other staff's items which I noted in my observations. This concluded my involvement with the restaurant, a number of individuals were arrested and taken off the premises and conveyed to custody, following house searches, whilst all those with no right to work were escorted from the premises.

Signature:

2004 (1)

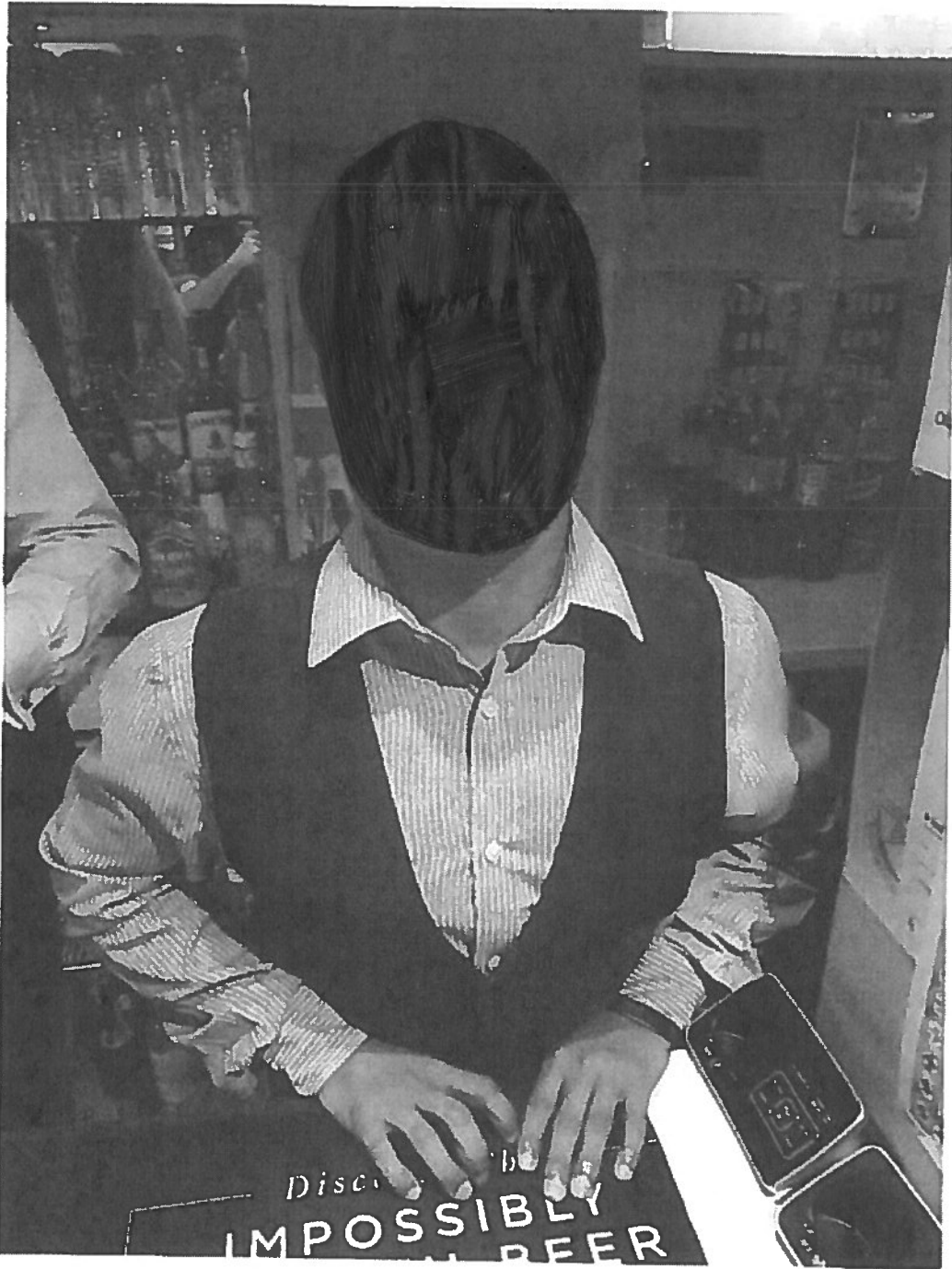
Signature witnessed by: Self

RESTRICTED (when complete)

Continuation of Statement of:

Page No 4 of 4

IJ001



Signature:
2004 (1)

Signature witnessed by: *self*

- Operations
- Packages
- Police Enquiries
- UKVI / BF
- Visits
- EV24-31,931
- Non-Visit Work
- Person Search
- Photos
- Entry to Premises
- Method of Entry
- Encounters
- Arrest
- Search of Subject
- Search of Premises
- Cash Seizures
- Offers of Voluntary Departure
- Mitigating Circumstances
- Contact Details
- Illegal Working - Employee
- Illegal Working - Employer
- Right to Rent - Tenant
- Right to Rent - Landlord
- Compliant Environment
- Bio Data
- Additional Addresses
- Use of Force
- Documents Served
- Freetext
- Q&A
- Post Visit Work
- Critical Incidents

EV24-31,931

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	EV24-31,931
Created by	
ProntoID	
Subject CID Person ID	
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Time	18:37
Created at geolocation	Easting 416394 Northing 160097
Creation date	20-09-2019 18:37:42

Language of Interview

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

Obligation

How long have you been working here?	Been here 1 day because of carnival
What is your job role/ what are your duties?	Running the bar, phones for bookings and takeaways
what are your start and finish times?	1800 start finish 2100
Who provided the uniform?	The manager
who is the manager?	Jasim

Control

Who gave you this job (name and role in business)?	Jasim
When did you start work here?	Today
Who provides you with food, accommodation or any other payment?	Jasim providing accomodation no momey because im going tomorrow. Free food eating here.

Remuneration

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

*Accommodation
and free food no money*

Pre-employment Checks

What name does the employer know you as?

Did you show documents before being offered the job? If so, what?

No im just going to help him for a few hours he knows me so it is not a problem

Does your employer know you're not allowed to work in the UK?

Yes just to help as we know each other a long time

Additional Questions

No details provided.

Photographs

subject working behind bar



Exhibit Ref

IJ001

Declaration

Interviewee signature
()

20-09-2019
13:46:15

Observations

Observations

Upon entry i observed the male serving a table i then asked him to go c behind the bar pouring alcoholic drinks and answ ohone to customers all whilst in uniform.

- Operations
- Packages
- Police Enquiries
- UKVI / BF
- Visits
 - EV24-31,931
 - Non-Visit Work
 - Person Search
 - Photos
 - Entry to Premises
 - Method of Entry
 - Encounters
 - Arrest
 - Search of Subject
 - Search of Premises
 - Cash Seizures
 - Offers of Voluntary Departure
 - Mitigating Circumstances
 - Contact Details
 - Illegal Working - Employee
 - Illegal Working - Employer
 - Right to Rent - Tenant
 - Right to Rent - Landlord
 - Compliant Environment
 - Bio Data
 - Additional Addresses
 - Use of Force
 - Documents Served
 - Freetext
 - Q&A
 - Post Visit Work
 - Critical Incidents

EV24-31,931

Illegal Working - Employee

Details

Type of work	Visit				
Visit reference	EV24-31,931				
Created by					
ProntoID					
Subject CID Person ID					
Subject name					
Subject DOB					
Subject nationality					
Subject gender	Male				
Time	18:57				
Created at geolocation	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Easting</td> <td>416393</td> </tr> <tr> <td>Northing</td> <td>160096</td> </tr> </table>	Easting	416393	Northing	160096
Easting	416393				
Northing	160096				
Creation date	20-09-2019 18:57:45				

Language of Interview

What language is the interview carried out in?	
Interpreter used?	Yes
Details of interpreter	

Obligation

How long have you been working here?	2 days for the carnival
What is your job role/ what are your duties?	Yesterday help for outside yesterday at a stall the business
what are your start and finish times?	1800 to 2200 at night
What is your job role/ what are your duties?	Serving food at the stall outside

Control

Who gave you this job (name and role in business)?	Nobody invited me i know the carnival ckmes here.
Who asked you to help at the stall?	No one asked but the manager i know
Is that Jasim?	Yes

Remuneration

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

I came yesterday so 2 days for free accomodation visit

If money, how much and how do you receive it?

No money

Who allows you to stay and have food?

The manager Jasim

Pre-employment Checks

Does your employer know you're not allowed to work in the UK?

I dont think so

did Jasim ask to see any documents when you helped at the stall?

No

Additional Questions

No details provided.

Photographs

No photographs.

Declaration

Interviewee signature
(

)

20-09-2019
19-08-08

Observations

Observations

Subject was brought from staff only kitchen area by arrest 1 pairing a with other staff coats

- Operations
- Packages
- Police Enquiries
- UKVI / BF
- Visits**
 - EV24-31,931**
 - Non-Visit Work
 - Person Search
 - Photos
 - Entry to Premises
 - Method of Entry
 - Encounters
 - Arrest
 - Search of Subject
 - Search of Premises
 - Cash Seizures
 - Offers of Voluntary Departure
 - Mitigating Circumstances
 - Contact Details
 - Illegal Working - Employee
 - Illegal Working - Employer
 - Right to Rent - Tenant
 - Right to Rent - Landlord
 - Compliant Environment
 - Bio Data
 - Additional Addresses
 - Use of Force
 - Documents Served
 - Freertext
 - Q&A
 - Post Visit Work
 - Critical Incidents

EV24-31,931

Illegal Working - Employer

Details

Type of work	Visit	
Visit reference	EV24-31,931	
Created by	Jashim ABUL - 10/12/1975 - GBR British Citizen	
ProntoID	Unknown	
Subject CID Person ID	Jashim ABUL	
Employer	10-12-1975	
Subject DOB	GBR British Citizen	
Subject nationality	Male	
Subject gender	18:48	
Time	Easting	416402
Created at geolocation	Northing	160102
Creation date	20-09-2019 18:48:07	

Language of Interview

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

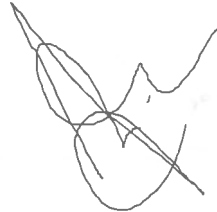
Employer Details

What is the name of the business?	Tale of spice
What is your position here?	Manager
How long have you been working here?	9 years
Who employs the staff here?	The owner ullah
Who pays the wages here?	The owner
How are wages paid?	I dont know about everyone because the owner pa mine comes in to my bank
What documents to you have in relation to workers here?	Nothing on site yhe owner knows everything and will call me to tell me someone is coming to w
Do you know if the owner has documents?	No
What are the Companies House and VAT numbers of the business?	321929113

Declaration by Employer

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

Signed
by
Jashim
ABUL



20-09-2019
18:53:38

Observations

Observations

The male declared to be the manager of the premises but was not respo employment.



WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of:

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

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

Signature:..... (witness) Date: 08-01-2020

I am _____ and I am an Immigration Officer (IO) currently attached to Bristol ICE, _____ . My warrant number is _____

On Friday 20th September 2019, I was on duty in full uniform. I attended a briefing held by IO _____ , where I was informed that I would be attending TALE OF SPICE, 9 NORTH STREET, PEWSEY, SN9 5ES. Accompanying me on the visit was IO _____ , IO _____ , IO _____

At 18:15 I arrived at the address of TALE OF SPICE, 9 NORTH STREET, PEWSEY, SN9 5ES. I was asked to cover the side exit of the premises, I was accompanied IO _____. At approximately 18:17 a Wiltshire Police Officer joined us at the rear of the premises. I was informed over the airwaves that IO _____ had gained entry under Section 179 of the Licensing Act 2003.

At 18:22 as directed by IO _____ I entered the premises and was directed to speak to a male who I now know to be _____ who was sat in the sterile area. _____ presented me with a Biometric Residence Permit, I recorded _____ s details and subsequent checks on Home Office IT systems confirmed that _____ had both leave to remain and right to work in the United Kingdom.

Signature: Signature witnessed by:

At 18:30 I was then directed to speak with a second male who I now know to be _____, I was told by IO _____ that _____ was found in the kitchen preparing food. _____ presented me with an Application Registration Card.

Nationals of _____ are categorised by the Home Office as visa nationals. In order for a national of Bangladesh to come to the United Kingdom for any period of time legally, they must obtain entry clearance in the form of a visa before entry. The visa can be obtained from an Embassy or High Commission abroad.

Checks on Home Office IT systems confirmed that _____ had not been successful in any attempt to regularise his stay in the United Kingdom. Home Office IT systems checked also confirmed that AHMED did not have right to work in the United Kingdom.

At 18:35 based on the above information, I arrested _____ under Schedule 2, Paragraph 17(1) of the Immigration Act 1971 As Amended, I explained the reasons in full to _____, he confirmed he understood.

At 18:37 I interviewed _____ regarding his employment at TALE OF SPICE, the interview was carried out in English, no interpreter used.

Question: How long have you been working here?

Answer: 2 or 3 months.

Question: What is your role?

Answer: Kitchen worker.

Question: What are your duties?

Answer: Cutting veg in the kitchen.

Question: What days do you work each week?

Answer: 2 or 3 days.

Question: How many hours do you work each week?

Answer: 2 or 3 hours.

Question: Do you work the same hours and days each week?

Answer: Yes every week the same.

Signature: Signature witnessed by:

Question: Who gave you this job?

Answer: Friends of friends, I don't know their names.

Question: Who tells you what days to work?

Answer: The manager tells me.

Question: Who tells you what tasks to do each day?

Answer: The manager tells me.

Question: How are you paid?

Answer: Money, food and accommodation.

Question: How much money do you receive?

Answer: £50 - £60 a week.

Question: Who pays you?

Answer: The manager.

Question: Do you pay income tax or have a NI number?

Answer: No, I am paid in cash.

Question: What name does the employer know you as?

Answer:

Question: Did you show documents before being offered the job?

Answer: Didn't show ID.

Question: Does your employer know you're not allowed to work in the UK?

Answer: I don't know.

Question: Who else works here?

Answer: Just the people here now.

At 18:45 I searched _____ under Section 25B of the Immigration Act 1971 As Amended for items that could aid escape or cause harm to himself, myself or others. No items were located on _____

At 18:57 I placed _____ in the cell van and transported him to his home address, accompanied by IO _____, IO _____ and IO _____

Signature: Signature witnessed by:

Witness contact details

Name of witness: Home address: Bristol Immigration Enforcement,
Postcode:

Home telephone No: Work telephone No:

Mobile: E-mail address: @Homeoffice.gov.uk

Preferred means of contact (specify details): Telephone/Email

Best time to contact (specify details):

Gender: Male

Former name: NA Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY: NA

Witness care

- a) Is the witness willing to attend court? Yes If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance? NA
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) NA If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? NA If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*).
NA

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the Home Office..." Yes No
- d) I consent to Home Office Immigration Enforcement having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A

I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A
'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'

Signature of witness:

PRINT NAME:

Signature of parent/guardian/appropriate adult: NA.....

PRINT NAME:NA.....

Address and telephone number (of parent etc.), if different from above:

- Operations
 - Packages
 - Police Enquiries
 - UKVI / BF
 - Visits**
-
- EV24-31,931**
- Non-Visit Work
 - Person Search
 - Photos**
 - Entry to Premises
 - Method of Entry
 - Encounters
 - Arrest
 - Search of Subject
 - Search of Premises
 - Cash Seizures
 - Offers of Voluntary Departure
 - Mitigating Circumstances
 - Contact Details
 - Illegal Working - Employee
 - Illegal Working - Employer
 - Right to Rent - Tenant
 - Right to Rent - Landlord
 - Compliant Environment
 - Bio Data
 - Additional Addresses
 - Use of Force
 - Documents Served
 - Freetext
 - Q&A
 - Post Visit Work
 - Critical Incidents

EV24-31,931

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	EV24-31,931
Created by	
ProntoID	
Subject CID Person ID	Unknown
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Time	18:37
Created at geolocation	Easting Northing
Creation date	20-09-2019 18:36:47

Language of Interview

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

Obligation

How long have you been working here?	2 or 3 months
What is your job role/ what are your duties?	Kitchen worker
What is your job role/ what are your duties?	Cutting veg in the Kitchen
What days/ hours do you work each week?	2 or 3 days
What days/ hours do you work each week?	2 or 3 hours a week
Do you work the same hours/ days every week?	Yes every week the same

Control

Who gave you this job (name and role in business)?	Friends of friends, I don't know
Who tells you what days/ hours to work?	The manager tells me what to

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

The manager tells me

Remuneration

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

Money, food and accommodation

If money, how much and how do you receive it?

£50-£60 a week

Who pays you?

The manager

Do you pay income tax or have a National Insurance number?

No I am paid in cash

Pre-employment Checks

What name does the employer know you as?

Did you show documents before being offered the job? If so, what?

Didn't show ID

Does your employer know you're not allowed to work in the UK?

I don't know

Additional Questions

Who else works here?

Just the people here now

Photographs

No photographs.

Declaration

Interviewee signature ()

20-09-20
18:42:5

Observations

Observations

*Subject was brought
to my attention, officers found
illegally.*

WITNESS STATEMENT

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

Statement of URN:

--	--	--	--

Age if under 1 Over 18 Occupation: Immigration Officer

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

Signature: Date: 13/11/2019

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

I am the above named Assistant Immigration Officer number and am based at the Plymouth Enforcement Office on the South West Compliance and Enforcement Team. It is part of my duties to determine the Immigration status of persons who are subject to control under the Immigration Act 1971 as amended.

On Friday 20th September 2019 at approximately 18:20hrs together with other Immigration Officers and Police Officers I attended the Tale of Spice restaurant at 9 North Street, Pewsey, Wiltshire, SN9 5ES to carry out an enforcement visit. I was the cover officer for IO was the officer in charge. Power of entry was under Section 179 of the Licensing Act 2003.

IO and I entered the front of the premises and swept through to the kitchen. Several males of appearance were in the kitchen preparing food. The kitchen was very busy. IO led most of the kitchen staff into the dining area and I spoke to one male who was in the middle of cooking a dish. This was Male 1 who I cleared as a British citizen.

I then left the kitchen and went to cover IO in the front of house area while she spoke to other members of staff. I was with IO when she arrested Male 2. This male had been working in the kitchen as we entered and had tried to take off his kitchen apron when

Signature: Signature witnessed by: SELF

Continuation of Statement of

spoken to by IO

I remained with IO as her cover while she dealt with this male, both at the restaurant and later at the staff accommodation and custody. At custody as IO served immigration papers on the male, I completed the 'documents served' section on PRONTO.

I have attached the PRONTO sections that I completed to this statement and I here exhibit them together as SN/01.

[Handwritten signature]

Signature:

Signature witnessed by:

SELF



RESTRICTED - FOR POLICE AND PROSECUTION ONLY
(when complete)

Home address:

.....Post Code:

E-mail address (if applicable and witness wishes to be contacted by e-mail):

Mobile number:

Contact point (if different from above):

Work telephone Number.

male Date and place of birth: n/a

Maiden name: N/A Height: Ethnicity Code:

State dates of witness non-availability:

None

I consent to police having access to my medical record(s) in relation to this matter: Yes No N/A

I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A

The CPS will pass information about you to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services.

Does the person making this statement have any special needs if required to attend court and give evidence? (eg language difficulties, visually impaired, restricted mobility, etc.). If 'Yes', please enter details. Yes No

Does the person making this statement need additional support as a vulnerable or intimidated witness? If 'Yes', please enter details on Form MG2. Yes No

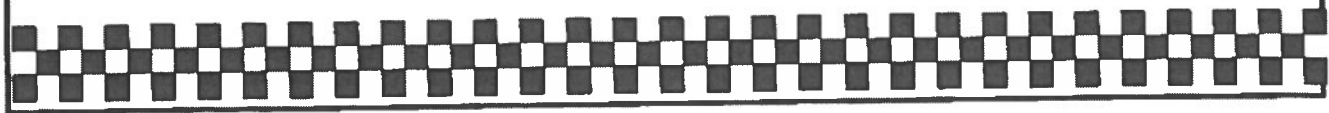
Does the person making this statement give their consent to it being disclosed for the purposes of civil proceedings (eg child care proceedings)? Yes No

Statement taken by (print name): SELF

Station: Immigration Enforcement .

Time and place statement taken:

Signature of witness:



OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Created at geolocation	Easting	416391
	Northing	160081
Creation date	20-09-2019 18:20:01	
Power of Entry		
Entry gained	Yes	
Time of entry	18:19	
Are you the officer who gained entry?	No	
Name of officer who gained entry	- Officer	
Power of entry used	Section 179 Licensing Act 2003	
Subject Declaration		
I confirm that I give consent for Immigration Enforcement to enter the premises. My rights have been explained to me and I understand that I may withdraw the consent.		
Subject has refused to provide a signature		
Notice to Occupier		
Are you the officer that served the Notice to Occupier?	No	
Notes		
No notes entered.		

Encounter		
Details		
Type of work	Visit	
Visit reference	EV24-31,931	
Created by		
Prontold		
Time	18:27	
Created at geolocation	Easting	416410
	Northing	160119
Creation date	20-09-2019 18:27:38	
Chosen Identity		
Identity source/type	Biographic	
Name		

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

DOB	
Gender	Male
Nationality	
Languages	
Languages spoken	None specified
Interpreter used?	No
Encounter	
Type of encounter	Subject
Encountering officer	Officer
Declared immigration status	
How and when did the subject last enter the UK?	
Is this person the subject of the visit?	Yes
Where in the premises was the subject located?	Kitchen
Do you know the subject's CID Person ID?	No
Details of vulnerabilities/ safeguarding issues	
Section 55 issues?	No
Referral to social services?	No
Referral to NRM (National Referral Mechanism)?	No
Duty to Notify/MS1 referral made?	No
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	Systems checked Result of checks Status returned by system checks

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Identity Documentation	
Document 1	Document type National passport Name in document (if different from above) Document reference Document expiry date Country of issue (if different from nationality above) Suspected fraudulent Notes Photos
Notes	
No notes entered.	

Additional Address	
Details	
Type of work	Visit
Visit reference	EV24-31,931
Created by	
Created at geolocation	Easting 416124 Northing 160086
Creation date	20-09-2019 19:13:08
Address Details	
Address	Address type Residential Address line 1 Address line 2 Town or city County Postcode
Address checks completed?	Yes
Justification for additional address	Home address of arrested subjects who state their passports are at location
Authorised by	

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Police reference	
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Entry to Premises

Details

Type of work	Visit
Visit reference	EV24-31,931
Created by	
Address	(New Address)
Created at geolocation	Easting 416114 Northing 160082
Creation date	20-09-2019 19:17:33

Power of Entry

Entry gained	Yes
Time of entry	19:17
Are you the officer who gained entry?	No
Name of officer who gained entry	- Officer
Power of entry used	Para 25A Schedule 2 Immigration Act 1971

Subject Declaration

I confirm that I give consent for Immigration Enforcement to enter the premises. My rights have been explained to me and I understand that I may withdraw the consent.
Subject has refused to provide a signature

Notice to Occupier

Are you the officer that served the Notice to Occupier?	No
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Notes

No notes entered.

Management Checks Complete

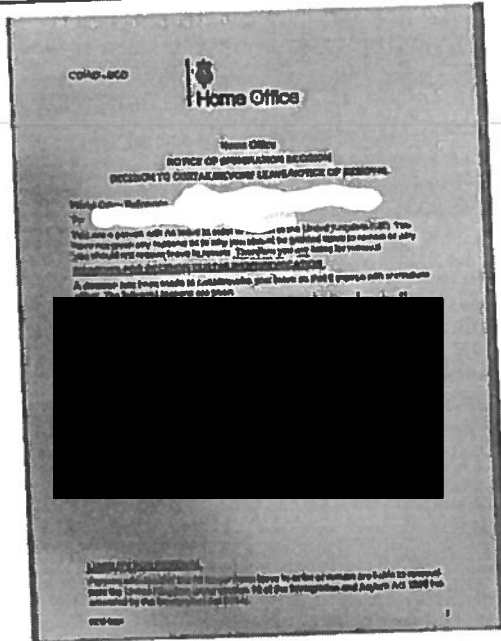
Date management checks complete	13-10-2019 12:15:13
Reviewer(s)	

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

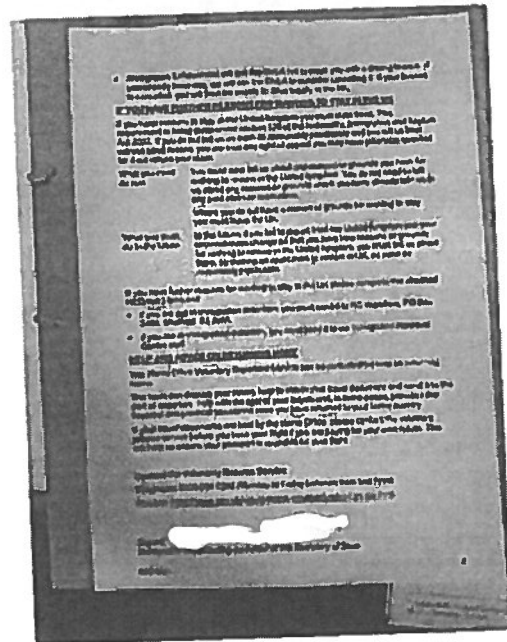
Documents Served	
Details	
Type of work	Visit
Visit reference	EV24-31,931
Created by	
Address	Tale Of Spice, 9 North Street, Pewsey, Wiltshire, SN9 5ES (Visit Address)
ProntoID	
Subject CID Person ID	Unknown
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Created at geolocation	No geolocation available
Creation date	20-09-2019 21:30:07
Document Served	
Document type	Person
Document served to	Subject
Time document served	21:31
Document issued by	- Officer
Document served	

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Photos



red1 page 1



red1 page 2

Comments

Documents Served

Details

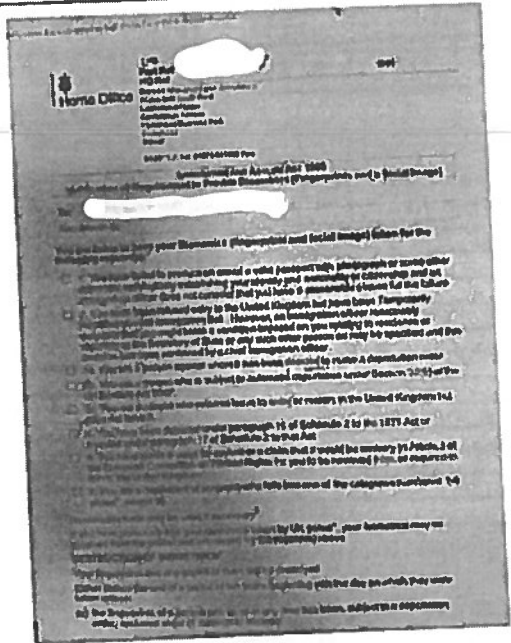
Type of work	Visit
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OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

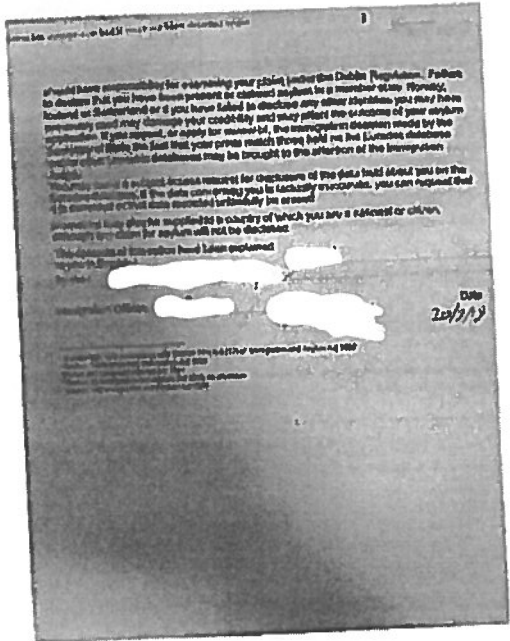
Visit reference	EV24-31,931
Created by	
Address	Tale Of Spice, 9 North Street, Pewsey, Wiltshire, SN9 5ES (Visit Address)
ProntolD	
Subject CID Person ID	Unknown
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Created at geolocation	No geolocation available
Creation date	20-09-2019 21:32:54
Document Served	
Document type	Person
Document served to	Subject
Time document served	21:33
Document issued by	- Officer
Document served	IS86

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Photos



is86 page 1



is86 page 2

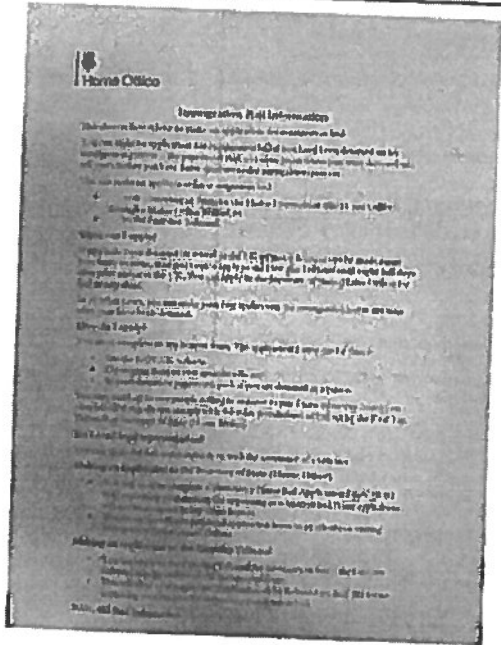
Comments

Documents Served

Details

Type of work Visit

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Visit reference	EV24-31,931
Created by	
Address	Tale Of Spice, 9 North Street, Pewsey, Wiltshire, SN9 5ES (Visit Address)
Prontold	
Subject CID Person ID	Unknown
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Created at geolocation	No geolocation available
Creation date	20-09-2019 21:34:24
Document Served	
Document type	Person
Document served to	Subject
Time document served	21:34
Document issued by	- Officer
Document served	Other
Photos	
Comments	ball information
Management Checks Complete	
Date management checks complete	13-10-2019 12:09:37

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Reviewer(s)	
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Documents Served

Details

Type of work	Visit
Visit reference	EV24-31,931
Created by	
Address	Tale Of Spice, 9 North Street, Pewsey, Wiltshire, SN9 5ES (Visit Address)
ProntID	
Subject CID Person ID	Unknown
Subject name	
Subject DOB	
Subject nationality	
Subject gender	Male
Created at geolocation	No geolocation available
Creation date	20-09-2019 21:35:57

Document Served

Document type	Person
Document served to	Subject
Time document served	21:36
Document issued by	- Officer
Document served	IS91R

OFFICIAL SENSITIVE
Visit Report: EV24-31,931 Enforcement 20/9/2019

Photos

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