



Home Office

## **Premises Licence Review**

Koloshi Indian Bar and Restaurant

London Road

Charlton Kings

Cheltenham

GL54 4HG

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## Case Summary

On 01 April 2023, the Wales & West of England ICE (Immigration Compliance and Enforcement) Team (Cardiff) visited Koloshi Indian Bar and Restaurant, London Road, Charlton Kings, Cheltenham, GL54 4HG after intelligence was received that the owners of the business were employing at least three illegal workers.

Entry was gained to the premises at 18:54hrs by the execution of a Paragraph 17(2) Schedule 2 Immigration Act 1971 Warrant.

Officers encountered approximately twelve employees in total, six of whom were immigration offenders.

A referral was made to the Civil Penalty Compliance Team in relation to the illegal working.

On 04 August 2023, a civil penalty of £90,000 was issued to Koloshi Gold (GB) Ltd for the employment of six individuals with no right to work in the United Kingdom. The business has until 04 September 2023 to appeal the decision.

## Licensed Premises History

Mr Muhammed Azad Hussain has held the premises license since 2017.

The company registration number for Koloshi Gold (GB) Ltd is 10734869. Companies House show that it was incorporated on 21 April 2017, is currently active and Mr Muhammad Azad Hussain was appointed director on 2 October 2019.

An illegal working interview with Mr Muhammad Azad Hussain is exhibited as '**Exhibit EMPLOYER01042023**' in Appendix A of this review pack.

## Enforcement Visit dated: 01 April 2023

Entry was gained to the premises at 18:54hrs. Upon entering, Immigration Officers encountered the following individuals:

[REDACTED]

Officers entered the front door to Koloshi Indian restaurant noted two individuals who were stood at the front of house greeting customers.

One of these individuals was [REDACTED]. He was wearing a waiter's uniform, which consisted of a black shirt and trousers. Upon seeing officers, [REDACTED] on instantly appeared nervous. He tried to turn away from officers and then walk away. Officers asked [REDACTED] to remain where he was several times as he tried to walk towards the front door and customer area. His behaviour become more nervous. [REDACTED] began raising his voice bringing attention to himself by saying "I am not a criminal", he did not allow officers to explain the reasons why they were present.

During initial questioning [REDACTED] stated that he had worked at the premises for the past year as a waiter and that Mr Mohammad Azad Hussain was his employer and pays him cash.

[REDACTED] stated that he came to the UK as a visitor. He was also aware he had no right to work in the UK.

His employer confirmed during an interview that [REDACTED] had worked there for 6 months, gets paid £300 a week in cash and does not have an NI number. His employer did not see any documents prior to commencing employment.

A record of the interview with [REDACTED] is exhibited as '**Exhibit MK01042023**' in Appendix A of this review pack.

[REDACTED]

A sweep was conducted of the customer seating area. [REDACTED] was located in the customer area sitting at a customer table pretending to be a customer. He was in full waiter uniform. He was using a spoon to eat what looked like ice water.

During his interview he fully admitted to illegally working at the restaurant.

[REDACTED] stated during questioning that he had worked at the business premises since May 2022. He said he was a waiter and works every Thursday, Friday, and Saturday and works from 5pm until close on those days.

He is paid in food and money about £250 to £350 and has to pay for his accommodation out of it. He does not pay any income tax or National Insurance. He is employed by Mr Azad Mohammed Hussain. He said he did not show any right to work documents before being offered the job. He also said that Mr Azad Mohammed Hussain knows that he is not allowed to work in the UK.

[REDACTED] arrived in the UK on 20 December 2018 on a Visit visa valid until 01 March 2019. He overstayed his visa and is in the UK illegally and has no right work. Following the enforcement visit to Koloshi Indian restaurant on 01 April 2023 [REDACTED] sought leave to remain on 08 April 2023.

A record of the interview with [REDACTED] is exhibited as 'Exhibit SH01042023' in Appendix A of this review pack.

[REDACTED]

[REDACTED] was observed sitting down at a table, attempting to pass himself off as a customer.

[REDACTED] stated during questioning that he had worked at the business premises 8 or 9 months as a waiter, working 3 or 4 days week, 4.5hrs a day. He said he was employed by "Azad" and is paid £50 to £80 per week, with free food and free accommodation. He does not pay any income tax or National Insurance.

He said he did not show any right to work documents before being offered the job. He also said that Mr Azad Mohammed Hussain knows that he is not allowed to work in the UK. His employer was interviewed and confirmed that he did not get any documents [REDACTED] employing .

A visit visa was issued to [REDACTED] 021. He overstayed his visa and is in the UK illegally and has no right to work. Following the enforcement visit to Koloshi Indian restaurant on 01 April 2023, [REDACTED] to remain on 25 April 2023.

A record of the interview with [REDACTED] is exhibited as 'Exhibit NH01042023' in Appendix A of this review pack.

[REDACTED]

[REDACTED] was encountered working in the kitchen. Upon entry he moved away from officers.

During questioning [REDACTED] said that he was a chef and had been working at the restaurant for three years, working 6 days a week, from 11:30 to 14:00 then 17:00 - 22:00. With Mondays off. He said he is paid by "The boss Azad," £400 cash in hand a month with free food. He does not pay any income tax or National Insurance. He also said he lives at the premises.

When asked who gave him the job [REDACTED] said, "The guy who brought me here." When asked who the 'guy' was and whether he worked at the restaurant, [REDACTED] said "No he does not, I don't know anything about him."

The employer was interviewed, he confirmed that he did not check any documents for [REDACTED] and knew that he was not allowed to work.

[REDACTED] was granted a visit visa on 05 July 2019 valid until 05 January 2020. He overstayed his visa and is in the UK illegally and has no right work. Following the enforcement visit to Koloshi Indian restaurant on 01 April 2023, [REDACTED] sought leave to remain on 11 April 2023.

A record of the interview with [REDACTED] is exhibited as 'Exhibit SWH01042023' in Appendix A of this review pack.

[REDACTED]

[REDACTED] was encountered in the kitchen. During questioning he admitted to working as a chef at the premises.

[REDACTED] stated during questioning that he started working at the restaurant over a year ago but could not remember the date. He said he was a Chef and worked Thursday, Friday and Saturday. He said he worked from 5pm until closing. He stated that he was employed by "Mr Azad Hussain" and is paid £220 in cash per week. He does not pay any income tax or National Insurance.

He said he did not show any right to work documents before being offered the job. He said that he did not know if Mr Azad Mohammed Hussain knew that he is not allowed to work in the UK. His employer confirmed that he did not check any documents and knew he had no right to work.

[REDACTED] is an overstayer. He was granted a visit visa on 26 February 2019 valid until 26 August 2019. He claimed sought leave to remain in 2019 and then absconded, the claim was withdrawn for non-compliance. [REDACTED] is in the UK illegally and has no right to work.

On 23 July 2019 he was served with RED.0001 (notice to someone subject to removal) for breach of employment restrictions.

A record of the interview with [REDACTED] is exhibited as 'Exhibit AHM01042023' in Appendix A of this review pack.

[REDACTED]

[REDACTED] was seen in the kitchen working, packing takeaways.

[REDACTED] stated during questioning that he had worked at the business premises for two years, working 6 days a week, 8 hours a day with Monday's off. He said he was given the job by "Azad the owner," and is paid £800 per month cash, and free accommodation.

He said he did not show any right to work documents before being offered the job. He also said that he was not sure if Mr Azad Mohammed Hussain knew that he is not allowed to work in the UK. His employer was interviewed and confirmed that he did not check any documents and now knows [REDACTED] does not have the right to work.

[REDACTED] was granted a visit visa on 19 November 2019 valid until 23 June 2020. He overstayed his visa and is in the UK illegally and has no right to work.

Following the enforcement visit to Koloshi Indian restaurant on 01 April 2023 Abu Hossain sought leave to remain on 18 April 2023.

A record of the interview with [REDACTED] is exhibited as 'Exhibit AH01042023' in Appendix A of this review pack.

## Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

There were six illegal workers encountered at the premises. In this case, Muhammad Azad Hussain was fully compliant with answering Immigration Officers questions. He admitted to all 6 offenders working at the premises.

Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises, yet it is a straightforward process for an employer to ascertain what documents they should check before a person can 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.

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; therefore, Immigration Enforcement has proceeded straight to review.



## Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be considered and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

The license holder would have been aware of his responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

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 revocation/suspension of their premises licence. On 04 August 2023, a civil penalty of £90,000 was issued to Koloshi Gold (GB) Ltd for the employment of six individuals with no right to work in the United Kingdom. The business has until 04 September 2023 to appeal the decision.

Immigration Enforcement has submitted that the license holder chose to accept the assurances of the employees on face value, rather than complete the necessary right to work checks that is incumbent of all employers. Conducting these checks is a simple task and should be part of their business-as-usual practices. Guidance is available online and the Home Office have published "[Right to work checks: an employer's guide](#)" which can be found on the Gov website. Additional information on how to conduct these checks is readily available online, this includes the Home Office's official YouTube page which gives a step-by-step video on how to conduct the checks. The information is readily available; however, the license holder has deliberately overlooked the rules and laws in place to prevent crime and disorder.

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

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

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.

This submission and appended documents provide the licensing subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.

## Appendix A – Supporting Documents

- Illegal Working Interview Employer - MUHAMMAD AZAD HUSSAIN – Exhibit EMPLOYER01042023
- Illegal Working Interview [REDACTED] – Exhibit MK01042023
- Illegal Working Interview [REDACTED] – Exhibit SH01042023
- Illegal Working Interview [REDACTED] – Exhibit NH01042023
- Illegal Working Interview [REDACTED] – Exhibit SWH01042023
- Illegal Working Interview [REDACTED] – Exhibit AHM01042023
- Illegal Working Interview [REDACTED] – Exhibit AH01042023

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