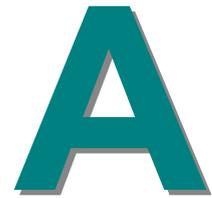




HILLINGDON
LONDON



NOTICE OF HEARING

Licensing Sub-Committee

Date: MONDAY, 4 FEBRUARY 2019

Time: 10.00 AM

Venue: COMMITTEE ROOM 6 - CIVIC CENTRE, HIGH STREET, UXBRIDGE

Meeting Details: Members of the Public and Media are welcome to attend. This meeting may also be broadcast live.

If this is a public hearing, the agenda is available online at www.hillingdon.gov.uk or you can use a smart phone camera and scan the code below:



Councillors on the Sub-Committee:

Roy Chamdal (Chairman)

Simon Arnold

Janet Gardner

IMPORTANT INFORMATION

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

Wednesday 30 January 2019

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

Published: Friday, 18 January 2019

Contact: Neil Fraser

Tel: 01895 250692

Email: democratic@hillington.gov.uk

Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

Useful information for residents and visitors

Watching & recording this meeting (if a public meeting only)

If this meeting is to be held in Public (Part 1) you can watch it on the Council's YouTube channel, live or archived after the meeting. Residents and the media are also welcome to attend in person, and if they wish, report on the public part of the meeting. Any individual or organisation may record or film proceedings as long as it does not disrupt proceedings.

It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist.

When present in the room, silent mode should be enabled for all mobile devices.

Travel and parking

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away. Limited parking is available at the Civic Centre. For details on availability and how to book parking space, please contact Democratic Services. Please enter from the Council's main reception where you will be directed to the Committee Room.

Accessibility

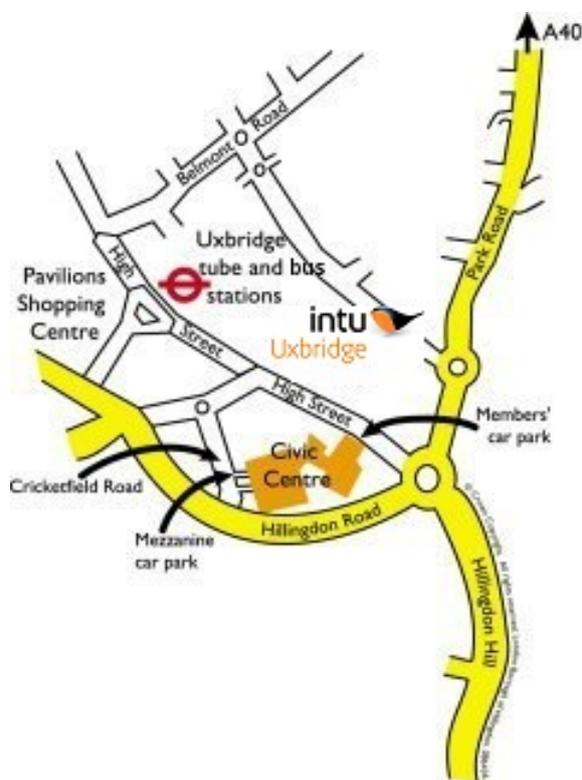
For accessibility options regarding this agenda please contact Democratic Services. For those hard of hearing an Induction Loop System is available for use.

Emergency procedures

If there is a FIRE, you will hear a continuous alarm EXIT and assemble on the Civic Centre forecourt. Fire Marshal or Security Officer. In the event of a SECURITY INCIDENT, follow instructions issued via the tannoy, a Fire Marshal or a Security Officer. Those unable to evacuate using the stairs, should make their way to the signed refuge locations.

Watch a **LIVE** broadcast of this meeting on the Council's YouTube Channel: *Hillingdon London*

Those attending should be aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.



Agenda

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part I will be considered in Public and items marked Part II will be considered in Private
- 4 Matters that have been notified in advance or urgent

Part I - Members, Public and Press

	Title of Report / Address of application	Ward	Time	Page
5	Review of a Premises Licence: Roc Cottage, Swakeleys Road, Ickenham, UB10 8DG	Ickenham	10:00AM (Briefing 9:40AM)	3 - 62

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Order of proceedings – review under the Licensing Act 2003

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors, explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing.

**Introduction by the Council's
Regulatory Services /
Licensing Officer**

The licensing officer will introduce the report and will outline impartially the matter before the sub-committee, giving any relevant background information.

**The Applicant for the
Review**

The Chairman calls on the Applicant to present their case giving factual information about their grounds for the review application, and calls any supporters or witnesses.

**Responsible Authorities
and/or Other Parties**

Responsible Authorities who have submitted relevant representations will be invited to address the Sub-Committee. Thereafter Other Parties (e.g. Residents, Ward Councillors) who have submitted relevant representations will be invited to address the Sub-Committee

The Licence Holder

The Licence/Certificate Holder presents their case and calls any supporters or witnesses.

DISCUSSION LED BY THE SUB-COMMITTEE

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee

**Closing remarks from
each party**

The Licence Holder makes brief closing remarks on the application under question, followed by Responsible Authorities and Other Parties. The Applicant(s) makes the final closing remarks.

**Sub-committee
deliberates**

The sub-committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and Clerk to the Committee remaining. All other present will be asked to leave the room. If the meeting is being broadcast, any filming will be stopped for this part.

**Chairman announces the
decision**

Parties may return to the room when asked and the Chairman announces the decision. The Chairman reminds the Licence/Certificate Holder that the decision will be sent to them in writing. There can be no further questions or statements.

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Application for a Review of a Premises Licence : Roc Cottage

Committee	Licensing Sub-Committee
Officer Contact	Steven Dormer, Licensing Officer
Papers with report	Appendix 1 - Review Application Appendix 2 - Responsible Authority Representation Appendix 3 - Ward Councillor Representation Appendix 4 - Copy of the Premises Licence Appendix 5 - Map of the area plus photos
Ward name	Ickenham

1.0 SUMMARY

To determine an application for a review of a Premises Licence in respect of Roc Cottage, Swakeleys Road, Ickenham, UB10 8DG. The application to review the licence has been submitted by Metropolitan Police. This follows enforcement action being taken by Immigration Officers. **Appendix 1**

2.0 RECOMMENDATION

1. That the Licensing Sub-Committee revokes the Premises Licence.

3.0 INFORMATION

3.1 On the 21st September 2018, officers acting on intelligence visited Roc Cottage, Swakeleys Road, Ickenham. Eight members of staff were found to be working during the visit. Five members of staff working did not have the legal right to work or to remain in the United Kingdom. Mr Wang, current Director of Licence Holder Company, HNQ Brothers Ltd, was present and questioned by Immigration Officers. Mr Wang answered questions regarding the employment of illegal workers.

3.2 On the 9th November 2018 a second compliance visit was carried out by Immigration Officers. On this occasion one member of staff was arrested and questioned for immigration related offences. Two members of staff who were arrested on the previous visit were also found working at the premises. Another worker previously arrested was also at the premises.

4.0 CONSULTATION

4.1 As required by legislation, a legal notice of the review was displayed at the premises. A copy of the legal notice was also displayed at the Civic Centre and was placed on Hillingdon Council's website.

4.2 Closing date for representations

10th January 2019

5.0 REPRESENTATIONS

5.1

Responsible Authority	Ground for Representation	Appendix Number
Stephanie Waterford - Licensing Authority	Crime and Disorder	Appendix 2

5.2 The Licensing Authority detail shortcomings of the management of the premises. On two separate occasions, the management committed the same offence of employing illegal workers. The representation further highlights failings to properly complete an application to transfer the licence and vary the Designated Premises Supervisor.

The representation from the licensing authority echoes the concerns from the Metropolitan Police and supports the recommendation to revoke the premises licence.

5.2

Other Persons	Ground for Representation	Appendix Number
Cllr John Hensley Ward Councillor, Ickenham	Crime and Disorder	Appendix 3

6.0 BACKGROUND INFORMATION

6.1 Current Licence held

Records show that the premises has been licensed under the Licensing Act 2003 since November 2005. In December 2018 HNQ Brothers Ltd, 37 Swakeleys Road, Ickenham became the premises licence holder through a transfer application.
Appendix 4

6.2 Current Designated Premises Supervisor

In December 2018 Mr Quan Xiao became the Designated Premises Supervisor.

6.3 Description of the Premises

The premises are located in the main commerce area of Ickenham. Swakeleys Road features a mixture of small shops and local services. Roc Cottage operates as a restaurant, serving oriental style cuisine. Patrons can also purchase take away food and alcoholic drinks. The premises offers patrons a delivery service via online services.

6.4 Other licensed premises nearby

Name of premises	Alcohol	Regulated Entertainment	Late night Refreshment	Opening Hours
Ickenham Village Hall, Swakeleys Road		✓		09:00 - 00:00 Monday to Sunday
Co Op, 17 Swakeleys Road, Ickenham	✓	✓		06:00 - 23:00 Monday to Sunday
Birothi Restaurant, 47 Swakeleys Road, Ickenham	✓	✓	✓	Not restricted

6.5 Map and Photos of the outside of the premises

See Appendix 5

6.6 Licensable Activities currently authorised

<u>Activity</u>		<u>Permitted</u>
Sale of Alcohol:	Consumption <u>on and off</u> the premises	✓
Recorded Music	Indoors only	✓
Late Night Refreshment	Indoors only	✓

6.7 Licensable Activity and opening hours currently authorised

	Licensable Activities	Opening Hours
Monday	10:00-00:00	Not Restricted
Tuesday	10:00-00:00	Not Restricted
Wednesday	10:00-00:00	Not Restricted
Thursday	10:00-00:00	Not Restricted
Friday	10:00-00:00	Not Restricted
Saturday	10:00-00:00	Not Restricted
Sunday	10:00-23:30	Not Restricted

6.8 Visits made by Local Authority Licensing Officers

On the 14th December 2018, review papers were served at the premises. During the time of the visit no breaches of licence conditions were witnessed. However, at the time of the visit the Licence Holder and Designated Premises Supervisor named on the licence was no longer involved in the business.

7.0 OFFICER'S OBSERVATIONS

7.1 On two visits to Roc Cottage by immigration officers, six individuals were detected working without the right to work in the UK. On the second visit by Immigration Officers, further immigration related offences were witnessed. Two civil penalty notices were served on the management of the premises for employing illegal workers.

8.0 RELEVANT SECTIONS of the S182 GUIDANCE and LICENSING POLICY

8.1 S182 guidance

Paragraph 2.6 *The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises*

Paragraph 11.2 *At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.*

Paragraph 11.19 *Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

Paragraph 11.23 *Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an*

appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. **But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.**

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

- for employing a person who is disqualified from that work by reason of their immigration status in the UK;

Paragraph 11.28 It is envisaged that licensing authorities, the police 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.

Paragraph 13.10 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

9.2 Relevant Sections of the Hillingdon Licensing Policy

The Committee's attention is drawn to the following, particularly relevant sections of the Hillingdon Licensing Policy:

- 7.8 Following the grant of a premises licence, the Metropolitan Police Service, Elected Members and/or interested parties such as local residents and Ward Councillors can apply to the Licensing Authority for a review of the licence if they consider that the Prevention of Crime and Disorder objective has not been met and are relevant.
- 19.1 At any stage following the grant of a premises licence or a club premises certificate, an application for a review application can be submitted to the Licensing Authority by a Responsible Authority, any Elected Member or an Interested Party in connection with any of the four licensing objectives.

10.0 LEGAL COMMENTS

10.1 Following receipt of a review application, the Licensing Authority must hold a hearing to consider it and any relevant representations. At the hearing, the Sub-committee must, having regard to the application and any relevant representations, take such of the steps following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- modify the conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months; and/or
- revoke the licence

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

10.3 The Sub-Committee must also have regard to the London Borough of Hillingdon's Statement of Licensing and the Secretary of State's Guidance issued under the Licensing Act 2003 when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive, but are not binding on the Licensing Sub-Committee. The Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy and or Guidance if it considers there are clear and justifiable reasons to do so. Full reasons must be given if this is the case.

10.4 The Sub-Committee can only consider matters within the application or that have been raised through relevant representations from and each application will be decided on a case to case basis.

10.5 The Sub-Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In deciding what remedial action, if any, it should take the Sub-Committee must direct its mind to the causes or concerns which the application and representations identify. The remedial action should generally be directed at these causes or concerns and should always ensure that any response is necessary and proportionate.

10.6 Members are referred to the Secretary of State's Guidance on conditions, specifically paragraph 1.16 and chapter 10 which state that licensing conditions should be practical and enforceable, tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions will not be necessary if they duplicate a current statutory requirement. Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

10.7 The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

- 10.8 Where the Sub-Committee determines an application for review it must provide written notice and reasons for its decision.
- 10.9 The licence holder, applicant for review or any party that made relevant representations have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified in writing by the Licensing Authority of its decision.

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

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Pc Butler 845XH on behalf of the Metropolitan Police Service

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Roc Cottage, 37 Swakeleys Road, Ickenham.	
Post town Ickenham	Post code (if known) UB10 8DG

Name of premises licence holder or club holding club premises certificate (if known) Yiu Fong WAN

Number of premises licence or club premises certificate (if known) 110/05

Part 2 - Applicant details

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Metropolitan Police Service PC Butler 2845XH Uxbridge Police Station 1 Warwick Place Uxbridge UB8 1PG
Telephone number (if any) 020 8246 1933
E-mail address (optional) Licensing – XH@met.pnn.police.uk

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

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

Please tick one or more boxes ✓

- ✓
-
-
-

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

The Metropolitan Police are bringing a review of this premise licence as the Crime Prevention licensing objective, prevention of crime and disorder is being seriously undermined.

The details on which the review is to be made are as follows:

Immigration Visit of 21st September 2018

On the 21st of September 2018 at about 18:55 Officers from the Immigration Compliance and Enforcement Team (ICE), on an intelligence led operation where it was alleged the business was employing illegal workers, entered a Chinese restaurant called ROC COTTAGE, 37 Swakleys Road, Ickenham UB10 8DG. Once entry was gained Immigration Officers detained all the occupants while the initial investigation was instigated.

The premises is a medium sized restaurant over one level with kitchens to the rear of the property and staff accommodation above which is accessed via an internal door on the main road to the left of the front of the property.

On entry the ICE Team found 8 members of staff working on the premises, preparing and cooking food. One member identified herself as the person in charge of the restaurant and was subsequently cleared as a resident in the UK and entitled to work. The remaining 7 staff were spoken to by officers of whom 5 were found to be illegally present in the UK with no right to work. All 5 subjects were arrested as persons liable to be removed. All the arrested subjects stated that they lived in rooms above the premises.

During the visit, the owner Mr. Zehao WANG attended the premises and an employer interview was conducted with him where he stated that he did not employ staff and did not have any records of what staff were employed, stating that that was all done by his partner Quan XIAO who was not present at the time of the visit. When questioned about the status of his staff, he did not know if they had ever produced any documentation to prove their status in the country and stated that the previous owner and his partner were responsible for that side of the business.

Immigration visit of 9th November 2018

On the 9th of November 2018 a second compliance visit was conducted at Roc Cottage where officers from the Immigration Compliance and Enforcement Team entered and detained occupants within. There were a number of individuals detained. One member of staff was found working in the kitchen and subsequent checks revealed that they had an outstanding asylum application which did not entitle them to work in the UK. Another worker was found previously working in the kitchen of ROC COTTAGE on the Home Office visit dated 21st of September where he was arrested for being an overstayer. The manager, Mr. Zehao WANG was present on this second visit and stated that the staff detained were only preparing meals for themselves as there was no kitchen facilities upstairs.

Status of the Premises Licence Holder and DPS

Enquiries have revealed that from the start of August 2018, on numerous occasions over a period of weeks the London Borough of Hillingdon Licensing Service contacted ROC COTTAGE and spoke to various members of staff requesting a transfer and DPS variation. On the 12 September 2018 The London Borough of Hillingdon Licensing Service managed to speak to the manager, Quan Xiao who insisted it had been transferred as the previous licence holder and DPS had returned to Hong Kong in 2015. It was explained that no applications had been received and as a matter of urgency he should submit a Transfer and Vary DPS application as soon as possible.

As The London Borough of Hillingdon Licensing Service did not receive the applications a warning letter was sent on 26 September to the premises addressed to Quan Xiao. An application to transfer was submitted on 2 October but without consent from the existing licence holder Yiu Fong Wan. The London Borough of Hillingdon Licensing Service spoke to the applicant regarding consent and he explained he was not in contact with Yiu Fong Wan, so it was impossible to obtain consent. It was then explained that the Licensing Act makes provision for situations where the consent of the existing Licence Holder to a transfer cannot be obtained, stating that where the Applicant has taken all “reasonable steps” to obtain that consent but cannot actually obtain it then he or she must be exempted from the requirement to get that consent and the transfer can be processed accordingly. A request was also made for proof of interest of the applicant in the property (e.g. a lease) but so far this has not been forthcoming.

It has come to the attention that the current Licensee and Designated Premises Supervisor Yiu Fong Wan is no longer involved in the business and apparently returned to Hong Kong some time ago

The Premises Licence Holder and DPS remain unchanged on the licence.

Conclusion

Not even the most basic checks of proof of ID or right to work in the UK have been considered. A basic passport check would have revealed whether or not the detained individuals were British citizens, or had the right of abode in the United Kingdom. This was not done. Mr Zehao WANG stated that he had no responsibility in the hiring of his staff. As a manager or owner it is an employer’s responsibility to protect the health, safety and welfare of their employees and other people who might be affected by their business. Employers must do whatever reasonably practicable to achieve this and conduct the most basic checks. There is no excuse in the first instance and then to knowingly allow an individual to continue to work on the same premises Mr. Zehao WANG and Quen XIAO demonstrate a total disregard for the law. Furthermore, there has been no attempt to resolve the outstanding issues concerning the current premises licence holder and DPS named on the licence.

I exhibit the following evidence which relates to the 2 separate occasions where the Immigration Compliance and Enforcement Team attended the Roc Cottage.

DAB/01 Compliance visit bundle dated 21/09/2018 incorporating individual officer statements, and illegal working documentation.

DAB/02 Compliance visit bundle dated 09/11/2018 incorporating individual officer statements, and illegal working documentation.

The Police Licensing Team would like to see a Revocation of the premises licence for this venue in line with the Licensing Objectives and in particular, prevention of crime and disorder.

Please tick yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

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

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature PC 2845XH (WA) DANE BUTLER

Date **11th December 2018**
.....

Capacity **Police Officer**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

OFFICIAL – SENSITIVE

 NOD Reference

 Method of Entry

 Entry Forced

 Referral Notice Served

 Date Issued

 No Action Notice served

 Issued By
Debrief

Roc Cottage 37 Swakelays Road Ickenham was visited by West London Ice Arrest Team 21/09/18. Entry was gained under Section 179 of Licensing Act 2003.

The premises is a medium size restaurant over one level with kitchens to the rear of the property and staff accommodation above which is accessed via an external door on the main road to the left of the front of the property. There is a car park to the rear of the property leading to the rear entrance into the kitchens and storage area. The car park is accessed from the main road via a service road between the restaurant and Corals bookmakers.

On entry 8 staff were encountered working on the premises, a female claiming to be the person in charge was served with Notice to Occupier and Section 179 information letter explained in English which she confirmed she understood. The lady was cleared as resident in the UK with right to work.

The remaining 7 staff were spoken to by officers of which 5 were found to be illegally present in the UK with no right to work, all 5 were arrested as persons liable to be removed. All the arrested subjects lived in rooms above the restaurant and Paragraph 28A searches were conducted to obtain the passports for those arrested to assist with their removal from the UK.

While the staff were being interviewed an Asian male entered the restaurant wearing a red baseball cap, when he saw officers he turned and left the property, this male was confirmed by the lady in charge as the delivery driver for the restaurant. An officer went to look for the male but he was nowhere to be found, the lady in charge called him to return but he did not.

The remaining 2 staff on the premises were cleared as having valid leave to remain in the UK as students as there was no evidence to suggest/confirm that they were breaching their limited working hours allowed under their conditions.

During the visit, the owner Mr Zehao WANG 04/12/84 attended the premises and an employer interview was conducted with him where he stated that he did not employ staff and did not have any records of what staff were employed, stating that was all done by his partner QUAN XIAO 18/09/85 who was not present at the time of the visit.

All 5 arrested subjects were detained pending removal from the UK.

Added by: Jonathan Burton

Added on: 22/09/2018 12:28:42





Immigration
Enforcement

Referral Notice

Illegal Working Civil Penalty

Employer name:

HNG BROTHERS LTD

Employer registered address:

37 SWAKELEY ROAD

ICKENHAM

UB10 8DG

This is an important notice. Please do not ignore it. Your case will be referred for consideration of your liability for a civil penalty.

This Referral Notice is issued in respect of (a) suspected breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Business type: Sole Trader/Limited Company

Franchise/Other.....

Tasking Reference: TS21EYS 1452

Notice given date: 21/09/2018

VAT No:

Company number: NK

Director(s)/Owner(s):

QIAN XIAO + ZHAO WANG

Issued to: ZHAO WANG

Position: OWNER.

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on 21/09/2018 at the following business address:

Roc Cottage 37 Swakeley Road, Ickenham

UB10 8DG

Who we suspect of working illegally

Names of suspected illegal workers	Nationality	DOB	Reason
1	CHN		No right to work/Working in breach
2	CHN		No right to work/Working in breach
3	CHN		No right to work/Working in breach
4	CHN		No right to work/Working in breach
5	CHN		No right to work/Working in breach
6			No right to work/Working in breach
7			No right to work/Working in breach
8			No right to work/Working in breach

Reason for referral

Your case will be referred to the Home Office's Civil Penalty Compliance Team which will consider your liability for a civil penalty for employing the identified suspected illegal worker(s). It is illegal to employ an adult subject to immigration control if he has not been granted leave to enter or remain in the UK or his leave to enter or remain is invalid or has ceased to have effect, or he is subject to a condition preventing him from accepting the employment in question.

What this means

The Civil Penalty Compliance Team will consider whether you are liable for a civil penalty, and if so your penalty level.

- A **Civil Penalty Notice** will be issued if you are found liable. This Notice will require you to pay a penalty for a specified amount by a specified due date.
- A **Warning Notice** may be issued if you meet the mitigating criteria set out in our **Code of practice** on preventing illegal working which is on www.GOV.UK.
- A **No Action Notice** will be issued if you are not liable for a civil penalty. This Notice will inform you that no civil penalty action will be taken against you on this occasion, and that your case has been closed.

<p>What happens next</p>	<p>You will receive an Information Request which requires you to provide information and evidence. You will be asked to confirm your business details and provide documentary evidence to demonstrate that you carried out the required right to work checks on the workers named in this Referral Notice. You will also be asked to provide the unique Home Office reference number you received if you reported your suspicions about these people working illegally to us. It is important that you respond to this request accurately, in full and before the deadline given in the Information Request, as this evidence will inform our decision in your case. You should respond to this request using the Response Form you will receive from us. If you actively co-operate with us in our investigations, any penalty for which you may be liable may be reduced.</p>
<p>What factors do we consider</p>	<p>We will consider the following factors when looking at your case:</p> <ol style="list-style-type: none"> 1. Are you liable for a civil penalty? You will have established an excuse against liability and will not be served with a civil penalty if you have correctly carried out document checks as set out in our Code of practice on preventing illegal working. 2. Have you been found to be employing illegal workers within the previous three years? This factor determines your breach level and the civil penalty calculator to be used in determining your penalty amount if you are found liable for employing illegal workers. 3. Have you reported suspected illegal working to us? This mitigating factor is considered when determining your penalty amount. You must have reported your suspicions about the workers in question before any visit by us is made known to you. 4. Have you actively co-operated with us? This mitigating factor is considered when determining your penalty amount. You must have complied accurately and timely with our investigations, and provided us with access to your premises, records and systems. 5. Do you have effective document checking practices in place? This mitigating factor is considered when determining whether you will be issued with a Warning Notice instead of a Civil Penalty Notice. It is only taken into consideration when you have not been found to be employing illegal workers within the previous three years, and where there is mitigating evidence for factors 2 and 3 above. <p>You can find out more about how these factors are considered in calculating your civil penalty in our Code of practice on preventing illegal working which is on www.GOV.UK.</p>
<p>What you do if you receive a penalty</p>	<p>If you receive a Civil Penalty Notice you must either pay the penalty or object within 28 days. If you do not either pay your penalty or object by the due dates, enforcement action will be taken against you to recover the debt through the courts. This may have an adverse impact on your ability to obtain credit in the future and act in the capacity of a director in a company.</p> <p>The Civil Penalty Notice will set out why you are liable to pay a penalty and the amount. It will also set out how you should pay and by when or, if you wish to object, how you should do this and by when.</p>
<p>What amount might you have to pay</p>	<p>The maximum penalty amount you could receive is £20,000 per illegal worker. We will take into account a number of factors which may reduce the amount you are required to pay. These are set out in our Code of practice on preventing illegal working.</p>
<p>If you need more information</p>	<p>You can call our helpline on 0300 123 4699 if you have any questions.</p> <p>You can visit our website on www.GOV.UK to view our Code of practice on preventing illegal working and guidance for employers, including guidance which sets out how we administer illegal working civil penalties.</p> <p>You can use our online employers' toolkit to help you understand your responsibilities and how to carry out the correct right to work checks on your employees.</p>

WITNESS STATEMENT

Appendix 1

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

Statement of John KEANE 9611 URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert '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: 21.09.2018

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

On Friday 21st September I was on duty as part of the West London Arrest Team when, as a result of information received, we made our way to Roc Cottage Chinese Restaurant 37 Swakeleys Road Ickenham UB10 8DG. An allegation had been received stating that illegal workers were present at this premises. At 19.00hrs we entered the premises using powers under Sec179 Licensing Act 2003 and began to question the Staff. I spoke to and cleared a male when the officer in charge asked me to conduct an interview with the Manager of the Restaurant. This was regarding 5 members of staff that had been encountered working illegally. I recorded the interview contemporaneously in my pocketbook on pages 71 to 74. At 19.39 I said to the manager, a man I now know to be Zehao WANG, (Q) ARE YOU HAPPY TO BE INTERVIEWED IN ENGLISG He said (A) YES Q; CAN YOU TELL ME YOUR POSITION HERE A; I AM THE OWNER Q; HOW LONG HAVE YOU BEEN THE OWNER A; FROM END NOVEMBER 2016 – 2015 IS CORRECT Q; WHO HAS RESPONSIBILITY FOR HIRING STAFF A; THE OTHER OWNER Q; I AM GOING TO ASK YOU ABOUT 5 MEMBERS OF STAFF WE HAVE DEALT WITH TODAY A; OK Q; DO YOU KNOW HIM A; HES MY PARTNERS FRIEND (LATER CHANGED TO READ NOT MY PARTNERS FRIEND WHEN WE GOT HERE BUT LATER ON) Q; HOW LONG HAS HE WORKED HERE A; HE WAS WORKING HERE BEFORE WE OWNED THE PREMISES Q; WHAT DOES HE DO HERE A; MAIN CHEF Q; HOW MANY HOURS A WEEK DOES HE WORK A; 2 DAYS OFF 5 DAYS WORK AND 7 HOURS PER DAY Q; WHAT DOES HE GET PAID FOR THAT A; PAID IN CASH I DON'T KNOW HOW MUCH Q; DID HE SHOW ANY DOCUMENTS TO ANYONE WHEN YOU TOOK OVER A; I THINK SO, TO MY PARTNER Q; WHAT DID HE SHOW A; DRIVINH LICENCE I THINK OTHER STUFF Q; DO YOU KNOW WHAT HIS STATUS IS A; I DON'T KNOW Q; WOULD ANYONE HAVE ASKED HIM Q; I DON'T THINK SO, SOMONE ASKED HIM. WHEN WE TOOK OVER THE PREVIOUS BOSS SAID THEY WERE ALL OK. THEY LEFT US 3 STAFF AND WE FIRED ONE AND 2 LEFT Q; DO YOU KNOW A; HE WAS HERE WHEN WE TOOK OVER Q; WHAT DOES HE DO HERE A; WAITER Q; HOW MANY

Signature: [Signature] Signature witnessed by:

Continuation of Statement of Appendix 1.....

DAYS A WEEK A; 5 DAYS A WEEK 7 HOURS A DAY Q; DO YOU KNOW HOW MUCH HE GAETS PAID A; I DON'T KNOW Q; DID HE SHOW ANY DOCUMENTS WHEN HE STARTED HERE A; I DON'T KNOW HE WAS HERE WHEN WE TOOK OVER AND THE LAST OWNER SAID HE WAS OK Q; DO YOU KNOW HER A; NO I DON'T KNOW HER Q; HAVE YOU SEEN HER HERE BEFORE AT ALL A; NO Q; DO YOU KNOW WHO I MEAN WHEN I SAY [redacted] A; NO NORMALLY I DON'T GO TO THE KITCHEN BECAUSE I HAVE ANOTHER BUSINESS MY PARTNER WILL DEAL WITH THE STAFF Q; [redacted] DO YOU KNOW WHO THAT IS A; NO Q; IS IT THE SAME AS BEFORE IN THAT YOUR PARTNER WILL DEAL WITH THE BACK STAFF A; ALL OF THE STAFF. I USED TO WORK HERE AND THE STAFF ARE NEW HERE SINCE I STOPPED WORKING HERE Q; [redacted] DO YOU KNOW THEM A; NO Q; IS IT THE SAME AS PREVIOUS YOUR PARTNER WILL DEAL WITH ALL THE STAFF HERE Q; YES Q; HAVE YOU UNDERSTOOD MY QUESTIONS A; YES. Partners name was then confirmed as Quan XIAO 18/09/1985. At 20.00 I read over the questions and answers to [redacted] and he signed at the conclusion of the inter[redacted] an accurate record. At 20.03 I served and explained a Referral Notice on WA

Signature: Signature witnessed by:

WITNESS STATEMENT

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

Statement of RICHARD WILLIAM SYMSS URN:

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

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

Signature: Date: 22nd September 2018

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

I am an Immigration Officer with the HOME OFFICE based at EATON HOUSE, 581 STAINES ROAD, HOUNSLOW, MIDDLESEX, TW4 5DL. On FRIDAY 21st SEPTEMBER 2018, I was on duty with Immigration Officers from the WEST LONDON ICE TEAM. Officer BURTON was the Officer in Charge of a NOPL Visit (Notice of Potential Liability) to ROC COTTAGE 37 SWAKELEYS ROAD, ICKENHAM UB10 8DG in search of suspected Immigration Offenders (TS21EYS1452/ CAD:1488 of 20/09/18). Entry to the premises was obtained under Section 179 of the Licensing Act 2003. I was tasked to act as exterior cover when at 19:11 hours i was instructed by the OIC to enter the premises. When I entered the premises I saw a number of Asian males and females seated in a safe area at the rear of the premises in order to conduct questioning. I then conducted a RAPISCAN check on a seated female that I now know to be , a Chinese female born on , was wearing a plain black tunic the same as the rest of the staff present. I was subsequently informed that all of the staff present including had been found in the kitchen area. RAPISCAN confirmed identity. I then conducted HOME OFFICE checks that revealed had been issued with a two year multi visit visa issued from 02/08/18 to 02/08/20, the visa did not allow employment in the United Kingdom. I then conducted an interview with using a mandarin interpreter (P0041429) from THE BIG WORD telephone interpreting service recording all questions and answers in my pocket notebook 013461 on pages 18 to 21.

- Q) "WHEN DID YOU ARRIVE IN THE UK?"
- A) "18/08/18"
- Q) "HOW DID YOU TRAVEL TO THE UK?"
- A) "PLANE FROM SHANXI"
- Q) "DID YOU HAVE A VISA TO TRAVEL?"
- A) "YES I HAD A VISA, TOUIST VISA"
- Q) "AIRPORT FLY INTO?"
- A) "HEATHROW"
- Q) "SEE AN IMMIGRATION OFFICER UPON LANDING?"
- A) "NO"

Signature: Signature witnessed by:

Continuation of Statement of

Appendix 1

- Q) "WHY WERE YOU TRAVELLING TO THE UNITED KINGDOM?"
- A) "I CAME FOR TOURIST"
- Q) "WHEN DID YOU START WORK IN ROC COTTAGE?"
- A) "I HAVENT STARTED TO WORK HERE ONLY FOR TRIAL"
- Q) "YOU HAVE A UNIFORM ON AND ARE WORKING TODAY ARE YOU NOT?"
- A) "IM ONLY TRIAL AND BOSS WILL DECIDE IF IM SUITABLE FOR JOB"
- Q) "DOES YOUR VISA ALLOW WORK?"
- A) "I DONT THINK I CAN WORK IN THE UK"
- Q) "IF YOU CANT WORK IN THE UK WHAT ARE YOU DOING HERE TODAY?"
- A) "I ACTAULLY CAME HERE TO HAVE A MEAL WITH THEM AND THEY WERE BUSY SO I TRY TO HELP"
- Q) "HOW LONG HAVE YOU BEEN WORKING HERE BECAUSE THAT IS AN INCREDIBLE RESPONSE?"
- A) "I CAME HERE YESTERDAY AND THEY SAID COME ON A TRIAL TODAY"
- Q) "HOW DID YOU KNOW THERE WAS A JOB HERE?"
- A) "WHEN I CAME HERE FOR A MEAL I ASKED THEM IF THEY NEED WORKER, FROM THE WEB"
- Q) "WHERE DO YOU LIVE?"
- A) "I LIVE HERE"
- Q) "HOW LONG HAVE YOU LIVED HERE?"
- A) "I CAME YESTERDAY"
- Q) "SO YOU HAVENT GOT THE JOB CONFIRMED YET BUT YOU ALREADY LIVE HERE, THATS NONSENSE?"
- A) "I WAS COMING YESTERDAY"
- Q) "YOU'RE JUST REPEATING YOURSELF?"
- Q) "SINGLE?"
- A) "MARRIED, HUSBAND IN CHINA"
- Q) "CHILDREN?"
- A) "19 YEAR OLD SON"
- Q) "FAMILY IN THE UK?"
- A) "NO"
- Q) "FIT AND WELL?"
- A) "YES"
- Q) "PASSPORT?"
- A) "WITH ME IN MY ROOM"

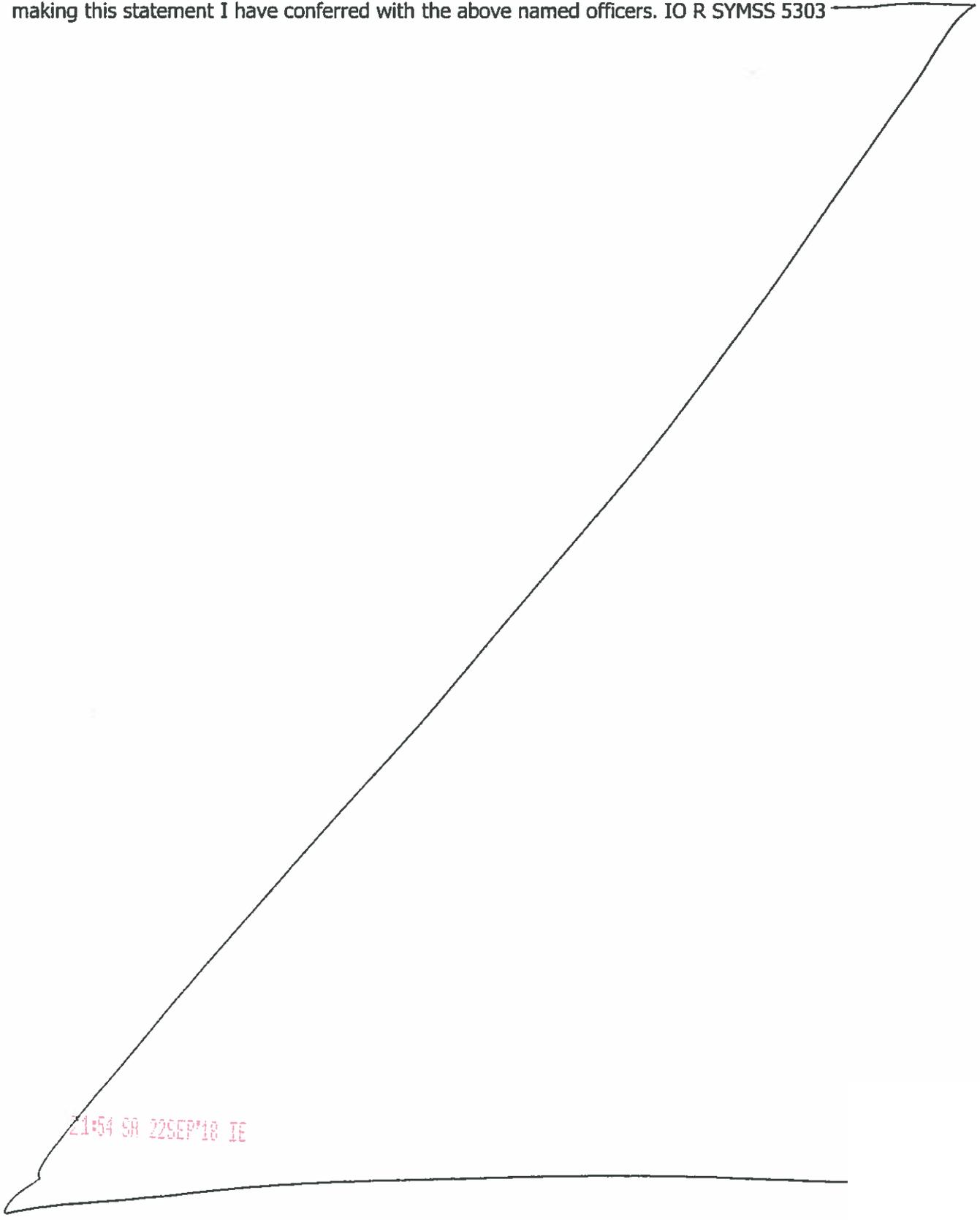
I referred the facts of the case to CIO HUSSAIN who authorised the service of papers and detention. I then fully cautioned and arrested [redacted] under paragraph 17(1) Schedule 2 of the Immigration Act 1971 as a person liable to be detained under paragraph 16 Schedule 2 of the Immigration Act 1971. Following arrest, for the purposes of the NOPL, I photographed [redacted] in her work clothes. I sealed the photograph into Evidence Bag N06241106 and exhibited it as RS/01. I escorted [redacted] off the premises to an immigration

Signature: Signature witnessed by:

Continuation of Statement of

..... Appendix 1

vehicle. was then conveyed to EATON HOUSE where custody was later passed to MITIE staff. In making this statement I have conferred with the above named officers. IO R SYMSS 5303



21:54 SR 22SEP'18 IE

Signature: Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

Statement of L CELIBERTI..... URN:

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

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

Signature: _____ Date: 21/09/2018

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

I am a criminal investigator for the Home Office, on the 21st September I was part of an immigration enforcement team deployed to a Chinese restaurant called Roc Cottage 37 Swakeleys Road Ickenham NB10 8DG.

At 18:58 I entered the restaurant under Section 179 of the licensing act 2003 where I encountered a Chinese female who claimed she could speak no English, via a Chinese interpreter I ascertained her full name to be _____ date of birth _____

Home Office records show that this is an alias name of _____ date of birth _____, a person who illegally entered the UK on 25th Janury 2004. With no lawful right to remain

I conducted an interview with _____ transcribed from pocket notebook No. 013460 from page 30 through to page 32.

Q. HOW LONG UK

A. 10 YEARS

Q. WHEN CLAIMED ASYLUM

A. 2005

Q. WHAT DOCUMENTS DO YOU HAVE

A. I APPLIED FOR ASYLUM AND REFUSED APPLIED FOR FIVE YEAR RESIDENCY AND THAT FAILED.

Q. HOW LONG HAVE YOU WORKED HERE

A. PART TIME FOR ONE WEEK

Signature: _____ Signature witnessed by: _____

Continuation of Statement of

Appendix 1

Q. HOW MUCH DO YOU GET PAID

A. £100 TO £120 IN CASH

Q. WHAT DOCUMENTS DID YOU SHOW EMPLOYER

A. I DIDN'T SHOW ANY A FRIEND TOLD ME TO COME

Q. WHERE DID YOU WORK BEFORE

A. NO-WHERE

Q. DOES THE OWNER KNOW YOU HAVE NO DOCUMENTS

A. I DIDN'T SHOW ANY DOCUMENTS

Q. WHAT IS YOUR ROLE WITHIN THE RESTAURANT

A. I HELP FRY THINGS

Q. DO YOU HAVE A PASSPORT

A. NO I LOST IT

Q. WHERE DO YOU LIVE

A. UPSTAIRS

Q. WHO DO YOU LIVE WITH

A. WITH ANOTHER WOMAN

Q. HOW MANY DAYS DO YOU WORK

A. 5 DAYS

Q. ANY FAMILY MEMBERS IN THE UK

A. NO

Q. ANY MEDICAL ISSUES

A. SOMETIMES I HAVE PAIN KILLER

Signature: Signature witnessed by:

Continuation of Statement of

Appendix 1

Q. DO YOU GIVE YOUR CONSENT FOR FINGERPRINTS

A. YES.

At 19:55 I arrested as a person illegally present within the UK under section 17.1 of the immigration act 1971 aa.

I photographed and I produce this image as my evidence and exhibit as LC/01

I then searched for items which she may used to aid her escape or cause injury herself or any others prior to placing her into a home office cellular vehicle.

At 21.00 she was placed into immigration detention at Eaton House, where she was served immigration papers and sought her further detention in an immigration removal centre pending her removal from the UK.

Signature:

Signature witnessed by:

Continuation of Statement of ...

Appendix 1

Signature:

[Handwritten mark]

Signature witnessed by:

10/2017

WITNESS STATEMENT

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

Statement of Amanjot Kaur SOMAL URN:

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

This statement (consisting of 6 pages and 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: 21st September 2018.....

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

I am an Assistant Immigration Officer employed by the HOME OFFICE currently attached to WEST LONDON Enforcement Office, 581 STAINES ROAD, HOUNSLOW, TW4 5DL. On FRIDAY 21ST SEPTEMBER 2018 I was on duty with West London Arrest Officers where acting on intelligence we attended ROC COTTAGE, 37 SWAKELEYS ROAD, ICKENHAM, UB10 8DG following intelligence being received that the business were employing illegal workers. ---

At 1858 I entered through the front of the property under Section 179 of the Licensing Act 2003, I walked through to the back of the business into the kitchen where I saw five people preparing meals; chopping and cooking food. Myself and IO GILLIES asked the employees to show us their identification and follow us into the sterile area. -----

I began questioning a Chinese female who I now know to be was unable to speak English and we therefore contacted Big Word Interpreting Services in order to interview the subject in Mandarin (Big Word Pin:). -----

The questions are recorded in my pocket notebook IE013472 on pages 22 – 27.-----

The interview with went as followed; -----

Q. WHEN DID ENTER THE UK? -----

A. DECEMBER 2015. -----

Q. HOW DID SHE ENTER THE UK? -----

Signature: Signature witnessed by:

Continuation of Statement of Amanjot Kaur Somal

Q. HOW MANY HOURS DOES SHE WORK A DAY? -----

A. 10 HOURS A DAY. -----

Q. HOW MUCH IS SHE PAID? -----

A. I DON'T KNOW, THEY HAVE NOT GIVEN ME MONEY. -----

Q. HOW DID YOU FIND THIS JOB? -----

A. I SAW A VACANCY ON THE INTERNET. -----

Q. WHAT DID IT SAY ON THE INTERNET? -----

A. THEY NEED SOMEONE TO HELP IN THE KITCHEN? -----

Q. HOW MUCH DID IT SAY IT WILL PAY AND HOW LONG FOR? -----

A. THEY ASKED ME TO COME AND HELP. -----

Q. HOW MUCH WILL THEY PAY? -----

A. THEY DID NOT TELL ME, I HAVE TO DO A WEEK TRIAL AND THEN THEY WILL TELL ME. -----

Q. DID YOU SHOW ANY DOCUMENTS? -----

A. NO DOCUMENTS. -----

Q. DID THEY ASK FOR ANY DOCUMENTS? -----

A. NO, THEY HAVEN'T ASKED BECAUSE THEY HAVEN'T DECIDED. -----

Q. WHO GAVE YOU THE JOB? THEIR NAME? -----

A. MY FRIEND TOOK ME HERE. -----

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

Signature: Signature witnessed by:

Continuation of Statement of Amanjot Kaur Somal

A. THE MAN THAT JUST CAME WHO WAS TALKING TO THE PEOPLE. -----

Q. IS IT THE MAN WITH THE GLASSES? -----

A. YES. -----

Q. IS HE IN CHARGE? -----

A. YES. -----

Q. DOES SHE (SUBJECT) KNOW SHE IS WORKING ILLEGALLY? -----

A. YES. -----

Q. DOES THE OWNER KNOW SHE IS WORKING ILLEGALLY? -----

A. THE BOSS DID NOT ASK ME AND I DID NOT TELL. -----

Q. WHERE DID SHE WORK BEFORE? -----

A. I DID NOT HAVE A JOB AND LIVE IN MY FRIEND'S HOUSE. -----

Q. HOW DOES SHE SUPPORT HERSELF? -----

A. I LIVE AT MY FRIEND'S HOUSE FOR 3 MONTHS. -----

Q. WHAT IS THE FRIEND'S ADDRESS? -----

A. I DO NOT KNOW. -----

Q. ANY FAMILY IN THE UK? -----

A. YES. -----

Q. WHAT FAMILY IN THE UK? -----

A. MY HUSBAND. -----

Signature: Signature witnessed by:

Continuation of Statement of Amanjot Kaur Somal

Q. ANY CHILDREN IN THE UK? -----

A. NO. -----

Q. ANY MEDICATION OR HEALTH CONCERNS? -----

A. I AM TAKING MEDICATION FOR STOMACH PROBLEMS. -----

Q. NAME OF MEDICATION? -----

A. I DO NOT KNOW. -----

Q. IS THE MEDICATION PRESCRIBED FROM DOCTOR? -----

A. NO. -----

Q. HAS SHE BEEN IN TROUBLE WITH THE POLICE? -----

A. NO. -----

Q. WHERE IS HER PASSPORT? -----

A. AT MY FRIEND'S PLACE. -----

The subject then signed my PNB confirming "I AM SIGNING THIS NOTEBOOK OF AIO 17434. TO CONFIRM THIS IS A TRUE ACCOUNT AND FAIR REPRESENTATION OF THE CONVERSATION". -----

At 1945 the subject was arrested for being an Overstayer under offence Section 24 (1)(b)(i) Immigration Act 1971. The subject was arrested under Section 17 (1) of the Immigration Act 1971. -----

At 1946 case was referred to Chief Immigration Officer (CIO) PICKUP who authorised service of papers and detention.-----

At 2000 I searched the subject I searched for any dangerous items implements to aid escape and any evidence of nationality, identity or immigration status. The subject had £70.00 in cash which was placed in an evidence bag and sealed in front of the subject, the evidence bag was then placed into the subject's bag. I then escorted to the

Signature: Signature witnessed by:

Continuation of Statement of Amanjot Kaur Somal

cell van in a Home Office approved position.. IO CASTLE, IO CELEBERETI, IO GILLIES and I transported
back to Eaton House, arriving back at 2100hours. -----

A family split was authorised by HMI DARTNELL at 2157. -----

I served papers on her at Eaton House RED0001 and RED0003. -----

1:12 PM 22 SEP 18

AJO Somal *[Signature]*

Signature: Signature witnessed by:

WITNESS STATEMENT

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

Statement of Vharuniya POORANASWAMINATHAN.. URN:

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Age if under 18 Over 18 (if over 18 insert '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: 22.09.2018

On Friday 21st September 2018 I was on official duty with West London Arrest team Immigration Officers (IO) where I conducted an enforcement visit to (TS21EYS1452 and CAD1488/21/02/2018 XH Refer). ROC COTTAGE, 37 SWAKELEY ROAD, ICKENHAM, UB10 8DG. I entered the premises under Section 179 of the licensing act 2003 at 18:58. There was a male stood at the counter taking a order dressed in full black . I asked the male to follow me to a sterile area where I began questioning him to which he did not respond I asked the male for a form of identification to which he stated that he had lost his passport. He provided me with the following details born a national of China. I checked the males fringerprints on the RapID machine which come back with a negative result. I conducted Home Office checks on the details the male had provided me which came back as no trace of lawful entry into the United Kingdom. informed me at that time that he had no visa I conducted an interview with in English a language which he stated he understood in regards to lawful entry into the U.K and illegal working.

- Q.WHAT ARE YOU DOING AT ROC COTTAGE?
- A. DOING JOB, I NEED A LIFE.
- Q.WHAT DUTIES DO YOU HAVE HERE?
- A. WAITER
- Q.WHAT DAYS DO YOU WORK?
- A. TUESDAY TO SUNDAY, IM OFF MONDAY.
- Q.WHAT TIME DO YOU START AND FINISH?
- A. 6PM -11PM
- Q.HOW MUCH DO YOU GET PAID AND HOW?
- A. £450 CASH PER WEEK ROUGHLY
- Q.HOW LONG HAVE YOU WORKED HERE?
- A. 6 YEARS
- Q. DID YOU SHOW THE BOSS ANY DOCUMENTS TO SHOW YOU HAD THE RIGHT TO WORK?
- A. NO
- Q. DID YOUR BOSS ASK FOR ANY DOCUMENTS TO SHOW YOU HAD THE RIGHT TO WORK?
- A. NO
- Q. WHATS THE NAME OF THE PERSON WHO GAVE YOU THE JOB?
- A. QUANG HE'S THE OLD BOSS, HARDY'S LET ME STAY ON.
- Q. DID THE NEW BOSS ASK FOR ANY RIGHT TO WORK DOCUMENTS?
- A. NO
- Q. DO YOU REALISE YOU ARE WORKING ILLEGALLY.
- A. YES

The interview concluded at 19:34 and signed my pocket book to confirm that this was a true and accurate account of what had been said. The interview is exhibited in my pocket note book , issue number 013667 from pages 061-063. I fully cautioned at 19:37 and arrested him under 17(1) Schedule 2 Immigration Act 1971 (as amended), as a person liable to be detained and detained him under 16(2) Schedule . The facts of the case were referred to Chief Immigration Officer PICKUP who authorised the service of papers and intial detention. IO BANFIELD searched for articles that may cause harm to him or others or that may aide escape. Nothing of note was found. At 19:39 a digital photograph of was taken at scene for civil penalty purposes, which I exhibit as VP/01 in evidence bag N07517871 . I escorted to the cellular van. A paragraph 25 A search was conducted where a certificate of registration was obtained for which showed different details to what provided. I now the male to be born a Chinese national . I conducted Home Office checks which revealed that in fact was an Overstayer, I re

Signature: _____ Signature witnessed by: _____

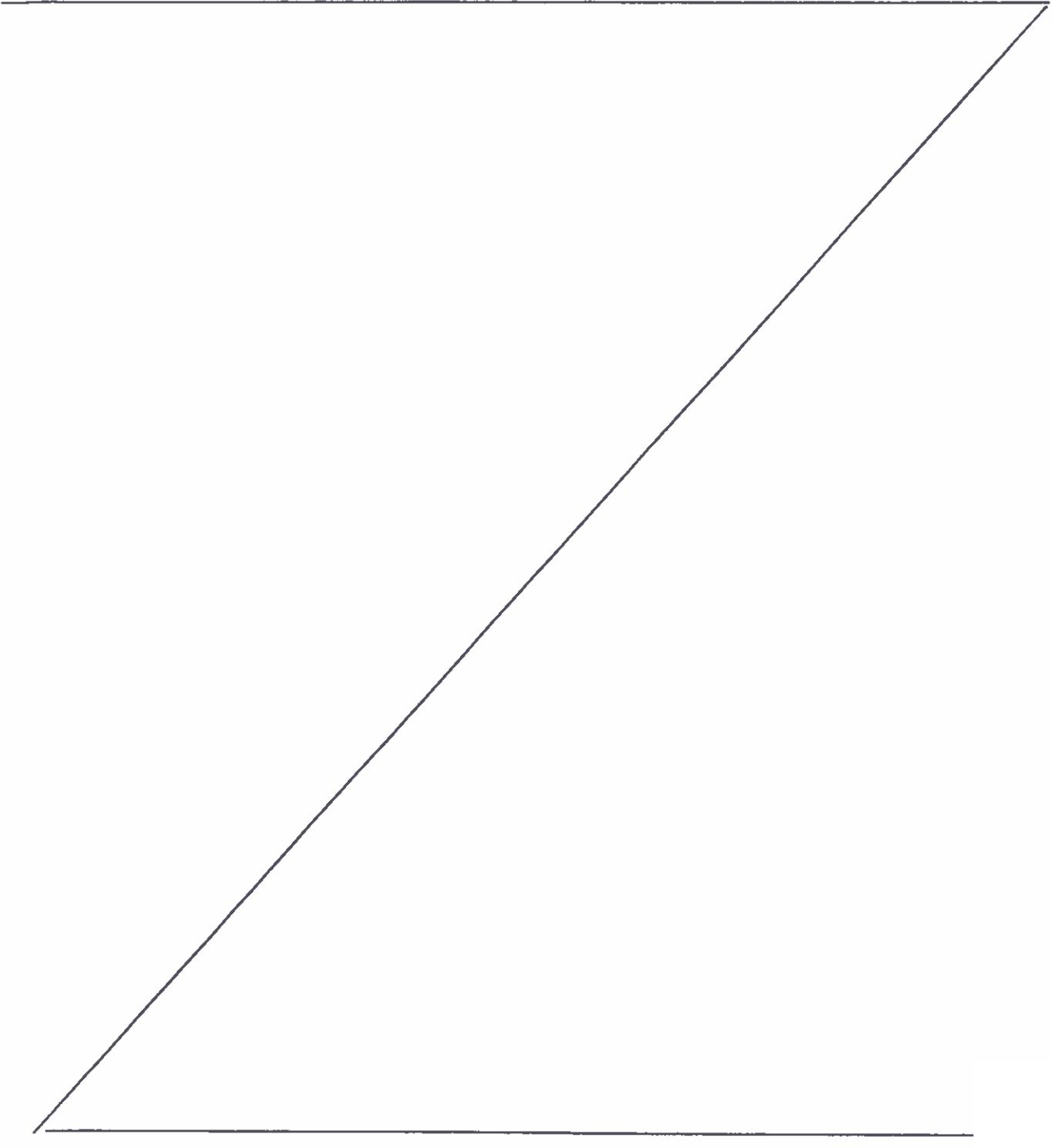
Continuation of Statement of Vharuniya POORANASWAMINATHAN.

Appendix 1

referred the case to CIO PICKUP who authorised the service of papers and detention again. was then conveyed back to Eaton House in the cellular van. We arrived at Eaton House at 20:45 was served with a RED001/003/IS86/Bail 401/403/IS91/IS9R/IS91RA , he was then placed into the custody of IO HANIF.

0:08 SA 22SEP18 IE

0:08 SA 22SEP18 IE



Signature: ..

Signature witnessed by:

WITNESS STATEMENT

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

Statement of **LEE MICHAEL WHITTAKER URN:**

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Age if under 18 (if over 18 insert '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: **21/09/18**

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

I am an IMMIGRATION OFFICER based at EATON HOUSE 581 STAINES ROAD HOUNSLOW MIDDLESEX TW4 5DL. On FRIDAY 21/09/18 I was on duty in full uniform and I attended ROC COTTAGE 37 SWAKELEYS ROAD ICKENHAM UB10 8DG with members of the WEST LONDON ICE TEAM to conduct an illegal working operation. Entry was under section 179 of the licensing act 2003. At 19:00 hours I entered the premises and made my way to a table where I saw a male dressed in a black chefs uniform, who I now know to be CHINA. I said "WE ARE FROM THE HOME OFFICE. DO YOU HAVE ANY IDENTIFICATION?" He said "I HAVE A PASSPORT UPSTAIRS." I said "WHAT IS YOUR NAME, DATE OF BIRTH AND NATIONALITY?" He said ' CHINA.' I conducted HOME OFFICE checks on , which revealed that he was issued with a work permit on 25/09/06 valid until 25/09/11. I said "HOW LONG WORK AT ROC COTTAGE?" He said "ONE AND A HALF YEARS." I said "WHAT JOB?" He said "CHEF." I said "HOW MUCH PAID?" He said £380 PER WEEK SEVEN DAYS." I said "HOW PAID?" I said "SOMETIMES BANK AND SOMETIMES CASH." I said "WHO GAVE YOU JOB?" He said "THE OLD CHEF GAVE ME THE JOB ." I said "DID YOU GET VISA TO WORK HERE?" He said "DIFFERENT." I said "WHAT DOCUMENTS SHOW YOU CAN WORK IN UK?" He said "I SHOWED MY PASSPORT." I said "BUT YOU DIDN'T HAVE A VISA AT THAT TIME." He said "YES." I said "DOES THE OWNER KNOW YOU HAVE NO VISA?" He said "NO." I referred the facts of the case to CIO PICKUP, who authorised the de facto service of HOME OFFICE form RED001 as a section 10 overstay committing an offence under 24(1)(b)(i) of the IMMIGRATION ACT 1971 as amended. I arrested as a

Signature: Signature witnessed by:

Continuation of Statement of Appendix 1.....

person liable to be detained under 17(1) schedule 2 of the IMMIGRATION ACT 1971 as amended. I took a photograph of _____ and sealed it in evidence bag number N07517844 and I exhibit this as LMW/01. I escorted the _____ from the premises and placed him in the rear of the cellular van. I drove to EATON HOUSE with _____ and OFFICERS POORANASWAMINATHAN and KEANE and another prisoner, where _____ was handed over to MITIE members of staff for her continued detention. *swd*

Signature:

Signature witnessed by:



OFFICIAL – SENSITIVE

NOD Reference
Method of Entry
Entry Forced
Referral Notice Served
Date Issued
No Action Notice served
Issued By
Debrief

At Approximately 18:45 on 09-11-2018 a team from West London ICE carried out an enforcement visit to ROC COTTAGE Chinese restaurant. Entry was gained by execution of S179 Licensing Act 2003.

On a previous visit 5 arrests were made and at least 1 subject had failed to report thereafter. This time, Several CHN nationals were encountered inside the kitchen and one was attempting to leave through the rear door. All were subsequently interviewed and checked.

In total one arrest was made and three names were included on a NOPL that was served on scene. The owner of the establishment was also interviewed and insisted that some of the people in the kitchen were tenants who lived upstairs and had no cooking facilities and were allowed to use the restaurant kitchen to cook their meals. He also appeared not to know who his own chef was.

Photographs were also taken of alleged members of staff. It was also noted that one person was smoking whilst preparing food.

Exit was at 20:00 no complaints or incidents were recorded at the time

Added by: Gary Morton

Added on: 10/11/2018 17:29:15





Immigration
Enforcement

Referral Notice

Illegal Working Civil Penalty

Employer name: *MANAGER*

This is an important notice. Please do not ignore it. Your case will be referred for consideration of your liability for a civil penalty.

Employer registered address: *Ice Cottage*
37 Swakeleys Road
Levenham, Levenham
UB10 8DG

This Referral Notice is issued in respect of (a) suspected breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Business type: Sole-Trader/Limited Company
Franchise/Other.....

Tasking Reference: *TS21EYS1452*

Notice given date: *09/11/2018*

VAT No:

Issued to:

Company number:

Position: *MANAGER*

Director(s)/Owner(s): *ZEHAO WANG*
4/12/84

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on *09/11/2018* at the following business address: *Ice Cottage*
37 Swakeleys Road
Levenham, UB10 8DG

Who we suspect of working illegally

	Names of suspected illegal workers	Nationality	DOB	Reason
1		<i>CHN</i>		No-right-to-work/Working in breach
2		<i>CHN</i>		No-right to work/Working in breach
3		<i>CHN</i>		No right to work/Working in breach-
4		<i>CHN</i>		No right to work/Working in breach
5				No right to work/Working in breach
6				No right to work/Working in breach
7				No right to work/Working in breach
8				No right to work/Working in breach

Reason for referral

Your case will be referred to the Home Office's Civil Penalty Compliance Team which will consider your liability for a civil penalty for employing the identified suspected illegal worker(s). It is **illegal** to employ an adult subject to immigration control if he has not been granted leave to enter or remain in the UK or his leave to enter or remain is invalid or has ceased to have effect, or he is subject to a condition preventing him from accepting the employment in question.

What this means

The Civil Penalty Compliance Team will consider whether you are liable for a civil penalty, and if so your penalty level.

- A **Civil Penalty Notice** will be issued if you are found liable. This Notice will require you to pay a penalty for a specified amount by a specified due date.
- A **Warning Notice** may be issued if you meet the mitigating criteria set out in our **Code of practice** on preventing illegal working which is on www.GOV.UK.
- A **No Action Notice** will be issued if you are not liable for a civil penalty. This Notice will inform you that no civil penalty action will be taken against you on this occasion, and that your case has been closed.

What happens next	<p>You will receive an Information Request which requires you to provide information and evidence. You will be asked to confirm your business details and provide documentary evidence to demonstrate that you carried out the required right to work checks on the workers named in this Referral Notice. You will also be asked to provide the unique Home Office reference number you received if you reported your suspicions about these people working illegally to us. It is important that you respond to this request accurately, in full and before the deadline given in the Information Request, as this evidence will inform our decision in your case. You should respond to this request using the Response Form you will receive from us. If you actively co-operate with us in our investigations, any penalty for which you may be liable may be reduced.</p>
What factors do we consider	<p>We will consider the following factors when looking at your case:</p> <ol style="list-style-type: none"> 1. Are you liable for a civil penalty? You will have established an excuse against liability and will not be served with a civil penalty if you have correctly carried out document checks as set out in our Code of practice on preventing illegal working. 2. Have you been found to be employing illegal workers within the previous three years? This factor determines your breach level and the civil penalty calculator to be used in determining your penalty amount if you are found liable for employing illegal workers. 3. Have you reported suspected illegal working to us? This mitigating factor is considered when determining your penalty amount. You must have reported your suspicions about the workers in question before any visit by us is made known to you. 4. Have you actively co-operated with us? This mitigating factor is considered when determining your penalty amount. You must have complied accurately and timely with our investigations, and provided us with access to your premises, records and systems. 5. Do you have effective document checking practices in place? This mitigating factor is considered when determining whether you will be issued with a Warning Notice instead of a Civil Penalty Notice. It is only taken into consideration when you have not been found to be employing illegal workers within the previous three years, and where there is mitigating evidence for factors 2 and 3 above. <p>You can find out more about how these factors are considered in calculating your civil penalty in our Code of practice on preventing illegal working which is on www.GOV.UK.</p>
What you do if you receive a penalty	<p>If you receive a Civil Penalty Notice you must either pay the penalty or object within 28 days. If you do not either pay your penalty or object by the due dates, enforcement action will be taken against you to recover the debt through the courts. This may have an adverse impact on your ability to obtain credit in the future and act in the capacity of a director in a company.</p> <p>The Civil Penalty Notice will set out why you are liable to pay a penalty and the amount. It will also set out how you should pay and by when or, if you wish to object, how you should do this and by when.</p>
What amount might you have to pay	<p>The maximum penalty amount you could receive is £20,000 per illegal worker. We will take into account a number of factors which may reduce the amount you are required to pay. These are set out in our Code of practice on preventing illegal working.</p>
If you need more information	<p>You can call our helpline on 0300 123 4699 if you have any questions.</p> <p>You can visit our website on www.GOV.UK to view our Code of practice on preventing illegal working and guidance for employers, including guidance which sets out how we administer illegal working civil penalties.</p> <p>You can use our online employers' toolkit to help you understand your responsibilities and how to carry out the correct right to work checks on your employees.</p>

WITNESS STATEMENT

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

Statement of **Vharuniya POORANASWAMINATHAN ..** URN:

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Age if under 18 Over 18 (if over 18 insert '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: **09.11.2018**

On Friday 9th November 2018 I was on official duty with West London Arrest team Immigration Officers (IO) where I conducted an enforcement visit to (TS21EYS1452 and CAD 4346 08/11/2018) ROC COTTAGE, 37 SWAKELEYS ROAD, UXBRIDGE, UB10 8DG. I was in rear cover position at 18:43. I entered the premises at 18:45 and walked into the restaurant where several people had been sat down in a sterile area. There was two males who had not been spoken to. Both males presented me with a form of identity. The first male I now know to be _____ born _____ a national of China. The second male I now know to be _____ born _____ a national of China. I conducted Home Office checks on both males, _____ came back a trace as a person who had Indefinite Leave to Remain in the United Kingdom I cleared this male. _____ was also a trace he had been previously arrested a month ago at ROC COTTAGE working in the kitchen, he now had an outstanding Asylum claim. On his biometric card it clearly states that _____ is not prohibited from working. I was informed by IO MALONE that _____ was encountered in the kitchen cooking. At 18:57 I commenced an interview with _____ in regards to employment using a Home Office approved Manadarin interpreter (P18679).

- Q. WHAT ARE YOU DOING AT ROC COTTAGE?
- A. I LIVE HERE, I LIVE IN THIS PLACE.
- Q. IMMIGRATION KNOWS YOU LIVE UPSTAIRS, NOT IN THE KITCHEN OF ROC COTTAGE?
- A. I COME DOWNSTAIRS, TO HAVE MY MEAL.
- Q. OFFICERS HAVE SEEN YOU COOKING, WHAT DO YOU HAVE TO SAY TO THAT?
- A. I COOK MEAL FOR MYSELF.
- Q. IS THERE NO KITCHEN UPSTAIRS?
- A. NO KITCHEN
- Q. HAVE YOU GOT YOUR PHONE ON YOU?
- A. YES
- Q. CAN YOU UNLOCK YOUR PHONE SO THAT I CAN SEE EVIDENCE THAT YOUR NOT WORKING?
- A. (All evidence in Chinese)
- Q. HAVE YOU BEEN HELPING IN THE KITCHEN WHEN THEY ARE BUSY?
- A. NO I DON'T WORK, SOMETIMES WHEN THEY HAVE A HEAVY LOAD I HELP LIFT HEAVY POTS BECAUSE TWO PEOPLE ARE NEEDED.
- Q. DO YOU GET FOOD FOR FREE FOR LIFTING POTS AND FOR HELPING.
- A. YES. I DON'T HAVE A JOB. IMMIGRATION TOLD ME I'M NOT ALLOWED.
- Q. HOW OFTEN DO YOU HELP LIFTING POTS?
- A. 2 OR 3 TIMES IN A WEEK.
- Q. HOW LONG DO YOU WORK LIFTING POTS?
- A. IT'S ONLY 10/20 MINUTES. THEY GET THE POT, COOK FOOD AND MOVE IT TOO THE BACK I HELP.
- Q. DOES THE BOSS KNOW YOU HELP LIFT POTS?
- A. THE BOSS ASKS ME TO COME DOWNSTAIRS TO HELP. THE BOSS GIVES ME FREE FOOD SO I HAVE TO CONTRIBUTE AND HELP MOVE THE POTS.
- Q. WHAT IS THE BOSSES NAME?
- A. ZHE HAO WANG.
- Q. DOES YOUR BOSS KNOW YOU HAVE NO RIGHT TO WORK IN THE UK?
- A. YES HE KNOWS.

Signature: _____ Signature witnessed by: _____

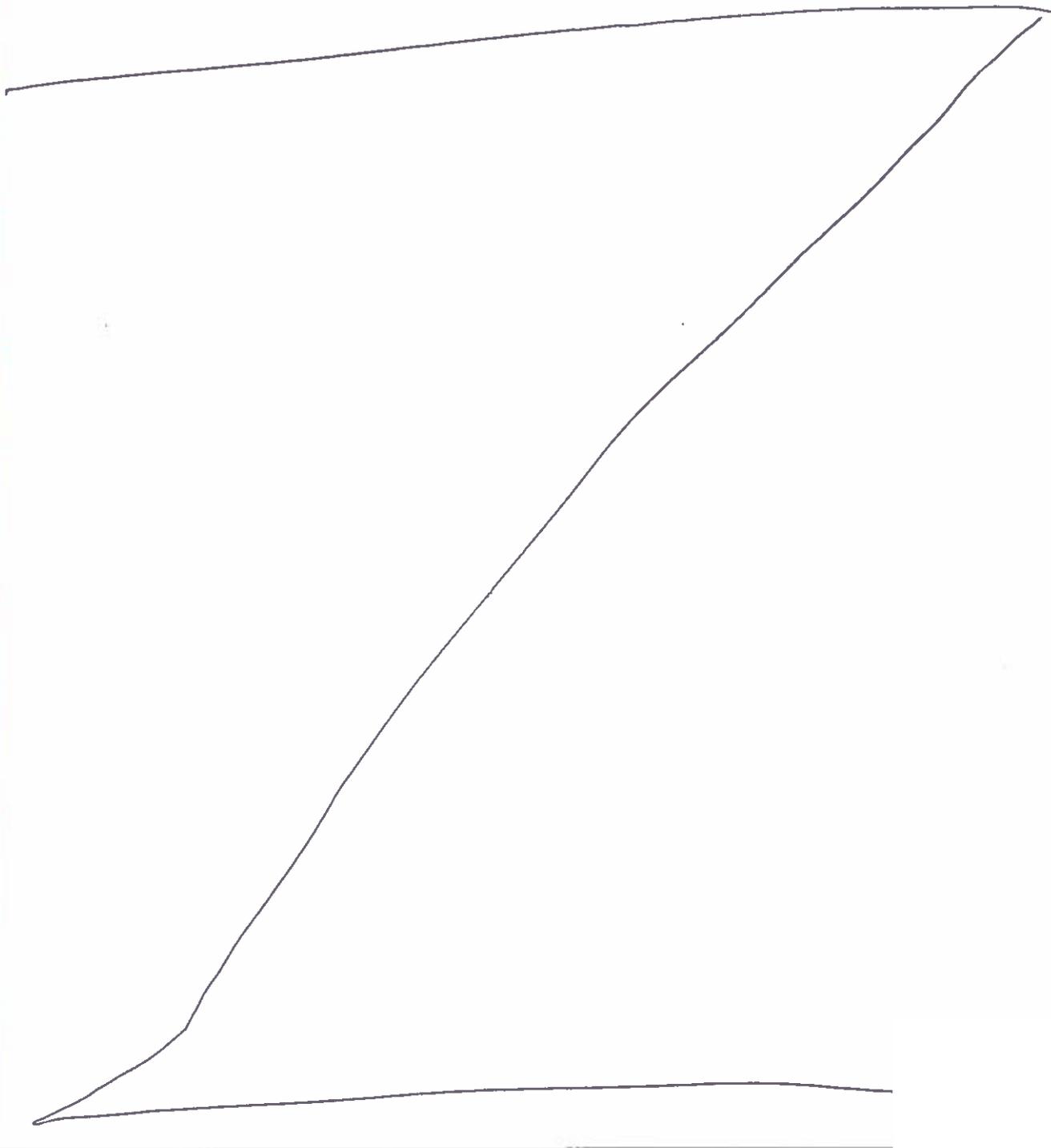
Continuation of Statement of Vharuniya Pooranaswaminathan

Appendix 1

The interview concluded at 19:19 and signed my pocket book to confirm that this was a true and accurate account of what had been said. The interview is exhibited in my pocket note book , issue number 013321 from pages 011 - 014. 19:27 was escorted of the premises into his home. Left premises at 19:45.

0-00 58 10NOV18 IE

0-00 58 10NOV18 IE



Signature:

..... Signature witnessed by:

WITNESS STATEMENT

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

Statement of: LIAM CARROLL URN:

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Age if under 18 OVER 18 (if over 18 insert '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: 09/11/18.....

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

I am a Immigration Officer based at EATON HOUSE, 581 STAINES ROAD, HOUNSLOW, TW4 5DL. I was on duty with officers from the WEST LONDON Arrest Team on FRIDAY 9th NOVEMBER 2018 under visit reference TS21EYS1452 where we attended ROC COTTAGE, 37 SWAKELEYS ROAD, UXBRIDGE, UB10 8DG. IO MORTON was Officer In Charge (OIC) and briefed the team that ROC COTTAGE are alleged to be employing illegal immigrants. The visit would be conducted using powers under section 179 of the Licensing Act 2003. I entered the premises at approximately 18:42, as I entered I observed a male in the kitchen area of the establishment. I introduced myself as an immigration officer, at which point he gave me his details as CHN(M). After conducting an Eaton House Duty Office check on our Home Office systems, it was revealed that had an outstanding asylum application with the Home Office, however this did not entitle him to work whilst it was being considered. At 18:55 I conducted an illegal working Q&A with , which I recorded in my pocket notebook serial number 015382, pages 43,44 & 45 and is as follows:

- Q: WHAT ARE YOU DOING HERE?
- A: I COME HERE BECAUSE THEY HAVEN'T GOT ENOUGH TO WORK HERE SO I COME TO HELP
- Q: WHAT DAYS DO YOU COME HERE?
- A: ONLY TODAY
- Q: WHAT DUTIES WERE YOU PERFORMING IN THE KITCHEN?
- A: I HELPED OUT AS A CHEF
- Q: WHAT DO THEY GIVE YOU IN RETURN FOR YOUR HELP?
- A: WE DON'T TALK ABOUT MONEY I'M ONLY HERE TO HELP OUT
- Q: WHAT ELSE ASIDE FROM MONEY DO THEY GIVE YOU TO HELP OUT?
- A: THE MANAGER OF THIS SHOP, MY FRIEND, I'M STAYING AT THE MANAGER'S HOUSE
- Q: WHO IS THIS PERSON?
- A: QUAN XIAO, HE IS FROM CHINA
- Q: DO YOU UNDERSTAND THAT YOU ARE WORKING HERE ILLEGALLY?
- A: I UNDERSTAND BUT I'M ONLY HERE TO HELP MY FRIEND OUT

At 19:10 I concluded the illegal working Q&A and signed my notebook to confirm he understood my questions. I then took an illegal working photograph of him on the premises, this was printed and placed into sealed evidence bag no.N08169796, which I now exhibit as LC001. Due to outstanding asylum application, he was escorted off the premises at 19:30.

Signature: Signature witnessed by:

Continuation of Statement of **LIAM CARROLL** **Appendix 1**

IO LIAM CARROLL
15186
WEST LONDON ARREST TEAM
09/11/18

Signature: .. Signature witnessed by:

WITNESS STATEMENT

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

Statement of **Conor Shortland** URN:

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Age if under 18 Over 18..... (if over 18 insert '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: **09/11/18**

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

On FRIDAY 9 NOVEMBER 2018 I was on duty wearing my uniform and full Personal Protective Equipment, when acting on intelligence we visited ROC COTTAGE, 37 SWAKELEYS ROAD, UB108DG. Entry was gained by section 179 licensing act 2003. I entered the premises at 18:45 hours, once inside and the premises was secured a man by the name of ZHAO WANG identified himself as the owner of the restaurant. Acting on this information I began to ask him about the staff working in the premises. The following questions and answers are recorded in my pocket notebook 015379 on pages 58-60.

Q: WHAT TYPE OF BUSINESS IS THIS?

A: LIMITED COMPANY.

Q: WHO ARE THE PARTNERS?

A: QUEN XIAO AND MYSELF.

Q: ARE YOU THE OWNER OF THE BUSINESS?

A: YES

Q: WHO EMPLOY THE STAFF?

A: I DONT KNOW IM NOT NORMALLY HERE.

Q: DO YOU KNOW ?

A: YES

Q: DO THEY WORK HERE?

A: NO, THEY LIVE UPSTAIRS.

Q: WHAT WERE THEY DOING HERE TODAY?

A: HAVING DINNER, HE DOES NOT WORK HERE.

Q: DO THEY GET PAID?

A: NO THEY PAY ME TO LIVE UPSTAIRS.

Q: DO YOU KNOW ?

A: ONLY MET HIM TWICE, I DONT REALLY KNOW HIM.

Q: DO THEY WORK HERE?

A: NO, THEY LIVE UPSTAIRS.

Q: WHAT WERE THEY DOING HERE TODAY?

A: GETTING DINNER, SAME TIME EVERYDAY BECAUSE THERE IS NO KITCHEN UPSTAIRS.

Q: DO THEY GET PAID?

A: NO.

Q: DO YOU KNOW ?

A: YES SHE LIVES UPSTAIRS. SHE USED TO WORK HERE BUT NOT ANYMORE.

Q: DO THEY WORK HERE?

A: NO.

Signature: ..

Signature witnessed by:

Continuation of Statement of ~~Samantha Hicks~~.....

Appendix 1

Q: WHAT WERE THEY DOING HERE?

A: HAVING DINNER, NO KITCHEN UPSTAIRS.

Q: DOES SHE GET PAID?

A: NO

Q: DO YOU KNOW ?

A: YES SHE PREVIOUSLY WORKED HERE BUT SHE DOES NOT WORK ANYMORE.

Q: DO THEY WORK HERE?

A: NO.

Q: WHAT WAS SHE DOING HERE?

A: HAVING DINNER, ITS TIME TO EAT.

Q: DOES SHE GET PAID?

A: NO.

Q: WHO WORKS HERE TODAY?

A: THREE WAITRESSES AND THREE IN KITCHEN.

The interview was concluded WANG countersigned my pocket notebook to confirm the answers he has provided.

Signature:

Signature witnessed by:



HILLINGDON

LONDON

Steven Dormer
Licensing Officer

Reference; SW/19/LA03

Your Reference;

Date; 9th January 2019

Dear Madam,

**ROC COTTAGE, SWAKELEYS ROAD, ICKENHAM
THE LICENSING ACT 2003**

I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority, in regard to the review of premises licence application submitted by the Metropolitan Police Service, for the above premises.

The Licensing Authority are extremely concerned to learn of the most recent activity taking place at the above premises and feel that it is necessary to submit a representation to the Licensing Sub-Committee under the licensing objective; Prevention of Crime and Disorder.

The current Premises Licence has been in force since November 2005 and has very recently been transferred into the current operators 'HNQ Brothers Ltd' of which, Mr Quan Xiao and Mr Zehao Wang are the Directors. Mr Quan Xiao is the named Designated Premises Supervisor with a Personal licence from the London Borough of Ealing.

The review application is concerned with the presence of illegal workers being found at the premises on 2 separate occasions; 21st September 2018 and 9th November 2018 resulting in a total of 8 illegal workers being employed at the premises.

Civil Penalty referrals for all 8 illegal workers have been issued on the Directors of HNQ Brothers Ltd.

At the time of both visits, Mr Zehao Wang was present and interviewed by the Immigration Officers. Mr Wang stated that he is not involved with the employment of staff and said that this was the responsibility of his business partner and fellow director, Mr Quan Xiao. This is quite a sensational claim by Mr Wang given that he is a director of the licence holder company and also the person who was present at both visits.

Licensing Service
Residents Services
T.01895 277232

swaterford@hillington.gov.uk
London Borough of Hillington,

www.hillingdon.gov.uk

3S/08, Civic Centre, High Street, Uxbridge, UB8 3PH

I would therefore suggest that Mr Wang is either grossly negligent in his supervision of activities taking place within the premises or that he is knowingly allowing or participating in this criminal and exploitative behaviour.

If either scenario is correct, the licence holders have not demonstrated that they are capable of upholding the licensing objectives and should therefore have their licence revoked.

Regarding the very recent transfer of the premises licence and variation of the Designated Premises Supervisor, I have the following comments and observations to make.

The Licensing Service became aware that the premises may have changed hands in August 2018 following a refurbishment at the premises. The Licensing Service made contact with the manager at the premises, Mr Quan Xiao and advised that the applications must be submitted as a matter of urgency.

After some difficulty, Mr Xiao made incomplete applications to the Licensing Service on 2nd October 2018. Mr Xiao was offered assistance with completing the paperwork and instructed on the process. Despite this, Mr Xiao did not submit valid applications meaning that alcohol sales were not being made under a lawful authorisation.

It later came to the attention of the Licensing Service that the premises actually changed hands more than 2 years ago.

After much delay in making valid submissions, Mr Xiao's applications were accepted and processed on 18th December 2018, with the new licence being issued on 20th December 2018.

I do not believe that either Mr Wang or Mr Xiao have a full grasp on the regulatory and legal requirements of running a licensed establishment nor have they been able to demonstrate that they take licensing matters seriously.

Furthermore, the premises does not have an up to date Food Registration as required under Food Safety Law. The current and only registration for the premises remains under the previous operators name.

There are matters which the government guidance, issued under Section 182 of the Licensing Act 2003, requires Licensing Authorities to treat with the utmost seriousness when determining review applications. These include the use of licensed premises for;

- The employing of a person who is disqualified from that work by reason of their immigration status in the UK.

Section 11.28 of the Section 182 Guidance also states that revocation should be seriously considered in the first instance where the Licensing Authority believe that the Crime Prevention licensing objective has been undermined.

There is a duty for the Licensing Authority to ensure that the Prevention of Crime and Disorder licensing objective is upheld in order to protect residents and particularly those most vulnerable in our community.

In light of the above, I fully support the Police's recommendation for revocation.

I intend to be present at the hearing to verbally deliver my representation and also to answer any queries from the Licensing Sub-Committee.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Stephanie Waterford', with a small dash at the end.

Stephanie Waterford
Licensing Service Manager
Licensing Authority Representative

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Stephanie Waterford <swaterford@hillingdon.gov.uk>

Re: Roc Cottage

Appendix 3
7 January 2019 at 10:34

Cllr John Hensley <jhensley@hillingdon.gov.uk>
To: Stephanie Waterford <swaterford@hillingdon.gov.uk>

Hi Stephanie
Please do include my comments:

“This establishment has clearly breached Home Office guidelines and employed overseas staff without first checking their immigration status. The Border Agency have had to act twice in short succession and removing 5 staff on their first visit and then another 3 on their second visit. It is clear that the landowner / restaurant owner has total disregard to the law and that the licence should therefore be revoked on the grounds of reducing Crime and Disorder.”

Regards
John

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LICENSING ACT 2003
Section 24



HILLINGDON
 LONDON

PREMISES LICENCE

Ref:

SG/50/LBH

Premises Licence Number:

110/05

This Premises Licence has been issued by Stephanie Waterford on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature:

Date: 20 December 2018

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description –

Roc Cottage
 37 Swakeleys Road

Post Town - Ickenham

Postcode – UB10 8DG

Telephone number – 01895 623832

Where the licence is time limited, the dates -

N/A

Licensable activities authorised by the licence -

- a) The provision of regulated entertainment for recorded music and private music and dancing (indoors only)
- b) The supply by retail of alcohol
- c) The provision of late night refreshment (indoors only)

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

The sale of alcohol by retail

On weekdays, other than Christmas Day, Good Friday or New Year's Eve, between 10.00 and 24.00 hours.

On Sundays, Christmas Day and on Good Friday, between 12.00 and 23.30 hours.

When New Year's Eve is on a weekday, from 10.00 on New Year's Eve until 24.00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 23.30.

When New Year's Eve is on a Sunday, from 12.00 on New Year's Eve until 24.00 hours on New Year's Day.

Late night refreshment

From 23.00 until 30 minutes after the terminal time for the sale of alcohol.

The provision of recorded music is not time restricted

The provision of entertainment facilities for making music, dancing and entertainment of a similar description is not time limited for the purpose of private functions.

The opening hours of the premises -

Not Restricted

Where the licence authorises supplies of alcohol whether these are on and/or off supplies -

On and Off supplies

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence -

HNQ Brothers Limited
37 Swakeleys Road
Ickenham
Middlesex UB10 8DG

01895 623898

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

09671569

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

Quan Xiao
37 Swakeleys Road
Ickenham
Middlesex
01895 623898

Personal Licence number an issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol –

WK201512496
London Borough of Ealing

Annex 1 – Mandatory Conditions

Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended
3. Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence

Applicable from 6th April 2010

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section

159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

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

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Applicable from 1st October 2010

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

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

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

For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

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

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

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

Annex 2– Conditions consistent with the operating Schedule

The maximum number of persons in the premises shall not exceed 80

Annex 3 – Conditions attached after a hearing by the licensing authority

N/a

Annex 4 – Plans

The licensed areas of the premises as detailed on the drawing annexed hereto:-

Plan number: LBH 125/05

Drawing Number: 02





Legal White Notice

Front entrance of Roc Cottage

