



Immigration Enforcement

Immigration representation in support of an application for the review of a premises licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
Premises Licence Holder:			
Siddiqur Rahman			
Name and Address of Premises:			
Ocean Spice, 43 White Rock, Hastings			
Post Town:	East Sussex	Post Code:	TN34 1JL

Representations are being made for the following reasons:

The Licensing Act 2003 outlines 4 objectives that are to be upheld, the Home Office (Immigration Enforcement) is concerned regarding the prevention of crime and disorder.

Home Office (Immigration Enforcement) considers that Siddiqur Rahman is not taking suitable measures to prevent crime and disorder. The business has employed illegal workers which is prohibited under the Licensing Act 2003 and the Immigration Act 1971 (as amended).

Employing illegal workers in the UK has the following impact on the community and society as a whole: -

- It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
- It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
- It encourages those without permission to work to seek similar employment.
- It allows a business to unfairly undercut other businesses by employing cheap labour.
- Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

Immigration Enforcement supports the review from Sussex Police regarding Ocean Spice, 43 White Rock, Hastings, East Sussex, TN34 1JL.

On 08 September 2022 immigration officers in support of Sussex Police visited Ocean Spice, 43 White Rock, Hastings, East Sussex, TN34 1JL. As officers entered the premises staff members shouted 'immigration' into the kitchen and officers witnessed one employee an Asian male, dressed in kitchen apparel, white apron, blue chef's top and a cap exit the rear door of the kitchen. The male was not encountered and absconded.

Three individuals in total were found in the premises. Uddin Ahmed Bader held Indefinite Leave to Remain. Siddiqur Rahman a British National and Md Nurul Muttakin.

When officers encountered Muttakin and questioned him. Muttakin stated he was a student and was only working 20 hours. A Biometric Residence Permit of Muttakin was presented to officers which indicated that Muttakin was granted valid leave until 07 October 2024 with work restricted to 20 hours per week. Muttakin stated he worked in the kitchen, doing odd bits and was paid in cash weekly. Officers were unable to ascertain the identity of the fourth individual who escaped, it is likely that his behavior was linked to him not having the right to work.

It should be noted that during this visit officers were subject to significant and prolonged verbal abuse and intimidating behaviour.

Previously in November 2019 an enforcement visit was conducted to Ocean Spice, 43 White Rock, Hastings, East Sussex, TN34 1JL where two illegal workers were encountered.

Ismail Ibrahim Tai was encountered in the kitchen in white uniform. Tai entered the UK on a visit visa in 2010 and overstayed. Tai never held the right to work in the UK. When questioned Tai stated he had worked at the premises for 3 weeks and worked as a kitchen porter, washing dishes and assisted with kitchen prep. He admitted that he was paid £300 a week in cash with food and accommodation included. Tai acknowledged that he had no right to work and confirmed that the employer did not check any document or conduct right to work checks prior to being offered the job.

Mujib Ahmed was also encountered in the kitchen. When questioned by officers, Ahmed denied working at the premises although he was encountered whilst working and had food stains on his shoes. Home Office records show that Ahmed is an overstayer and did not hold the right to work in the UK.

Immigration officers were unable to conduct an illegal working interview with the employer as the continuously threatened and acted in an abusive manner towards the officers.

It should be noted that members of staff and the management in particular were hostile towards the police and immigration officers. The manager ripped apart the warrant and the Notice to Occupier documents. During this visit three members of the Rahman family who own this business, Siddiqur Rahman, Siddiqur the father and Monimur Rahman treated immigration officers in a threatening and abusive manner. These family members were verbally aggressive and attempted to physically block officers carrying out their duties. They resisted arrest and started fighting with officers and were eventually arrested for obstructing police and immigration officers.

There had been previous visits to the premises back in October 2018 where one individual was arrested. In January 2019 three individuals were encountered who had no right to work, and were escorted off the premises.

This business was issued with three civil penalties of all which remain unpaid. First civil penalty for £30,000 issued on 01 March 2019. Second civil penalty for £45,000 issued on 25 July 2019. The most recent civil penalty for £20,000 issued on 09 December 2019.

RIGHT TO WORK CHECKS AND THE PREVENTION OF CRIME AND DISORDER

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

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

The licensing objectives are:

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

Ocean Spice has been found employing illegal workers. This business has clearly failed to meet the prevention of crime and disorder objective. The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application. It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents.

The employer could have protected themselves and prevented crime and disorder by completing a straightforward right to work check. In this case the employer had not seen any documents of the employees prior to commencing work. Should the license holder have attempted these checks, the worker would have failed at the first stage. This would have quickly and easily confirmed that had no right to work and the license holder could have protected themselves from employing an illegal worker.

All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working, and guidance can be found on the gov.uk website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page.

The family members who own the business acted in a threatening and aggressive manner towards the officers. This abusive behaviour has constantly happened every time immigration officers visited this premises. This behaviour was disruptive and not fitting of a responsible license holder who should be cooperating with responsible authorities. There have been multiple incidents of illegal working on the premises. The civil penalties issued have not deterred this business of employing illegal workers.

Whether by negligence or willful blindness illegal workers were engaged in activity on the premises. Section 182 guidance of the Licensing Act 2003 at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Details of Responsible Authority

Name and Address:

Home Office Immigration Enforcement
The Alcohol and LNR Licensing Team
40 Wellesley Road
Croydon
CR9 2BY

Email address
(optional):

I.Alcoholreviews@homeoffice.gov.uk

Signatures

Signature of Responsible Authority

Home Office Immigration Enforcement

Date:

10 April 2024

Capacity:

**Responsible
Authority**