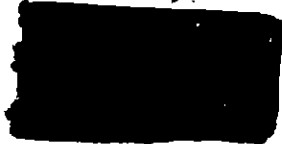


PLACE DIRECTORATE

Our reference: MC/bjt/markets

14 February 2014

Mr S Nazary



Dear Mr Nazary

Re: Termination of Licence Stall B22 Bull Ring Open Market

Further to our meeting this afternoon I write to confirm the reason for terminating your license to trade on the Bull Ring Open Market. I was accompanied today by [redacted] and [redacted]. In addition [redacted] and [redacted] gave statements.

As you are aware there was a WM Police operation on the 24/1/14 to remove people employed on stalls on the Bull Ring Market who were not entitled to work in the UK. In total 7 people were arrested of which 6 were removed from your stall and stalls 9 and 11. The 7th person was believed to be from one of the stalls but this was not confirmed.

I asked for your understanding and background to this event. I heard from you and Mr Aryubi that; you and he are solely responsible for the employees on the stall; that 3 named persons were arrested and you did not know the names of the remaining 4 persons; that you carried out passport or driving licence and National Insurance checks on your employees and that you hold photocopies of these documents to ensure that they could be employed.

The Officers confirmed that there were at least 3 people employed on the stalls at 10am on the 24/1/14 and although unsure it was believed there may have been 4 on one of the stalls. This latter fact I have ignored. I was advised that 3 people were arrested from your stall and 3 more from Mr Aryubi. The seventh person was seen in the aisles and arrested having run away by a PCSO from WM Police. We are advised by WM Police that 6 persons are detained subject to deportation orders and the 7th was legally allowed to be employed.

My Conclusions are as follows:



FS 26188



The Government Standard



Mayor in People

REGULATION AND ENFORCEMENT

2nd Floor N12
Lancaster Circus
Birmingham, B4 7DJ
Postal: P O Box 15908, Birmingham B2 2UD

Tel: 0121-303 6350
Email: mark.croxford


Secretary: 0121 675 7830
m.gov.uk

1. You stated that you carried out ID and National Insurance checks of your employees and therefore you are aware of the necessity to comply with UK legislation when employing staff.
2. Having confirmed that you alone employ everyone on the stalls you should know the names of all your employees. You and Mr Aryubi were unable to provide more than 3 names of people arrested.
3. Point 2 therefore calls into question whether you were honest at the meeting. If you had carried out the checks you should have provided the names of your employees arrested. Alternatively the inability to provide them questions whether you did indeed undertake checks. Although you may hold some documentation I have no way of verifying its accuracy and I have focused therefore on the aspect of honesty at the meeting and on balance I do not think you were honest with me.
4. It is a fact that at least 2 people on your stall did not have the right to work. This is contrary to UK legislation which you confirmed you were aware of in point 1.
5. Birmingham City Council is undertaking a lot of investment in the Bull Ring Market and unlawful acts can bring both the City Council and the Bull Ring Market into disrepute as well as damaging the reputation of the City. Similarly once such offences have been commissioned non-action by the Council to respond to them can also bring the City into disrepute.

I have concluded that you did not comply with the terms of your Licence in particular Page 3 points 2(K) Compliance with UK legislation and 2(L) the Market Rules and Regulations. Employment of persons who are not entitled to work in the UK is unfair and gives you an unfair trading advantage. It does bring the Council into disrepute as we must maintain the highest standards and set examples for others. I have therefore decided to terminate your Licence forthwith and refuse you the ability to trade on the Bull Ring Market. This also applies if you appeal my decision as the matter falls inside Sec 10 of the Rules and Regulations of the Market.

You are entitled to appeal my decision by submitting a written application to Jacqui Kennedy Director of Regulation and Enforcement, at Manor House, 40 Moat Lane, Birmingham B5 5BD.

Yours sincerely


Mark Croxford
 Head of Environmental Health (North) &
 Birmingham City Markets
 Regulation and Enforcement

c.c. Jacqui Kennedy



FS 26188



The Government Standard



STAND FOR PEOPLE

REGULATION AND ENFORCEMENT

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 Email: mark.croxford@birmingham.gov.uk

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PLACE DIRECTORATE

Our reference: MC/bjt/markets

14 February 2014

Mr Q Aryubi



Dear Mr Aryubi

Re: Termination of Licence Stall 9 & 11 Bull Ring Open Market

Further to our meeting this afternoon I write to confirm the reason for terminating your license to trade on the Bull Ring Open Market. I was accompanied today by [redacted] and [redacted]. In addition [redacted] and [redacted] gave statements.

As you are aware there was a WM Police operation on the 24/1/14 to remove people employed on stalls on the Bull Ring Market who were not entitled to work in the UK. In total 7 people were arrested of which 6 were removed from your stall and stall B22. The 7th person was believed to be from one of the stalls but this was not confirmed.

I asked for your understanding and background to this event. I heard from you and Mr Nazary that; you and he are solely responsible for the employees on the stall; that 3 named persons were arrested and you did not know the names of the remaining 4 persons; that you carried out passport or driving licence and National Insurance checks on your employees and that you hold photocopies of these documents to ensure that they could be employed.

The Officers confirmed that there were at least 3 people employed on the stalls at 10am on the 24/1/14 and although unsure it was believed there may have been 4 on one of the stalls. This latter fact I have ignored. I was advised that 3 people were arrested from your stall and 3 more from Mr Nazary's. The seventh person was seen in the aisles and arrested having run away by a PCSO from WM Police. We are advised by WM Police that 6 persons are detained subject to deportation orders and the 7th was legally allowed to be employed.



FS 26188

My Conclusions are as follows:

1. You stated that you carried out ID and National Insurance checks of your employees and therefore you are aware of the necessity to comply with UK legislation when employing staff.

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VISITOR IN PEOPLE

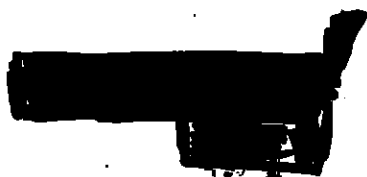
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2. Having confirmed that you alone employ everyone on the stalls you should know the names of all your employees. You and Mr Nazary were unable to provide more than 3 names of people arrested.
3. Point 2 therefore calls into question whether you were honest at the meeting. If you had carried out the checks you should have provided the names of your employees arrested. Alternatively the inability to provide them questions whether you did indeed undertake checks. Although you may hold some documentation I have no way of verifying its accuracy and I have focused therefore on the aspect of honesty at the meeting and on balance I do not think you were honest with me.
4. It is a fact that at least 2 people on your stall did not have the right to work. This is contrary to UK legislation which you confirmed you were aware of in point 1.
5. Birmingham City Council is undertaking a lot of investment in the Bull Ring Market and unlawful acts can bring both the City Council and the Bull Ring Market into disrepute. Also once such offences have been commissioned non action by the Council to remedy them can also bring the City into disrepute.

I have concluded that you did not comply with the terms of your Licence in particular Page 3 points 2(K) Compliance with UK legislation and 2(L) the Market Rules and Regulations. Employment of persons who are not entitled to work in the UK is unfair and gives you an unfair trading advantage. It does bring the Council into disrepute as we must maintain the highest standards and set examples for others. I have therefore decided to terminate your Licence forthwith and refuse you the ability to trade on the Bull Ring Market. This also applies if you appeal my decision as the matter falls inside Sec 10 of the Rules and Regulations of the Market.

You are entitled to appeal my decision by submitting a written application to Jacqui Kennedy Director of Regulation and Enforcement, at Manor House, 40 Moat Lane, Birmingham B5 5BD.

Yours sincerely



Mark Croxford
Head of Environmental Health (North) &
Birmingham City Markets
Regulation and Enforcement

c.c. Jacqui Kennedy



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