

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Acting Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Thursday 3<sup>rd</sup> January 2019</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>Delicious Buffet, 2067 Coventry Road, Sheldon, Birmingham, B26 3DY</b>
<b>Ward affected:</b>	<b>Sheldon</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer, 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

### 2. Recommendation:

To consider the review and to determine this matter.

### 3. Brief Summary of Report:

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 6<sup>th</sup> December 2018 in respect of Delicious Buffet, 2067 Coventry Road, Sheldon, Birmingham, B26 3DY.

An additional representation has been submitted by West Midlands Police and representations have also been received from the Licensing Enforcement Team and Public Health as responsible authorities.

### 4. Compliance Issues:

#### 4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

## **5. Relevant background/chronology of key events:**

On 6<sup>th</sup> December 2018 Superintendent Green, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to Abdul Rouf in respect of Delicious Buffet, 2067 Coventry Road, Sheldon, Birmingham, B26 3DY.

The application was accompanied by the required certificate confirming that in his opinion the premises are associated with serious crime and disorder, see Appendix 1.

Within 48 hours of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee A met on 7<sup>th</sup> December 2018 to consider whether to take any interim steps and resolved that the Premises Licence be suspended pending a review of the Licence. A copy of the decision is attached at Appendix 2.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other parties ended on the 21<sup>st</sup> December 2018.

An additional representation has been received from West Midlands Police, which is attached at Appendix 3.

Representations have also been received from the Licensing Enforcement Team and Public Health as responsible authorities, which are attached as Appendices 4 & 5 respectively.

A copy of the current Premises Licence is attached at Appendix 6.

Site location plans at Appendix 7.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority's functions under the Licensing Act 2003 are to promote the licensing objectives: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

## **6. List of background documents:**

Review Application and Certificate from West Midlands Police, Appendix 1  
Sub-Committee Interim Steps Meeting decision of 7<sup>th</sup> December 2018 , Appendix 2  
Additional representation received from West Midlands Police, Appendix 3  
Representation from Licensing Enforcement Team, Appendix 4  
Representation from Public Health, Appendix 5  
Current Premises Licence, Appendix 6  
Site location plans, Appendix 7

<b>7. Options available:</b>
Modify the conditions of Licence Exclude a Licensable activity from the scope of the Licence Remove the Designated Premises Supervisor Suspend the Licence for a period not exceeding 3 months Revoke the Licence Take no action



BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED	
- 6 DEC 2018	
REF NO	8-27m
INITIALS	

### 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 the 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

**I - Supt Ian Green**

**(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003**

**1. Premises details: Delicious Buffet**

Postal address of premises, (or if none or not known, ordinance survey map reference or description): **2067 Coventry Road**

Post Town: **Birmingham**

Post Code (if known): **B26 3DY**

**2. Premises Licence details:**

Name of premise licence holder (if known): **Mr Abdul Mohammed Rouf**

Number of premise licence (if known): **Mr Abdul Rouf**

**3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)**

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



**4. Details of association of the above premises with serious crime, serious disorder or both:**  
(Please read guidance note 2)

**Delicious Buffet is a restaurant located on the Coventry Road, it is next door to and connected to another premises called Jilabi, but all the frontage signage indicates the premises is called Jilabi, and the evidence indicates it is being run as Jilabi, there is a premise licence in existence for 2067 Coventry Road.**

**On the 23<sup>rd</sup> November 2018 a joint inspection was conducted at the restaurant called Jilabi's ( this is the two premises together as officers found it had been converted and**

knocked through) The inspection involved officers from Sheldon Police Station, Home Office Immigration Service, West Midlands Fire Service and also Birmingham City Council licensing officers.

The visit was organised following complaints from ex staff indicating that they believed that the premises were employing numerous illegal immigrants, treating them very badly, and paying them about £70/80 a week. West Midlands Police are treating this as modern day slavery.

When officers attended the premises they found the premises open and very busy with customers.

During the visit officer from the Immigration Service detained 3 males who were confirmed as being illegal workers, working at the premises. Intelligence has indicated there were more working at the premises but they fled/mingled with customers as officers entered to avoid detection.

As officers got detained, dealing with the below very quickly they were unable to check the rest of the staff.

The 3 detained were all from Bangladesh,

Male A born in 1978, had overstayed in the UK for the last 7 years and had no right to work

Male B born in 1985, had overstayed in the UK for the last 4 years and had no right to work

Male C born in 1975, an illegal immigrant since 2010.

All 3 were arrested and are being dealt with by the immigration service.

The issue for West Midlands Police is that the premises were employing illegal immigrants, which corroborated the intelligence that led to the inspection.

Where a licence holder is prepared to employ illegal workers they are not only committing offences but are also actively involved in criminal activity and the exploitation of vulnerable individuals for financial gain.

- Illegal workers have no employment rights, or protections and are unable to declare themselves to the authorities to seek assistance should they require any assistance.
- Illegal workers have no rights to be paid the equivalent of the minimum wage which benefits the employer financially.
- Illegal workers are often paid 'cash in hand' by the employer meaning the correct tax and national insurance deductions are not taken into account, and therefore not declared to HMRC.
- Illegal workers are often provided with the most basic accommodation and standard of living which may be linked to their continued employment at the licensed premises.
- Illegal entrants into the UK will not have been subject to the usual immigration checks and health screenings and this could seriously impact on public protection and the health and wellbeing of the general public, especially where illegal entrants have arrived from a country with significant health risks. The employment of such individuals poses on an increased risk especially if that person is employed in a kitchen, or an area where food is prepared or served to the public.

Illegal entrants also do not undergo any appropriate checks, or immigration clearance at the border and may have current or previous criminal convictions and thereby pose a danger for the general public.

The employing of illegal workers is a very serious offence and this is reflected within the Section 182 guidance under section 11.27 which lists the employment of illegal

immigrants/workers as a serious offence and is placed in the same category as possession of firearms, gangs, child pornography.

The premises are licensed as has conditions imposed on it in relation to training. The duty manager on the night indicated that they employed 12 full time staff and 8 part time staff. When officers asked to see the training records they found that only 14 members of staff had signed the training document.

It should be noted that as the premises is now operating with another licensed premise (2065 Coventry Road licence no 955) a review application will also be submitted for these premises.

Employing illegal immigrants carries a five year prison sentence and unlimited fine and so meets the criteria identified as a serious crime. The fact that the matter had been raised to us from someone else and we are treating it as modern day slavery issue, exacerbates the severity of this case.

Signature of applicant: 

Date: 6/12/18

Rank/Capacity: Supt 1218 GECW SW NFM

Contact details for matters concerning this application: Pc 4075 Abdool ROHOMON

Address: Licensing Dept c/o Steelhouse Lane Police Station, Birmingham

Telephone Number(s):

E-mail -

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attended the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

# **West Midlands Police**

## **CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

**Premises: Delicious Buffet**

**Premise Licence Number: 4157**

**Premise Licence Holder: Mr Abdul Mohammed Rouf**

**Designated Premise Supervisor: Mr Abdul Rouf**

**I am a Superintendent in West Midlands Police.**

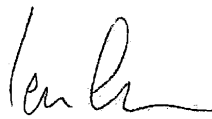
I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

The severity of the issues and the risk to the public (which in this case are illegal immigrants working at the premises) are significant for me to use this power. I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The severity of the incidents is a matter that needs to be brought to the attention of the Licensing Committee immediately.

The concern of West Midlands Police is that if steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered on the 25<sup>th</sup> November 2018. I am conscious of the guidance contained within Section 182 of the licensing act 2003 and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed

 1218 SWPT GZCK



**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE A**

**FRIDAY 7 DECEMBER 2018**

**DELICIOUS BUFFET, 2067 COVENTRY ROAD, SHELDON, BIRMINGHAM B26 3DY**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Mr Abdul Mohammed Rouf in respect of Delicious Buffet, 2067 Coventry Road, Sheldon, Birmingham B26 3DY this Sub-Committee determines that the Licence be suspended pending a review of the Licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.

The Sub-Committee's reasons for imposing this interim step are due to concerns raised by West Midlands Police in relation to matters which came to light as a result of evidence of serious crime that was discovered during an inspection visit to the premises by West Midlands Police and the Home Office Immigration Service (and others) in November 2018, as outlined in the Chief Officer of Police's certificate and application.

The Sub-Committee heard the submissions of West Midlands Police, who confirmed that the employment of illegal immigrants at the premises had been discovered, which according to the Guidance issued under s182 is a serious crime, and too serious to deal with via the ordinary licensing review regime.

The premises did not attend the meeting and were not represented. It was the recommendation of West Midlands Police that the licence be suspended whilst the Police investigated.

The Sub-Committee agreed that the interim step of suspension was the correct course. The Sub-Committee was particularly concerned to hear of the exploitation of illegal immigrants. It appeared that the arrangements for employing staff were wholly unsatisfactory in terms of upholding the prevention of crime and public safety objectives. The application had not been made based on speculation, but on the basis of first-hand accounts of an inspection visit.

Having heard the Police's account, the Sub-Committee determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problem with the premises, in particular the likelihood of serious crime, and to ensure public safety.

The Sub-Committee considered whether it could impose any other interim step, including modification of licence conditions, or exclusion of the sale of alcohol by retail or the removal of the Designated Premises Supervisor. The Sub-Committee did not believe however that any of these would address the seriousness of an



incident in which the Police had discovered illegal immigrants staffing the premises. The risks could only be addressed by the suspension of the Licence as an interim step.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made at the hearing by the Police.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours (excluding non-working days).

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

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**From:** Abdool Rohomon  
**Sent:** 18 December 2018 15:05  
**To:** Licensing  
**Cc:** Heath Thomas  
**Subject:** Delicious buffet

Dear Licensing

In relation to the above premises. West Midlands Police wish to make additional representations in that during the visit on the 23<sup>rd</sup> November 2018, Birmingham City council licensing officers discovered that the premises was operating in breach of its operating conditions –

- The cctv conditions which were imposed through a committee hearing were being breached as no cctv was operational. The premises stated that it had been stolen 3 weeks before but not reported to the Police
- Conditions relating to training of staff had also been breached, as records not available and not all staff had been trained

Information relating to these additional reps will be included in the evidence bundle

regards

**Abs Rohomon**

**PC 4075 Rohomon  
BW Licensing  
Police headquarters  
Lloyd House  
Colmore Circus  
Birmingham  
B4 6NQ**

### Birmingham City Council Licensing Service

Representation as a responsible authority in respect of the premises licence number 2697 granted under the Licensing Act 2003 in respect of premises known as:

- Delicious Buffet, 2067 Coventry Road, Sheldon, Birmingham, B26 3DY

#### Introduction

The current premises licence holder - Mr Abdul Mohammed Rouf of

Nominated Designated Premises Supervisor - Mr Abdul Rouf of

The licence currently authorises the following licensable activities:-

- M1 - Sale of alcohol by retail (on the premises)
- L - Late night refreshment

And permits this licensable activity to take place:-

Sale of alcohol

Monday – Sunday 10:00 – 01:00

Late night refreshment

Monday – Sunday 23:00 – 01:00

Opening hours of the premises

Monday – Sunday 10:00 – 01:00

Use of paved area outside 10:30 – 22:30

Will only be used weather  
permitting Monday - Sunday

<p>BCC REGULATION &amp; ENFORCEMENT LICENSING SECTION DATE RECEIVED  <b>10 DEC 2018</b></p>
<p>REF NO. ....</p>
<p>INITIALS .....</p>

#### Annex 2 – Conditions consistent with operating schedule

2a) Staff will receive adequate training on regular basis relating to the Licensing Objectives.

All staff training regarding the Licensing Act 2003 and subsequent updates to be documented and made immediately available on request of any of the responsible authorities.

2b) Alcohol will only be supplied on the premises to people taking table meals or for consumption by a person as ancillary to their meal.

CCTV to be installed / updated to the specifications and recommendations of West Midlands Police. CCTV images to be downloaded and made immediately available to any of the responsible authorities on request.

Drunk and disorderly conduct will not be tolerated.

Lighting outside the premises to be maintained and working in order to provide clear CCTV images.

2d) Customers will be discouraged from making a noisy exit and there will be signs at the property reminding customers to leave quietly.

The premise licence holder shall ensure that if requested, the business will work with the Police to prevent any accumulation of individuals outside the premises.

2e) The premises will operate a Challenge 25 policy and there will be signage at the premises promoting the Challenge 25 Policy.

Minors must always be accompanied by adults and no alcohol will be sold to under 18's, proof of identity will be requested.

### **Multi Agency visit to the premises**

On Friday 23<sup>rd</sup> November 2018 a Multi-Agency visit was conducted to a restaurant trading as Jilabi, 2065 - 2067 Coventry Road, Sheldon, Birmingham, B26 3DY. The agencies taking part in the visit included:-

West Midlands Police  
Immigration Enforcement  
West Midland Fire  
Licensing Enforcement

### **Licensing Matters Identified**

Mr Abdul Rouf was present at the premises on the 23<sup>rd</sup> November 2018.

It was evident on arrival at the premises that the restaurant has been extended into an adjoining business premises and the restaurant trading as Jilabi occupies both 2065 - 2067 Coventry Road.

The trading name of the restaurant is displayed on signage which spans the frontages of both 2065-2067 Coventry Road and on entering the premises it was evident that a section of the dividing wall between the two business addresses has been removed creating one larger restaurant. Staff and customers were freely moving between the two separate licensed areas.

A person viewing the exterior and interior areas of the restaurant would reasonable believe it was one business.

There is a separate premises licence in force for 2065 Coventry Road and currently held by Mr Rahim Miah. Records maintained by Companies House show Mr Abdul Rouf and Mr Rahim Miah are both current directors of Jilabi Birmingham Ltd, 2065 Coventry Road, Sheldon, Birmingham – company number 08757935.

The premises licence granted to Mr Rouf only relates to 2067 Coventry Road, Sheldon, Birmingham B26 3DY and the plan attached to the premises licence only defines the ground floor of the address as the permitted licensable area in which Mr Rouf can lawfully carry on licensable activities.

The two businesses clearly now trade as one single restaurant business (Jilabi) but are continuing to trade contrary to the terms of the two separate premises licences currently in force. The two individually licensed premises are no longer distinct and separate, nor are they configured in accordance with relevant plans lodged with the Licensing Section.

In addition to alterations made to the ground floor layout at 2067 Coventry Road the restaurant (Jilabi) also has a private function room on the first floor again spanning both 2067 and 2065 Coventry Road but this area is not covered by any relevant authorisation.

When asked Mr Rouf produced premises licence number 955 granted to Mr Miah in respect of 2065 Coventry Road and the subsequent compliance inspection was carried out in relation to this licence only.

Mr Rouf advised officers the restaurant (Jilabi) employed 12 full time and 8 part time front-of house staff. But he could not provide a list of employees, or staff rota showing which members of staff were working that evening.

The training records produced by Mr Rouf were not complete, nor considered adequate as the records consisted of photocopies of page 4 of the premises licence issued to Mr Miah in respect of 2065 Coventry Road Annex 2 – Conditions consistent with operating schedule and had an additional hand written reference to Challenge 25 age verification policy.

The documents produced did not evidence what training has been provided to staff regarding the Licensing Act 2003 and the records produced only contained 14 signatures.

Officers also identified there was no operational CCTV system being maintained in relation to either business address and were advised 'the restaurant' had been broken into about 3 weeks previously and the CCTV hard drive had been stolen. West Midlands Police received no report of this burglary.

West Midlands Police Officers have body camera footage showing first floor area of the premises which is not covered by any relevant authorisation was being used for licensable activities at the time of the visit.

#### **Matters identified by other partner agencies**

During the visit Police and Immigration Enforcement Officers spoke to a number of individuals identified working at the restaurant to establish whether they had the required permission to work in the UK. This resulted in three males being detained for possible immigration breaches.

The immigration status of the three individuals has now been confirmed:-

- Mr [redacted] DOB [redacted] – Entered the UK illegally
- Mr [redacted] DOB [redacted] – Has overstayed beyond his period of authorised stay in the UK.
- Mr [redacted] DOB [redacted] – Has overstayed beyond his period of authorised stay in the UK.

All three men are illegally present in the UK and now liable to be detained and removed from the country.

#### **Immigration, Asylum and Nationality Act 2006 - Section 21 states:-**

(1) A person commits an offence if he employs another ("the employee") knowing that the employee is an adult subject to immigration control and that—

- (a) he has not been granted leave to enter or remain in the United Kingdom, or
- (b) his leave to enter or remain in the United Kingdom—
  - (i) is invalid,
  - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
  - (iii) is subject to a condition preventing him from accepting the employment.

**Immigration Act 1971 – Section 25 states:-**

Assisting unlawful immigration to member State

(1) A person commits an offence if he—

- (a) does an act which facilitates the commission of a breach or attempted breach of immigration law by an individual who is not a citizen of the European Union,
- (b) knows or has reasonable cause for believing that the act facilitates the commission of a breach or attempted breach of immigration law by the individual, and
- (c) knows or has reasonable cause for believing that the individual is not a citizen of the European Union.

**Guidance issued under section 182 of the Licensing Act 2003 - Reviews arising in connection with crime states:-**

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

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 the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- **for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;**
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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.

### **Premises Licence Holder**

Section 136 of the Licensing Act 2003 a person commits an offence if they carry on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with a relevant authorisation.

Mr Rouf is the current premises licence holder in respect of 2067 Coventry Road and also a director in respect of Jilabi (Birmingham) Ltd 2065 Coventry Road, Sheldon, Birmingham – company number 08757935. He was also present at the premises at the time of the Multi Agency visit was conducted.

In addition to being a premises licence holder Mr Rouf is also a director of a company which employs people and as an employer he has a duty to prevent illegal working. Prior to employing any prospective employee Mr Rouf should be ensuring that relevant checks are being carried out to establish whether individuals have the correct permission to work in the UK.

As an employer Mr Rouf should be able to produce evidence regarding the checks carried prior to employing the three individuals identified (NI number, Tax Code) and should be able to produce records in respect of the payments of their wages/salaries (payslips) and tax deductions accounted to HMRC. (PAYE records)

### **Licensing Enforcement Team Recommendations to the Licensing Committee**

As a Licensing Authority Birmingham City Council must carry out its licensing functions with a view to promoting the licensing objectives contained in the Act. The Act is clearly intended to prevent crime and disorder in relation to premises, as well as deter and prevent unscrupulous persons from operating illegally under the authorisation of a premises licence.

Where licence holders are prepared to employ illegal workers they are not only committing offences but are also actively involved in on-going criminal activity and the exploitation of extremely desperate and vulnerable individuals for financial gain.

- Illegal workers have no employment rights or protections and are unable to declare themselves to the authorities to seek help or assistance should they require it.
- Illegal workers have no rights to be paid the equivalent of the minimum wage and often accept poor and sometimes dangerous working conditions in order to remain in the UK.
- Illegal workers are often paid 'cash in hand' by the employer meaning the correct tax and national insurance deductions are not taken into account, and not declared to HMRC.
- Illegal workers are often provided with the most basic accommodation and standard of living which may be linked to their continued employment at licensed premises.
- Illegal entrants into the UK will not have been subject to the usual immigration checks and health screenings and this could seriously impact on public protection and the health and wellbeing of the general public, especially where illegal entrants have arrived from a country with significant health risks. The employment of such individuals poses a further risk especially if that person is employed in a kitchen, or area where food is prepared, or served to the public.
- Illegal entrants also do not undergo any appropriate security checks, or immigration clearance at the border and they may have current or previous criminal convictions and pose a real danger for public protection.

Employing illegal workers has far reaching harmful social and economic effects within the UK. It enables dishonest employers to gain an unfair advantage over competitors who operate legally and comply within the laws of the United Kingdom.

As the law stands, employing an illegal worker amounts to a criminal offence. However, before the introduction of the Immigration Act of 2016 employers could hide behind the criteria which stated that an employer must 'knowingly' have employed the illegal worker. Unscrupulous employers could therefore simply choose not to undertake any eligibility checks when they took on new employees thereby allowing them to plead that they had not knowingly employed an illegal worker. The Immigration Act 2016 has now closed this loop hole and where an employer is identified employing an illegal worker(s), they now need to evidence the checks they carried out prior to employing the person(s) to prevent illegal working. Blissful ignorance about whether an employee has a right to work in the UK is no longer a defence for employers.

Three illegal workers have been identified working at Jilabi 2065 – 2067 Coventry Road, Sheldon, Birmingham, B26 3DY and the Licensing Enforcement Team considers and this is a seriously failure to promote the licensing objectives relating to:-

#### Crime & Disorder and Public Protection

Unless Mr Rouf can satisfy the Licensing Sub Committee that relevant checks were carried out prior to the employment of the three individuals identified to establish they could lawfully work in the UK the Licensing Enforcement Team would recommend the Licensing Sub Committee consider the revocation of premises licence granted to him.

#### **Relevant case law - *East Lindsey District Council v Abu Hanif***

Mr Justice Jay certified this case as appropriate for citation in future cases under the relevant Practice Direction. In his decision Mr Justice Jay sited it is not necessary for a crime to have been reported, prosecuted or establish in a court of law in order for the crime prevention objective to be engaged.



BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4157 / 1

**Part 1 - Premises details:**

**Postal address of premises, or if none, ordnance survey map reference or description**

Delicious Buffet  
2067 Coventry Road  
Sheldon

**Post town:**

Birmingham

**Post Code:**

B26 3DY

**Telephone Number:**

Not Specified

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

L Late night refreshment  
M1 Sale of alcohol by retail (on the premises)

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

Monday - Sunday	10:00	-	01:00	M1
	23:00	-	01:00	L

**The opening hours of the premises**

Monday - Sunday	10:00	-	01:00
The paved area outside the premises will only be used weather permitting Monday - Sunday	10:30	-	10:30

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

On Supplies only

**BIRMINGHAM CITY COUNCIL**

**Part 2**

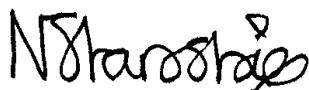
<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Abdul Mohammed Rouf	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
---

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Abdul Rouf	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 1133	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 28/07/2014



Nicola Stansbie  
Assistant Licensing Officer  
For Director of Regulation and Enforcement

## BIRMINGHAM CITY COUNCIL

### Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

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.

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).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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:- 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.

Where any of the following alcoholic drinks is sold or supplied for sale or 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) the responsible person shall ensure that it is available to customers in the following measures:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

The responsible person must also ensure that customers are made aware of the availability of the aforementioned measures.

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.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

## **BIRMINGHAM CITY COUNCIL**

### **Annex 2 – Conditions consistent with operating schedule**

#### **2a) General conditions consistent with the operating schedule**

Staff will receive adequate training on regular basis relating to the Licensing Objectives.

All staff training regarding the Licensing Act 2003 and subsequent updates to be documented and made immediately available on request of any of the responsible authorities.

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Alcohol will only be supplied on the premises to people taking table meals or for consumption by a person as ancillary to their meal.

CCTV to be installed / updated to the specifications and recommendations of West Midlands Police. CCTV images to be downloadable and made immediately available to any of the responsible authorities on request.

Drunk and Disorderly conduct will not be tolerated.

Lighting outside the premises to be maintained and working in order to provide clear CCTV images.

#### **2c) Conditions consistent with, and to promote, public safety**

No enforceable conditions identified from operating schedule.

#### **2d) Conditions consistent with, and to promote the prevention of public nuisance**

Customers will be discouraged from making a noisy exit and there will be signs at the property reminding customers to leave quietly.

The Premises License Holder shall ensure that if requested, the business will work with the Police to prevent any accumulation of individuals outside the premises.

#### **2e) Conditions consistent with, and to promote the protection of children from harm**

The premises will operate a Challenge 25 policy and there will be signage at the premises promoting the Challenge 25 Policy.

Minors must always be accompanied by adults and no alcohol will be sold to under 18's, proof of identity will be requested.

**BIRMINGHAM CITY COUNCIL**

**Annex 3 – Conditions attached after hearing by licensing authority**

**3a) General committee conditions**

N/A

**3b) Committee conditions to promote the prevention of crime and disorder**

N/A

**3c) Committee conditions to promote public safety**

N/A

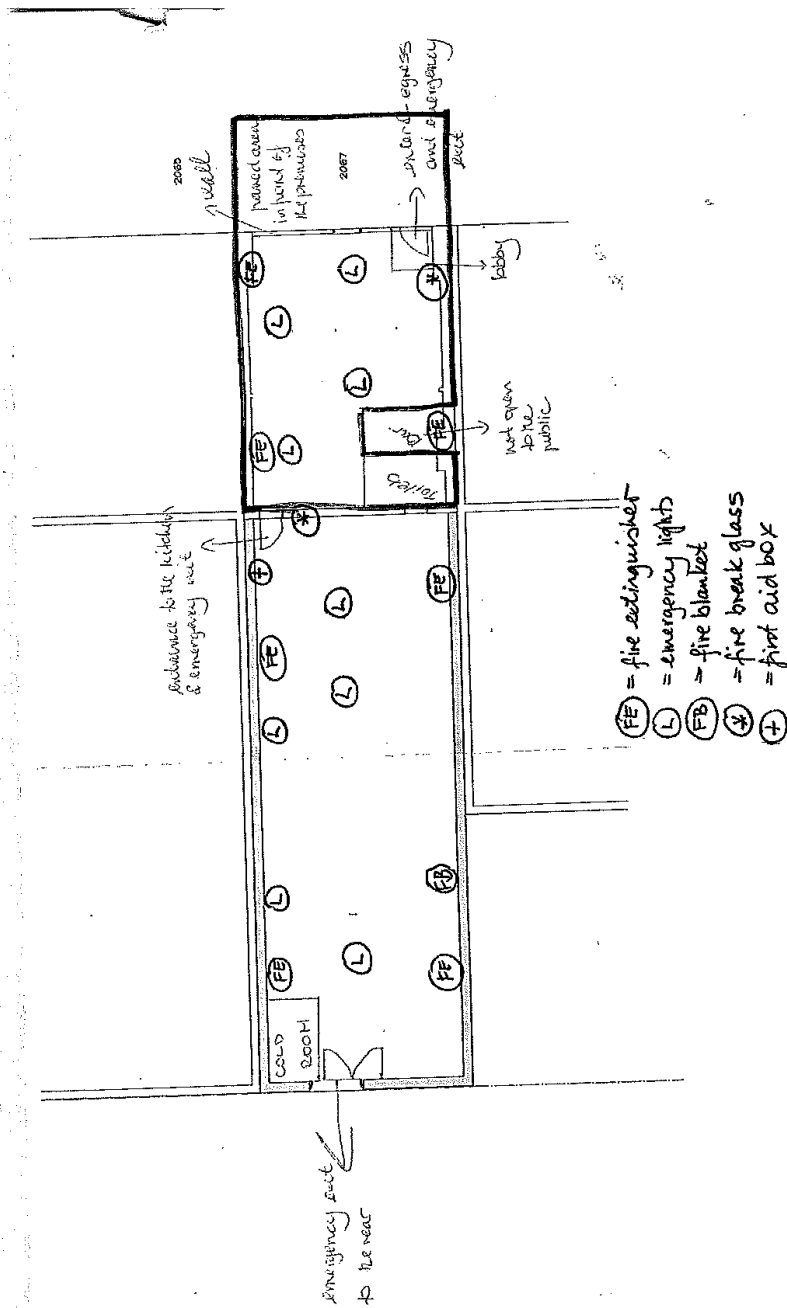
**3d) Committee conditions to promote the prevention of public nuisance**

N/A

**3e) Committee conditions to promote the protection of children from harm**

N/A

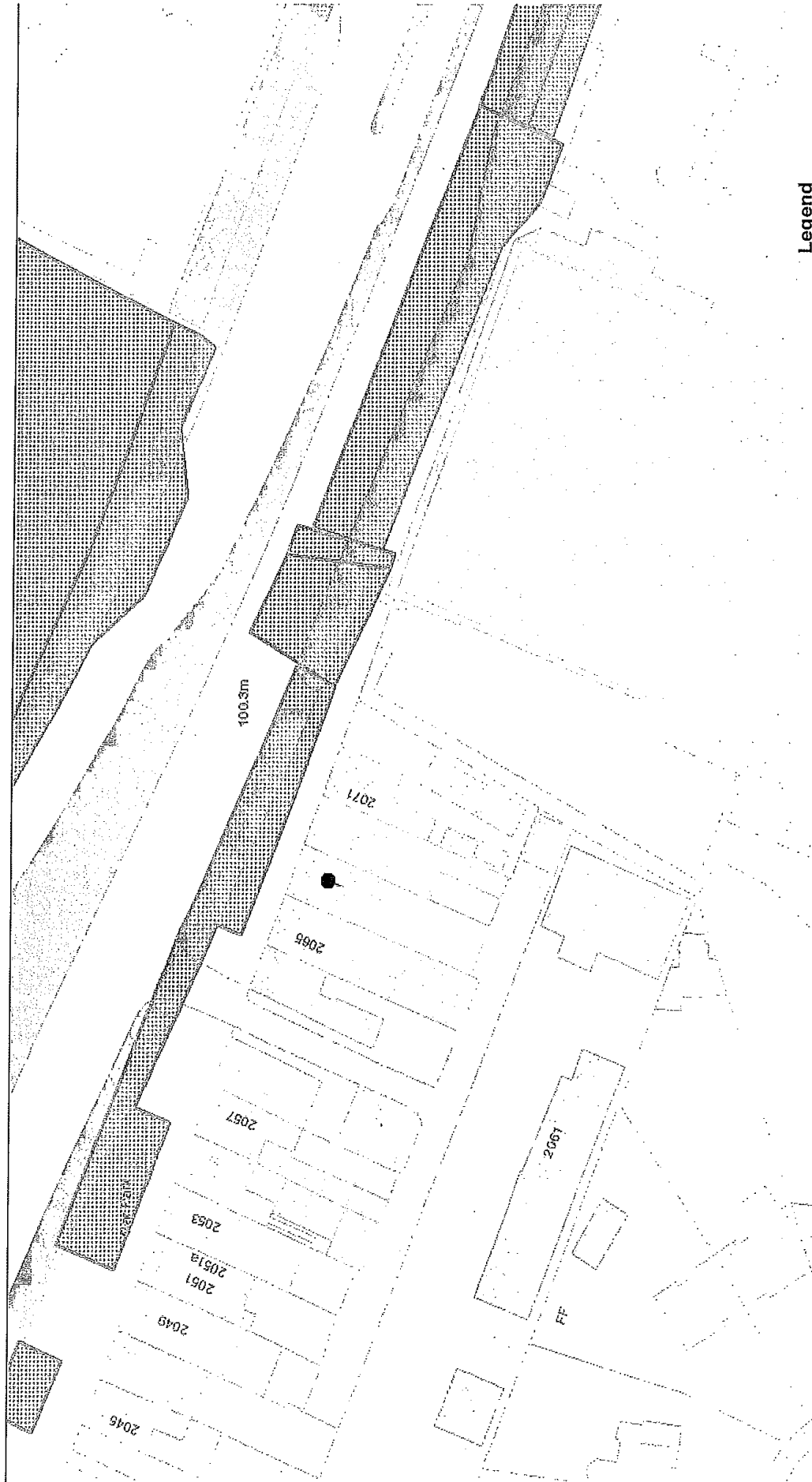
BIRMINGHAM CITY COUNCIL



2007 Cooney R.  
License no 4157.

Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

# 2065-2067 Coventry Road



## Legend

- Highway Trees
- Customer Service Centres
- Surface Level
- Non Surface Level

EJ Sub Sta

## Notes

Map Created By:  
Date of Map Creation: 27/11/2018



## Companies House

**BETA** This is a trial service — your [feedback \(https://www.research.net/r/chbeta\)](https://www.research.net/r/chbeta) will help us to improve it.

Search for companies or officers

# JILABI BIRMINGHAM LTD

Company number **08757935**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/08757935/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/08757935/persons-with-significant-control)

## Filter officers

☐

Current officers

[Apply filter](#)

## 3 officers / 0 resignations

### ALI, Rokib

Correspondence address **2065 Coventry Road, Sheldon, Birmingham, West Midlands, B26 3DY**

Role Active **Director**

Date of birth **December 1958**

Appointed on **1 November 2014**

Nationality **British**

Country of residence **England**

Occupation **Self Employed Business**

### MIAH, Rahim

Correspondence address  
**2065 Coventry Road, Sheldon, Birmingham, West Midlands, United Kingdom, B26 3DY**

Role Active **Director**

Date of birth **November 1971**

<https://beta.companieshouse.gov.uk/company/08757935/officers> 28/11/2018



Appointed on **1 November 2013**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Company Director**

---

**ROUF, Abdul**

Correspondence address

**2065 Coventry Road, Sheldon, Birmingham, West Midlands, United Kingdom, B26 3DY**

Role Active **Director**

Date of birth **January 1963**

Appointed on **1 November 2013**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Company Director**

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Is there anything wrong with this page?



ere

# The pri- vate FUNC- TION ROOM



<http://jilabi.co.uk/function-room/>

04/12/2018

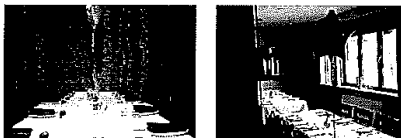
\*

We like to party...well who doesn't?  
and at Jilabi we know the ingredients  
to hosting the best parties.

When you book our function room  
you get VIP treatment to make your  
celebration go off with a bang, we  
even give you your own waiter for  
the evening to see to your every  
need!

Tell us when your special date is and  
we'll put the champagne on ice

0121 722 3205



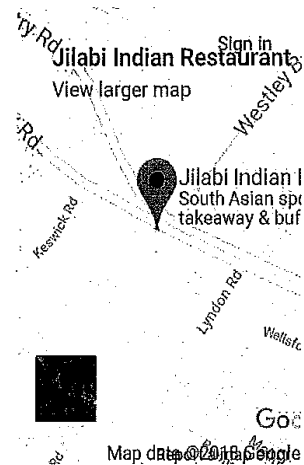
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**Jilabi**  
about a month ago

Treat your Halloween with  
Takeaway meal for two a  
Also giving away a m  
four this weekend!!  
Simply just Like and Share

0121 722 3205  
info@jilabi.co.uk  
2065 Coventry Rd,  
Birmingham B26 3DY



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**REGULATORY SERVICES**  
**RESTRICTED (when complete)**  
**SIMPLE CAUTION**

Report No: WK/008545147

Job No: 8520583

Ethnicity Code PNC: .....

Imprisonable/Non Imprisonable (delete as appropriate)

A/S No.

Offender's Surname: ROUF Forename(s): MOHAMMED ABDUL DOB: MALE/FEMALE

Address: JILABI RESTAURANT, 2065, COVENTRY ROAD, SHELDON, BIRMINGHAM, B26 3DY.

Occupation: RESTAURANT MANAGER

Details of the Offence(s)

Sequential No	Offence (include a full description of the offence – this must be detailed enough to record the offence accurately on databases)
	THAT YOU, ON 2nd MARCH 2017, IN THE CITY OF BIRMINGHAM, WITHOUT REASONABLE EXCUSE, DID FAIL TO PRODUCE UPON REQUEST BY AN AUTHORISED OFFICER, NAMELY SHARON WATTS, A PERSONAL LICENCE ISSUED TO YOU UNDER THE LICENSING ACT 2003, CONTRARY TO SECTION 135 OF THE LICENSING ACT 2003.
	THAT YOU, ON 23 <sup>RD</sup> MARCH 2017, IN THE CITY OF BIRMINGHAM, WITHOUT REASONABLE EXCUSE, DID FAIL TO PRODUCE UPON REQUEST BY AN AUTHORISED OFFICER, NAMELY SHARON WATTS, A PERSONAL LICENCE ISSUED TO YOU UNDER THE LICENSING ACT 2003, CONTRARY TO SECTION 135 OF THE LICENSING ACT 2003.

Please read the declaration below and make sure you understand it before you sign.

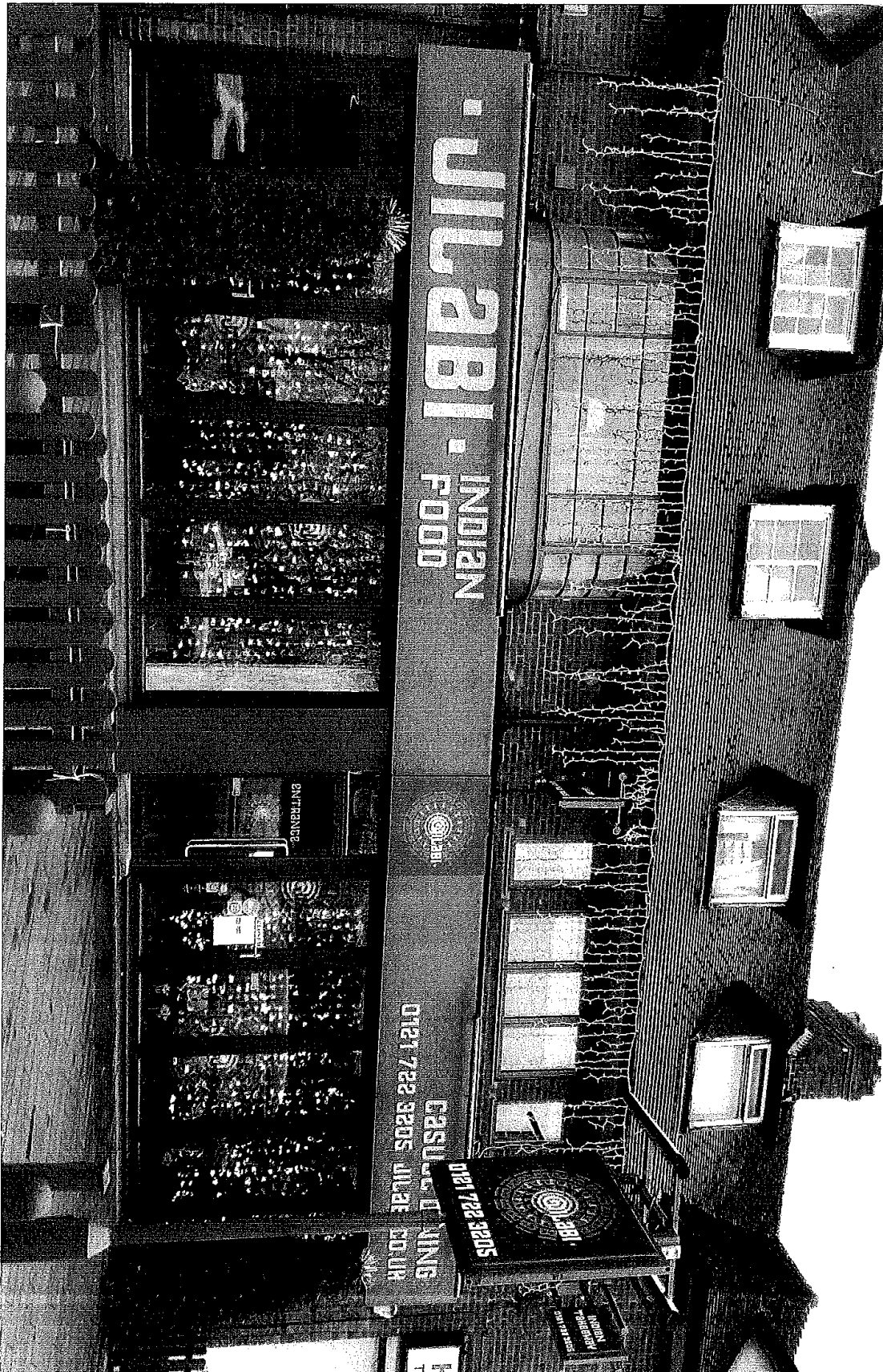
- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on police databases.
- 2 If I am charged with another offence and I go to Court, you will tell the court that I have received this simple caution.

I have read and understand all this information.  
I agree to accept a simple caution for the offence(s) shown above.

Signature of person cautioned ..... Date ..... 14.11.17

Caution administered by... *S. Woodcock* ..... Job Title *Licensing Ops Mgr* .....

Signature ..... *[Signature]* ..... Date..... 14.11.17 .....



---

**From:** Graham Lines  
**Sent:** 21 December 2018 11:07  
**To:** Licensing  
**Cc:**  
**Subject:** RE: RE: Licensing Act 2003 - Section 53A Expedited Review Application - Delicious Buffet, 2067 Coventry Road, Sheldon, Birmingham, B26 3DY  
**Attachments:** Delicious Buffet Expedited Review v1.0.docx

Please find attached the Public Health response for Delicious Buffet. We have used the same text in the response as used for Jilabi in view of the connection.  
Thank you.

Graham Lines  
Public Health Project Support Officer



**Birmingham**  
City Council

**Birmingham Public Health**

**Delicious Buffet**  
**2067 Coventry Road**  
**B26 3DY**

**Expedited Review Response**

**Duncan Vernon**

Acting Assistant Director of Public Health

20 December 2018

Final v1.1

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.



## Contents

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Contents .....	1
1 Premises or club details.....	3
2 Overview of the Grounds for Review .....	3
3 Public Health response.....	5

## Delicious Buffet, 2067 Coventry Road, B26 3DY

### ***Public Health's Response to Expedited Review***

This is a response document from Birmingham Public Health in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

Wherever possible, supporting information contained within this document will be evidence-based and demonstrably refer to one or more of the licensing, those objectives being:

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

To promote good practice and a collaborative, multi-agency approach, we will also share this document with the other Responsible Authorities for licensing in Birmingham.

This report is provided on behalf of the Director of Public Health.

Any queries relating to this report should be addressed to:

Kyle Stott  
Licensing Lead  
Birmingham Public Health  
PO Box 16732, Birmingham B2 2GF

[publichealth@birmingham.gov.uk](mailto:publichealth@birmingham.gov.uk)

## 1 Premises or club details

<b>Name of premises</b>	Delicious Buffet
<b>Postal address of premises</b>	2067 Coventry Road, Sheldon, Birmingham, B26 3DY
<b>Premises licence holder</b>	Mr Abdul Mohammed Rouf
<b>Premises licence number</b>	4157
<b>Designated Premises Supervisor</b>	Mr Abdul Rouf

## 2 Overview of the Grounds for Review

Delicious Buffet is a restaurant located on the Coventry Road, it is next door to and connected to another premises called Jilabi but all the frontage signage indicates the premises is called Jilabi, and the evidence indicates it is being run as Jilabi. There is a premise licence in existence for 2067 Coventry Road

On the November 2018 a joint inspection was conducted at the restaurant called Jilabi's. The inspection involved officers from Sheldon Police Station, Home Office Immigration Service, West Midlands Fire Service and also Birmingham City Council licensing officers.

The visit was organised following complaints from ex staff indicating that they believed that the premises were employing numerous illegal immigrants, treating them very badly, and paying them about £70/80 a week. West Midlands Police are treating this as modern day slavery.

During the visit officer from the Immigration Service detained 3 males who were confirmed as being illegal workers. Intelligence has indicated there were more working at the premises but they fled/mingled with customers to avoid detection.

The 3 detained were all from Bangladesh:

- Male A born in 1978, had overstayed in the UK for the last 7 years and had no right to work
- Male B born in 1985, had overstayed in the UK for the last 4 years and had no right to work
- Male C born in 1975, an illegal immigrant since 2010.

All 3 were arrested and are being dealt with by the immigration service.

The issue for West Midlands Police is that the premises were employing illegal immigrants, which corroborated the intelligence that led to the inspection.

Where a licence holder is prepared to employ illegal workers they are not only committing offences but are also actively involved in criminal activity and the exploitation of vulnerable individuals for financial gain.

- Illegal workers have no employment rights or protections and are unable to declare themselves to the authorities to seek assistance should they require any assistance.

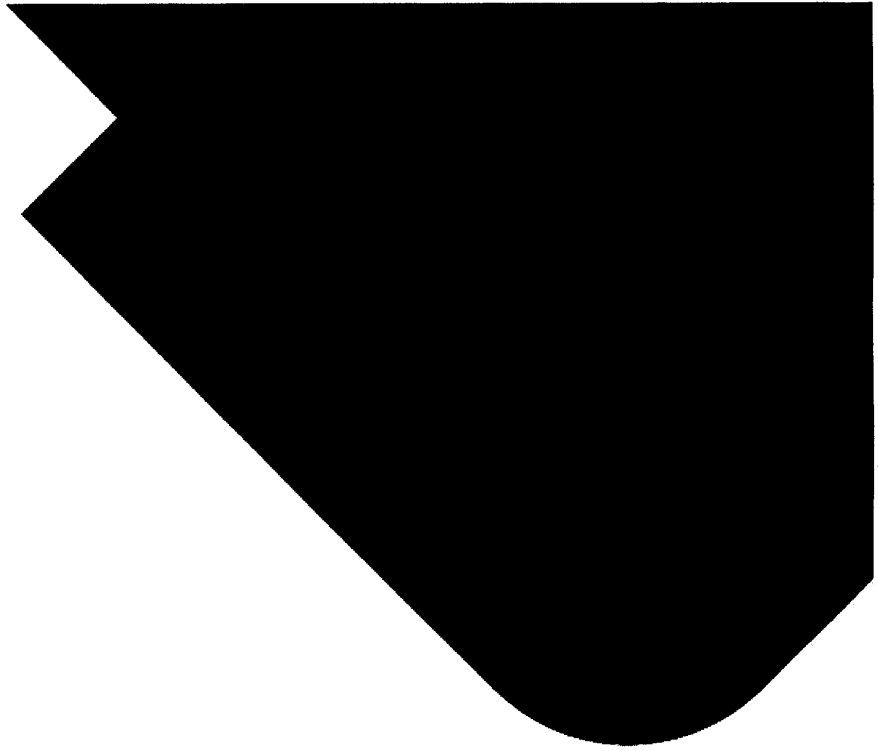
- Illegal workers have no rights to be paid the equivalent of the minimum wage which benefits the employer financially.
- Illegal workers are often paid 'cash in hand' by the employer meaning the correct tax and national insurance deductions are not taken into account, and therefore not declared to HMRC.
- Illegal workers are often provided with the most basic accommodation and standard of living which may be linked to their continued employment at the licensed premises.
- Illegal entrants into the UK will not have been subject to the usual immigration checks and health screenings and this could seriously impact on public protection and the health and wellbeing of the general public, especially where illegal entrants have arrived from a country with significant health risks. The employment of such individuals poses on an increased risk especially if that person is employed in a kitchen, or an area where food is prepared or served to the public.

The premises are licensed as has conditions imposed on it in relation to training. The duty manager on the night indicated that they employed 12 full time staff and 8 part time staff. When officers asked to see the training records they found that only 14 members of staff had signed the training document.

Employing illegal immigrants carries a five year prison sentence and unlimited fine and so meets the criteria identified as a serious crime.

### 3 Public Health response

Licensing Objective	Response
<b><i>The prevention of crime and disorder</i></b>	<p>The employing of illegal workers is a very offence and this is reflected within Section 182 Revised Guidance under section 11.27, which lists the employment of illegal immigrants/workers as a serious offence.</p> <p>Employing illegal immigrants carries a five year prison sentence and unlimited fine and so meets the criteria identified as a serious crime.</p>
<b><i>Public Safety</i></b>	<p>As highlighted by West Midlands Police, illegal entrants into the UK will not have been subject to the usual health screenings or have contact with the health services and this could seriously impact on public protection and the health and wellbeing of the general public, especially where illegal entrants have arrived from a country with significant health risks.</p> <p>The employment of such individuals poses on an increased risk especially if that person is employed in a kitchen, or an area where food is prepared or served to the public. In particular enteric fever (including Typhoid and Paratyphoid) can be transmitted where infected individuals prepare and handle food. The majority of cases in England are imported following travel to the Indian sub-continent, and may not be identified in time to take preventative action without contact with health professionals.</p>
<p><b><i>Summary</i></b></p> <p>Modern slavery is a human rights violation and has severe consequences for the health and wellbeing of survivors. It is an exploitative crime that impacts on physical and mental health and has public health implications.</p> <p>Modern slavery has a range of serious health consequences at an individual and population level and the many types of slavery often has a catastrophic effect on an individual's health, both physical and mental. Trafficked people commonly experience poor mental health with high prevalence of post-traumatic stress disorder (PTSD), anxiety and depression.</p> <p>Whilst acknowledging that this a prima facie case of modern day slavery, based on the information from West Midlands Police it would be difficult to draw any other conclusion than that the license holder has failed to promote the specific objectives of Preventing Crime and Disorder and of promoting Public Safety; the public safety aspect being both in respect of the customers of the restaurant and the health and wellbeing of the individuals detained by the Police.</p>	



## **Public Health**

PO Box 16732  
Birmingham  
B2 2GF

[publichealth@birmingham.gov.uk](mailto:publichealth@birmingham.gov.uk)

[www.birminghampublichealth.co.uk](http://www.birminghampublichealth.co.uk)  
[www.birmingham.gov.uk](http://www.birmingham.gov.uk)

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## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4157 / 1

**Part 1 - Premises details:**

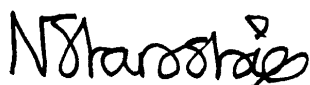
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Delicious Buffet 2067 Coventry Road Sheldon	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B26 3DY
<b>Telephone Number:</b>	
Not Specified	
<b>Where the licence is time limited the dates</b>	
N/A	
<b>Licensable activities authorised by the licence</b>	
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)
<b>The times the licence authorises the carrying out of licensable activities</b>	
Monday - Sunday	10:00 - 01:00 M1
	23:00 - 01:00 L
<b>The opening hours of the premises</b>	
Monday - Sunday	10:00 - 01:00
The paved area outside the premises will only be used weather permitting Monday - Sunday	10:30 - 10:30
<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>	
On Supplies only	

BIRMINGHAM CITY COUNCIL

Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Abdul Mohammed Rouf	
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<b>Telephone Number:</b> Not Specified	
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<b>Telephone Number:</b> N/A	
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<b>Licence Number</b> 1133	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 28/07/2014



Nicola Stansbie  
Assistant Licensing Officer  
For Director of Regulation and Enforcement



## **BIRMINGHAM CITY COUNCIL**

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## **BIRMINGHAM CITY COUNCIL**

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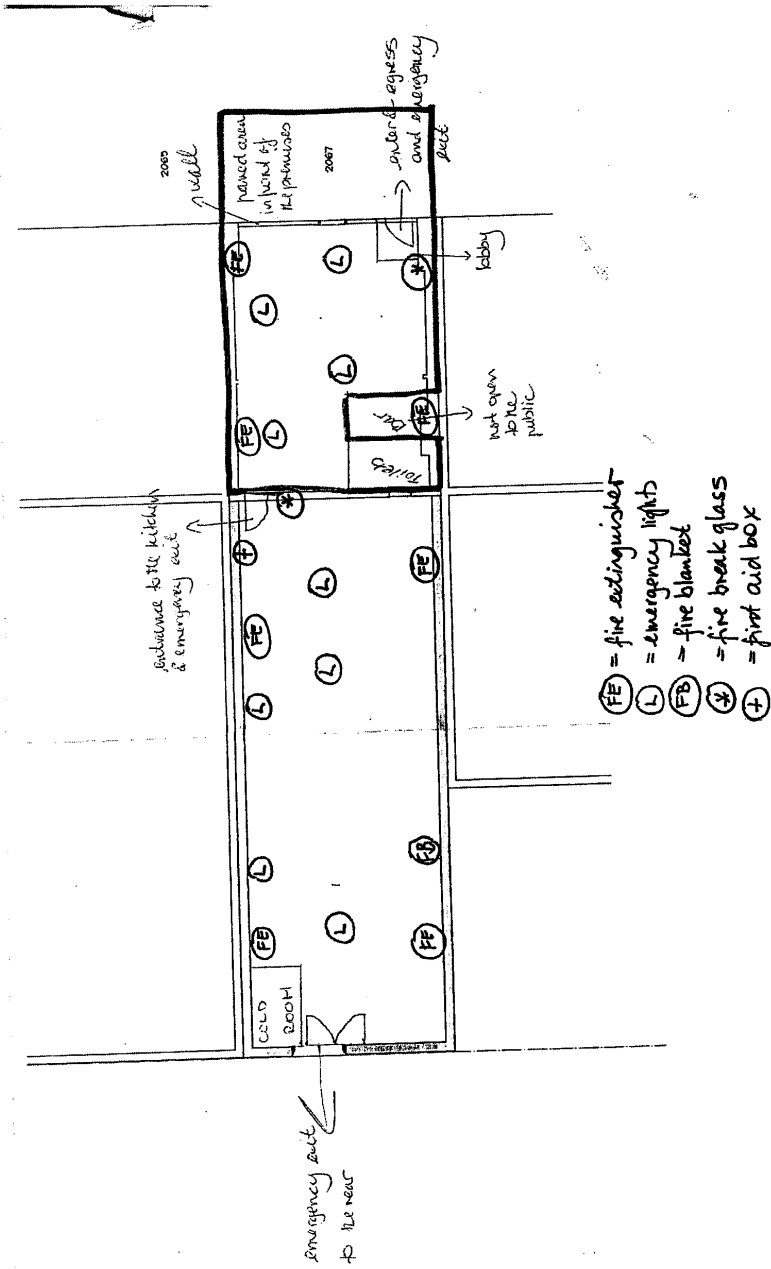
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Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

**BIRMINGHAM CITY COUNCIL**

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N/A

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N/A

**3d) Committee conditions to promote the prevention of public nuisance**

N/A

**3e) Committee conditions to promote the protection of children from harm**

N/A



**Birmingham City Council** Map Created By:

Date of Map Creation: 20/12/2018

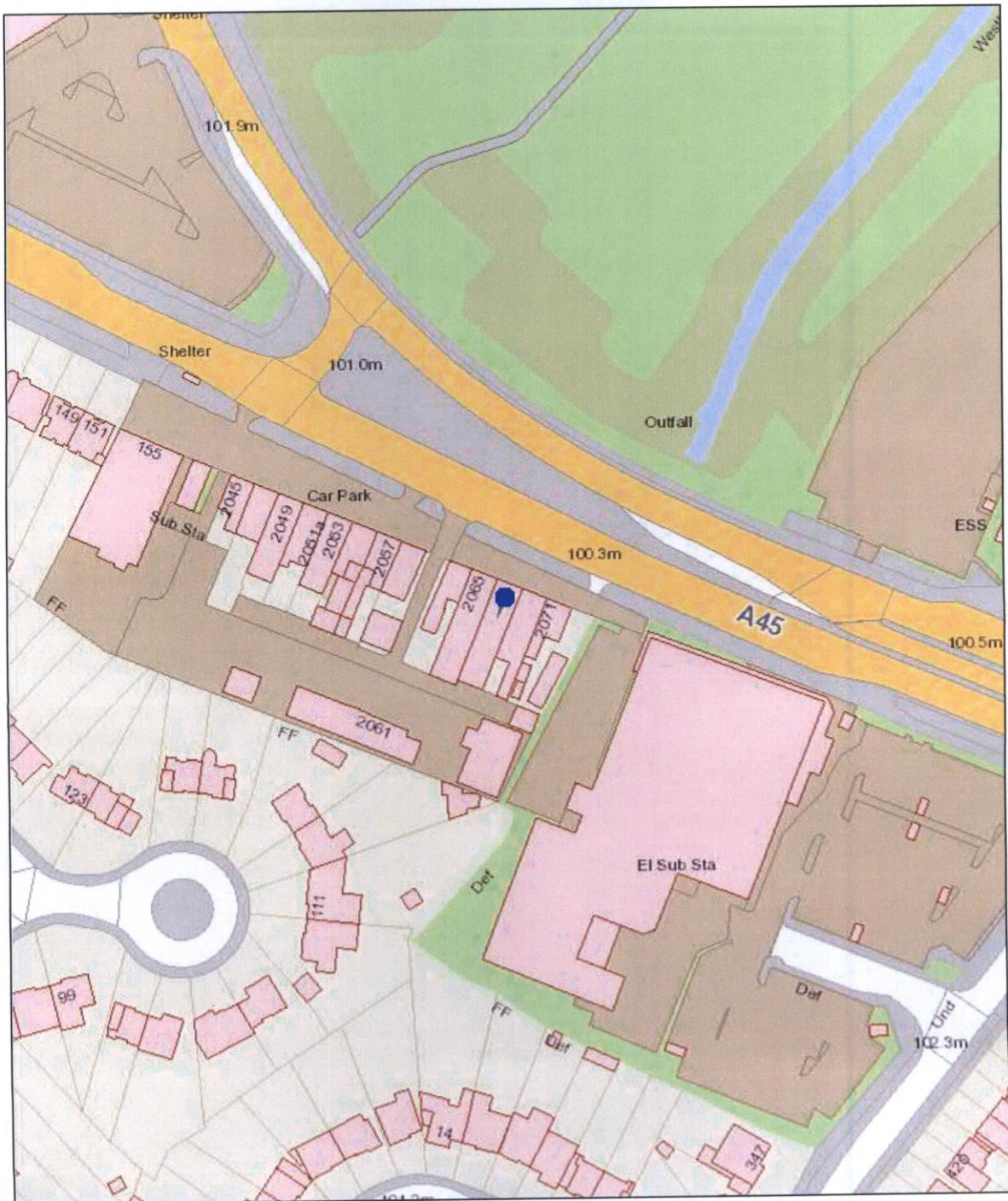
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