

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation and Enforcement
Date of Meeting:	Thursday 3rd January 2019
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Jilabi, 2065 Coventry Road, Sheldon, Birmingham, B26 3DY
Ward affected:	Sheldon
Contact Officer:	Shaid Yasser, Senior Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

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 6th December 2018 in respect of Jilabi, 2065 Coventry Road, Sheldon, Birmingham, B26 3DY.

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

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 6th 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 Rahim Miah in respect of Jilabi, 2065 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 7th 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 21st December 2018.

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

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

Representations have been received from other persons in support of the premises licence holder which are attached as Appendices 6 – 15.

A copy of the current Premises Licence is attached at Appendix 16.

Site location plans at Appendix 17.

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 7th 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
Representations received from other persons in support of the premises licence holder, Appendices 6 - 15
Current Premises Licence, Appendix 16
Site location plans, Appendix 17

7. Options available:

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 826m

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: **Jilabi**

Postal address of premises, (or if none or not known, ordinance survey map reference or description): **2065 Coventry Road**

Post Town: **Birmingham**

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

2. Premises Licence details:

Name of premise licence holder (if known): **Mr Rahim Miah**

Number of premise licence (if known): **B26 3DY**

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)

Jilabi is a restaurant located on the Coventry Road, it is a double fronted and two storey premises.

On the 23rd 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.

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 (2067 Coventry Road licence no 4157) 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: X



Date: 6/12/18.

Rank/Capacity: Supt 1218 IAN GREEN BN NPL.

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

Address: Licensing Dept Birmingham Central 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 attained 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: Jilabi

Premise Licence Number: 955

Premise Licence Holder: Mr Rahim Miah

Designated Premise Supervisor: Mr Rahim Miah

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 25th 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

 12.8 Supt GREGG. B. N.P.



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A

FRIDAY 7 DECEMBER 2018

JILABI, 2065 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 Rahim Miah in respect of Jilabi, 2065 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 Jilabi 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.

From: Abdool Rohomon <
Sent: 18 December 2018 15:04
To: Licensing
Cc: Heath Thomas
Subject: Jilabi

Dear Licensing

In relation to the above premises. West Midlands Police wish to make additional representations in that during the visit on the 23rd 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:

- Jilabi, 2065 Coventry Road, Sheldon, Birmingham, B26 3DY

Introduction

The current premises licence holder - Mr Rahim Miah,
Birmingham, B11 1UE

Nominated Designated Premises Supervisor - Mr Rahim Miah,

The licence currently authorises the following licensable activities:-

- M3 - Sale of alcohol by retail (both on & off the premises)
- L - Late night refreshment

And permits this licensable activity to take place:-

Sale of alcohol

Monday – Thursday	10:00 – 01:00
Friday - Saturday	10:00 – 02:00
Sunday	12:00 – 00:00
Good Friday / Christmas Day	12:00 – 23:30

Late night refreshment

Monday – Thursday	23:00 – 01:00
Friday - Saturday	23:00 – 02:00
Sunday	23:00 – 00:00
Good Friday / Christmas Day	23:00 – 00:00

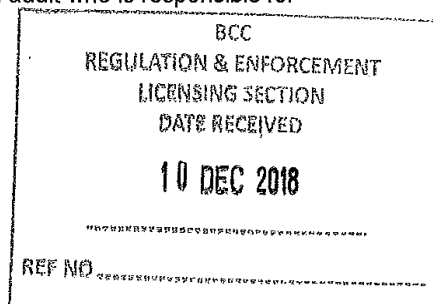
Opening hours of the premises

Monday – Thursday	10:00 – 01:00
Friday - Saturday	10:00 – 02:00
Sunday	12:00 – 00:00
Good Friday / Christmas Day	12:00 – 00:00

Annex 2 – Conditions consistent with operating schedule

2a) The Licence Holder will ensure that all staff are trained in respect of the 4 licensing objectives.

2e) After 22:00 hours children shall be accompanied by an adult who is responsible for them.



Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee A resolved on 19th May 2014 to grant the variation application subject to the conditions agreed by the applicant with West Midlands Police and the conditions volunteered at the hearing which are stated below under the appropriate licensing objective.

Conditions agreed with West Midlands Police:

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

All front of house staff to have documented licensing training before commencement of their first front of house shift within the premises.

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

Conditions agreed with West Midlands Police relating to crime and disorder objective;

Premises to install / update CCTV to the recommendations and specification of West Midlands Police.

CCTV images / recording to be retained for no less than 28 days.

CCTV images / recording to be instantly downloadable and made immediately available to any of the responsible authority on request.

CCTV to operate throughout the whole period of licensing activity.

Off sales only to be permitted when purchased with food.

Any alcohol sales to be incidental to the main business of the restaurant and can only be made when purchasing food.

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

Signage:

The applicant shall erect prominent, clear and legible signage inside the premises

- a) Requesting patrons to be considerate of local resident when leaving the premises;
and
- b) Advising patrons that the consumption of alcohol is not permitted in the unlicensed area outside the front of the premises.

Taxis:

The applicant shall ensure that when ordering a taxi on behalf of patrons, the drivers are instructed to enter the premises to collect passengers at all times or contact passengers by telephone and not sound car horns unnecessarily.

Doors and windows to remain closed after 01:00 hrs except for access and egress.

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

The applicant shall implement the Challenge 25 policy including at the point of delivery for takeaway orders involving the sale of alcohol.

The applicant shall ensure that all persons making deliveries are trained in the implementation of the Challenge 25 policy and shall retain records of such training for inspection by a Responsible Authority upon reasonable request.

Challenge 25 signage to be displayed on the entrance door and bar area.

Background Information

In March 2017 a Licensing Enforcement Officer conducted a compliance inspection at 2065 Coventry Road and identified a number of matters which were not in compliance with the conditions attached to the premises licence.

Traders notices numbered 25237/8/9 were issued to Mr R Miah at the time highlighting:-

- The premises licence could not be produced for inspection;
- No documented staff training produced for inspection;
- CCTV not recording;
- No signage requesting customer leave the premises quietly;
- No notice advising customer no alcohol permitted to be consumed outside the premises
- No staff training records produced for inspection for staff making delivery regarding Challenge 25
- A member of staff spoken to at the time was unable to explain the licensing objectives to the officer when asked.

Mr Rahim Miah was subsequently interviewed under caution in relation to these breaches of licence conditions as they constituted offences under Section 136 of the Licensing Act 2003

Mr Miah accepted in interview he had failed to comply with conditions attached to the premises licence and the matter was resolved by way of a Simple Caution in relation to these matters.

Multi Agency visit to the premises

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

West Midlands Police
Immigration Enforcement
West Midlands Fire
Licensing Enforcement

Licensing Matters Identified

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 2067 Coventry Road and currently held by Mr Abdul Rouf. 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 Miah only relates to 2065 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 Miah 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 2065 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.

Mr Abdul Rouf was present during the visit on 23rd November 2018 and when asked he produced premises licence number 955 granted to Mr Miah in respect of 2065 Coventry Road.

Officers were advised the business employs 12 full time and 8 part time front-of house staff. Mr Rouf could not provide a list of employees or a staff rota showing which members of staff were on duty and working that evening.

The training records produced where not complete, nor considered adequate as the records consisted of photocopies of page 4 of the premises licence 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 regarding the licensing objectives or the key aspects of the Licensing Act 2003. The records that were produced had 14 signatures.

Officers also identified there was no operational CCTV system being maintained in relation to either business address (2065 or 2067) and were advised 'the restaurant' had been broken into about 3 weeks previously and the CCTV hard drive had been stolen. The burglary was not reported to West Midlands Police.

A Traders Notice 25195 was issued highlighting the matters identified.

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

Other matters identified by partner agencies

During the visit Police and Immigration Enforcement Officers spoke to a number of individuals identified working at the premises 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 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 Miah has been previously advised regarding none compliance with conditions attached to the premises licence granted to him resulting in him receiving a simple caution in 2017. The same issues relating to none compliance regarding CCTV and staff training records have again been identified.

Mr Miah is the current premises licence holder in respect of 2065 Coventry Road and also a director in respect of Jilabi (Birmingham) Ltd 2065 Coventry Road, Sheldon, Birmingham – company number 08757935.

As an employer Mr Miah has a duty to prevent illegal working. Prior to employing any prospective employee Mr Miah 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 Miah 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 an employer.

Three individuals who do not have the required permission to work in the UK have been identified working at Jilabi 2065 – 2067 Coventry Road, Sheldon, Birmingham, B26 3DY. The Licensing Enforcement Team considers this to be a serious failure to promote the licensing objectives relating to:-

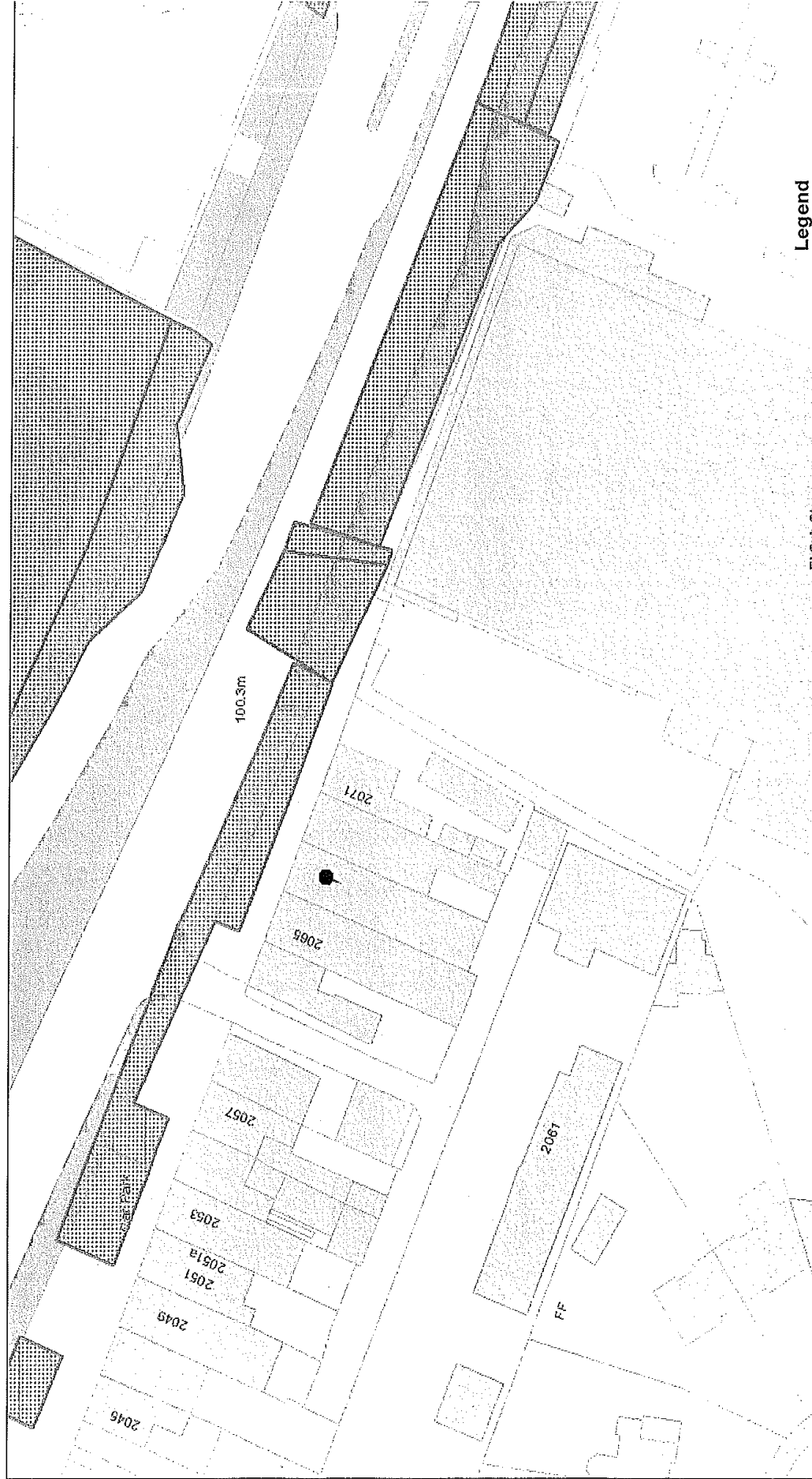
Crime & Disorder and Public Protection

Unless Mr Miah 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.

2065-2067 Coventry Road



Legend

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

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**

Is there anything wrong with this page?



Birmingham
City Council

2@gmail.com

No. **25224**

Licensing (Enforcement) Section
PO. Box 17013
Birmingham
B6 9ES



PS 2611

Chris Neville
Head of Licensing

M. Mr. Mohammed Ahalul Rouf, Enquiries to: mrs. S. Watts

J. Tabi

Telephone: 303 9245

2065 Coventry Rd.
B26 3DY

Date: 2/3/17

Legislation: Licensing Act 2003

The following matters have been identified which do not comply with the above legislation:

A Licensing Act inspection has been carried out today

You were unable to produce to me the full premises licence

You were also unable to produce to me your personal licence

The above are breaches of the Licensing Act 2003 for which you can be prosecuted

If you have lost either or both licences you must apply for replacements. You can download a lost licence application form from Birmingham City Council

Received by:

Authorised Officer:

CUSTOMER
SERVICE
EXCELLENCE



The Government Standard



Birmingham
City Council

No. **25225**

Licensing (Enforcement) Section
P.O. Box 17013
Birmingham
B6 9ES



FS 26188

Chris Neville
Head of Licensing

M. J. L. Oke
2065 Coventry Rd.

Enquiries to: *Mr. S. Oke*

Telephone:

Date: *2/3/17*

Legislation: *Continued page 2*

The following matters have been identified which do not comply with the above legislation:

website www.birmingham.gov.uk/licens
A further inspection will be made
to ensure the above is rectified

Received by:

Authorised Officer:

CUSTOMER
SERVICE
EXCELLENCE



The Government Standard

44.40



Birmingham
City Council

No. **25237**

Licensing (Enforcement) Section
P.O. Box 17013
Birmingham
B6 9ES



FS 26188

Chris Neville
Head of Licensing

M. Mr. Rahim. miah...

J. Labi...

2065, Coventry Rd.
B26 3DY

Enquiries to: Mrs. S. Watts...

Telephone: 303.9345...

Date: 23/3/17

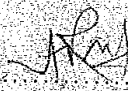
Legislation: Licensing Act 2003

The following matters have been identified which do not comply with the above legislation:

A further inspection has been carried out today following my initial visit on 21/3/17. I spoke with Mr. Abdul Rouf. The Premises licence could not be produced and Mr. Rouf could not produce his personal licence.

I went through the conditions of the licence with Mr. Rouf. The following are not being complied with:

- 3a. General Committee Conditions -
There is no documented training for staff
- 3b. CCTV is not recording (since early march)

Received by: 

Authorised Officer: 



The Government Standard

44.40

No. **25238**

Licensing (Enforcement) Section
P.O. Box 17013
Birmingham
B6 9ES



Chris Neville
Head of Licensing

M. Mr. R. Miah

Enquiries to: Mrs. S. Veth

Telephone: 303 9345

Date: 03/3/17

Legislation: Continued pg 2

The following matters have been identified which do not comply with the above legislation:

Condition 3d Signage is not displayed

a) requesting patrons to be considerate of local residents when leaving the premises and

b) advising patrons that the consumption of alcohol is not permitted in the unlicensed area outside the front of the premises

Condition 3e There are no records of training for persons making decisions in relation to Challenge 25

There is no challenge 25 signage on the entrance door and the signage behind the bar is obscured by glasses

I asked Mr. Roux if he could tell me about the licensing objectives. He was unable to

Received by: 

Authorised Officer: 



Birmingham
City Council

No. **25239**

Licensing (Enforcement) Section
P.O. Box 17013
Birmingham
B6 9ES



FS 26188

Chris Neville
Head of Licensing

M. Mr. R. Miah.....

Enquiries to: Mrs S. Watts

Telephone: 303 9245

Date: 23/3/17

Legislation: Continued pg. 3

The following matters have been identified which do not comply with the above legislation:

The information recorded on this notice constitutes offences under the Licensing Act 2003 which you can be prosecuted.

I shall be writing to you on a formal basis and request that you attend a PACE interview regarding these infringements.

Received by:

Authorised Officer:

CUSTOMER
SERVICE
EXCELLENCE



The Government Standard

44.49



Birmingham
City Council

No. **25195**

Licensing (Enforcement) Section
P.O. Box 17013
Birmingham
B6 9ES



FS 26188

Chris Neville
Head of Licensing

M. R. R. Mann.....

Enquiries to: Teresa Mann

2005.....

Telephone: 0121 464 7231

2005.....

Date: 23.11.12

Legislation: Licensing Act 2003

The following matters have been identified which do not comply with the above legislation:.....

Due to a compliance inspection

the following matters have

been identified

1) No operational CCTV

system at the premises

Advised that the system

about 3 yrs ago was reported

to police

2) Trading records produced

are not adequate must have

relevant aspects of the

Licensing Act 2003 and

laws regarding trading

Received by: [Signature]

Authorised Officer: [Signature]

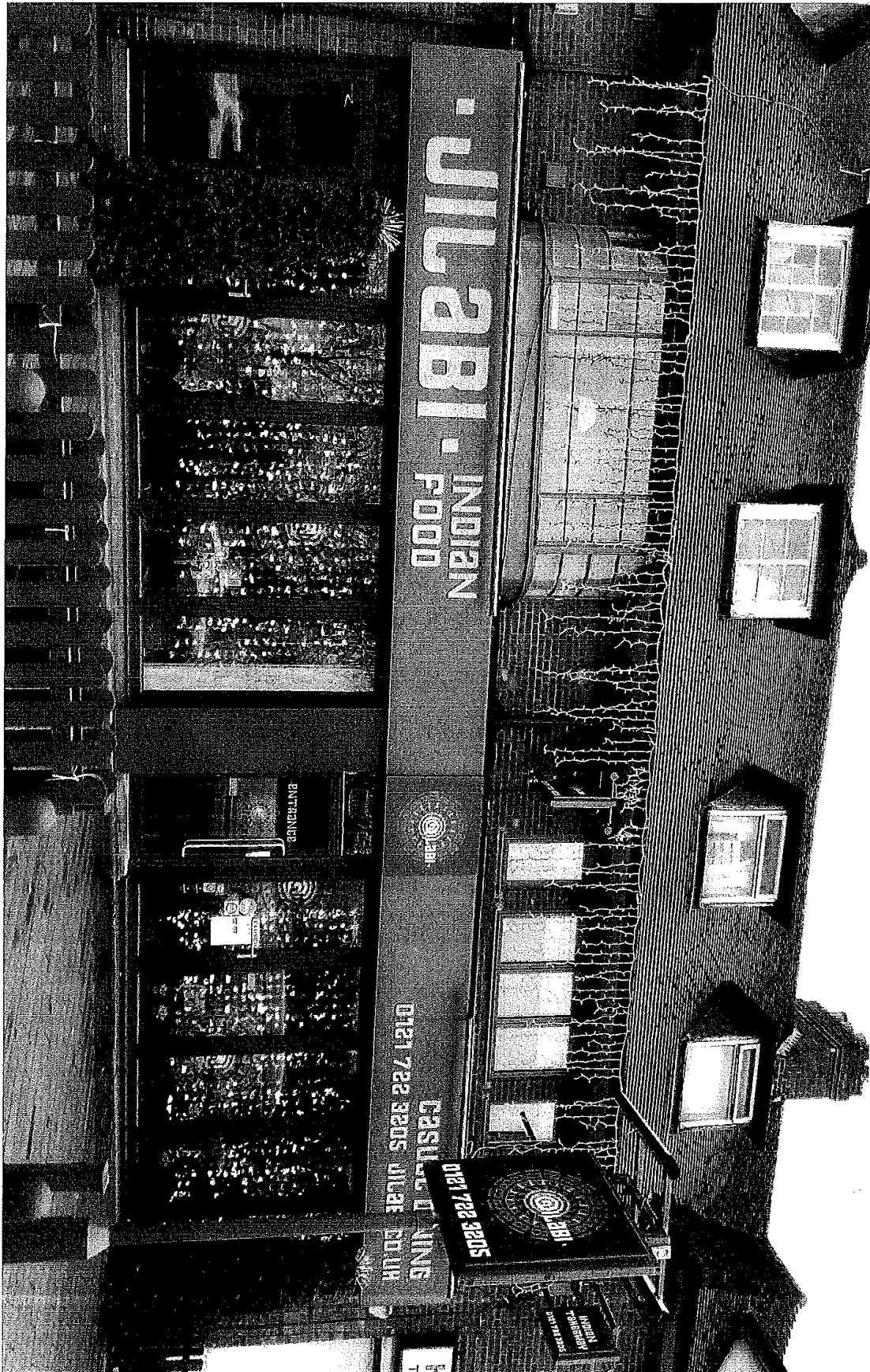
Alcohol



The Government Standard

Teresa.billing@birmingham
council

44.49



From: Graham Lines
Sent: 21 December 2018 11:07
To: Licensing
Cc:
Subject: RE: RE: Licensing Act 2003 - Section 53A Expedited Review Application - Jilabi, 2065
Coventry Road, Sheldon, Birmingham, B26 3DY
Attachments: Jilba Expedited Review v1.1.1.docx

Please find attached the Public Health response for Jilabi.
This is a lot less comprehensive than our usual response because a lot of the evidence we would normally use is not relevant for a case of modern day slavery.

Graham Lines
Public Health Project Support Officer

Birmingham Public Health

Jilabi
2065 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.

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Jilabi, 2065 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

1 Premises or club details

Name of premises	Jilabi
Postal address of premises	2065 Coventry Road, Sheldon, Birmingham, B26 3DY
Premises licence holder	Mr Rahim Miah
Premises licence number	955
Designated Premises Supervisor	Mr Rahim Miah

2 Overview of the Grounds for Review

Jilabi is a restaurant located on the Coventry Road, it is a double fronted and two storey premises.

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.

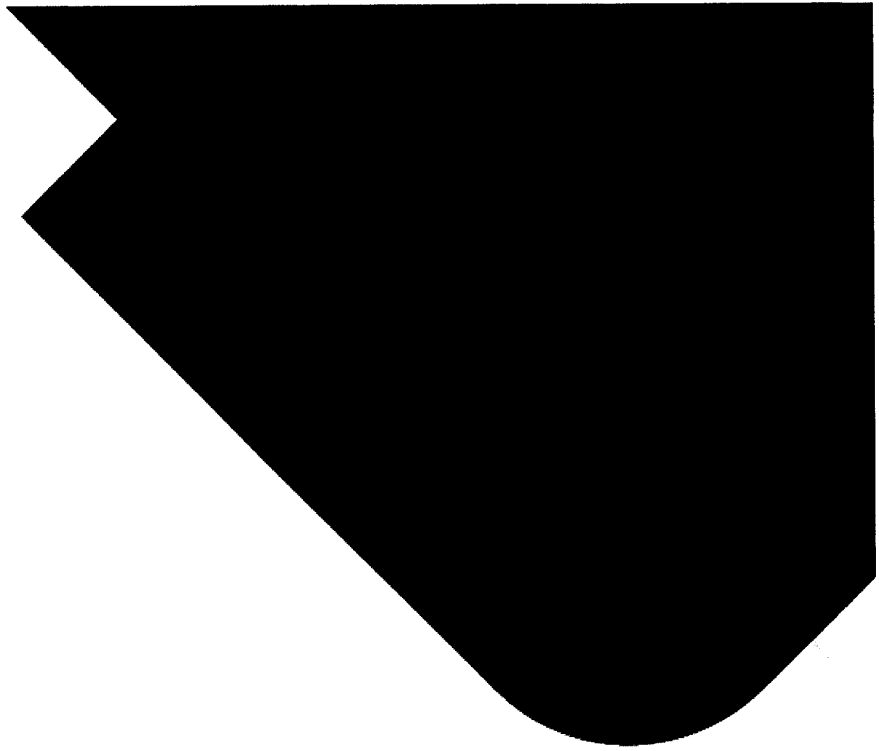
The premises are licensed as has conditions imposed on it in relation to training. The duty manager on the night indicated that they employed 12 full time staff and 8 part time staff. When officers asked to see the training records they found that only 14 members of staff had signed the training document.

It should be noted that as the premises is now operating with another licensed premise (2067 Coventry Road licence no 4157) 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.

3 Public Health response

Licensing Objective	Response
<i>The prevention of crime and disorder</i>	<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>
<i>Public Safety</i>	<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.</p> <p>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>Summary</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

www.birminghampublichealth.co.uk
www.birmingham.gov.uk

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.

From:
Sent: 18 December 2018 19:24
To: Licensing
Cc:
Subject: Jilabi, Sheldon.

Hi,

As a regular customer at the Jilabi restaurant in Sheldon, ive been asked to give my own account of how i feel when eating/visiting there.

My details are:

Wharf Lane
Solihull
B91 2NJ

I have been to the Jilabi for many, many years with my partner _____, and i can honestly say that the atmosphere and the staff are brilliant. I have spent the past 3 or 4 New Years events at the Jilabi, and if i felt threatened or not happy with my surroundings then i certainly wouldnt visit. I have known alot of the staff for a while, Abdul, _____. all of the staff are polite, friendly and more than helpful, i have never seen or heard any form of violence, misconduct by staff or disruption from Jilabi. I work in Sheldon aswell in a large office and the Jilabi has held various staff events and parties, and many of my colleagues have had positive experiences.

Every time i visit, Abdul and the team are always greeting customers at the door, escorting customers to seats, and waiting hand and foot to make sure of a positive dining experience.

Hope my account is helpful, please let me know if you require further information.

From:
Sent: 18 December 2018 20:29
To: Licensing
Subject: Jilabi Indian Restaurant

We have just eaten at Jilabi Indian Restaurant in Yardley and were horrified to hear they had lost their drinks license.

They have been open for many years now without trouble or rowdiness and have been a credit to the neighbourhood.

We are aware they have had a few unrelated problems recently but they are basically good people offering excellent food and first class service and, from a selfish point of view, having wine with your meal only adds to the experience.

Please reconsider and reinstate Jilabi's alcohol license.

Regards

From:
Sent: 18 December 2018 23:39
To: Licensing
Subject: Letter in support of the Jilabi Restaurant, Coventry Road, Sheldon.

Dear Sir / Madam

My personal details:

Address: _____ Solihull Road, Shirley, Solihull, B90 3LG.

I have been frequenting, restaurants owned and run by Abdul, with my family and friends for nearly twenty years. These include the Delhi Restaurant in Solihull initially, and then the Jilabi Restaurant on the Coventry Road. We are always guaranteed a warm welcome as well as exceptional food. In fact I could say that they have become 'family' to us. Abdul runs a very tight ship and his staff are well trained to be courteous, friendly as well as efficient. If anyone asks me to recommend a curry restaurant, it always has to be the Jilabi. We have celebrated many New Years with them as well as numerous birthdays and special occasions. Any children we have taken are thoroughly spoiled with attention and good humour.

In all the years that I have frequented the Jilabi (generally every fortnight) I have never seen any trouble. In fact on the rare occasion when I have seen people turn up perhaps a little the worse for drink, I have witnessed the staff talking calmly to the individuals before they sit down and persuading them that they might like to go somewhere else. As a retired school teacher - I admired that!

They have done wonderful charity work including The Marie Curie Big Build. In fact when my husband passed away from bowel cancer, not only did Abdul, his wife, his son _____ and other members of the restaurant team, attend his funeral, but they then dedicated a fund raising dinner in his name. A wonderful tribute to him.

On a Friday night visit in the Summer, with my usual 4 friends, we were delighted to notice that on a nearby table was the Home Secretary, Sajid Javid and his family. On their leaving, I overheard Sajid say to Abdul, 'I like it here, but more importantly, my children like it here'. I also spoke to his security detail sitting on the table next to us and one of them said that he was also a Jilabi regular and was introducing his London colleagues to a proper curry house!

I think the regularity of my visits, and the many recommendations I have made to my friends, shows the high regard that I have for Abdul, not only as the restaurant owner but also as a friend. The team of _____ (Abdul's son), _____ and many others always guarantee a thoroughly enjoyable evening. I am also taken by something not always common in many curry houses, and that is that Abdul employs a variety of staff, that include, males and females of different races - very forward thinking.

As you may gather, I recommend the Jilabi very highly and I would be only too delighted to speak to anyone from your group, who cared to get in touch.

Kind regards

From:
Sent: 19 December 2018 15:09
To: Licensing
Subject: Re: General comment

Dear Sir

Thank you for your email, with all due respect to the points you have made, I have never witnessed any crime or disorder at the restaurant or public nuisance when arriving or leaving.

I have witnessed several families with children dining there without any problems whatsoever.

As a customer of several years I find its an excellent busy popular restaurant ,very tasty food at a competitive price and I believe its one the best Indian restaurants in Birmingham..

The only difficulty that can occur from time to time is the parking due to several restrictions can be a little awkward at times

That sirs is my genuine unbiased opinion and I hope it could be taken into account on any future decision that the Licensing Committee make on the future of the Jilabi.

Regards

From:
Sent: Tuesday, December 18, 2018 8:01 PM
To: Licensing
Subject: General comment

Dear Sir

I have just spoken to a friend of mine who told me that the 'drinks licence' at the Jilabi Restaurant Coventry Road Sheldon has been suspended.

I was very surprised at this , I ve been a regular visitor for many years and indeed booked my Christmas diiner there this year as I have for several years in succession

The has never been problems while I have been there (well apart from the parking which can some times can be restricted ,)

The staff ____ and ____ and others have always been friendly and helpful and the service is good and the food is excellent .

Clearly I am not aware of why this action has been taken ,however would this licence be renewed in time for Christmas ?. as I would probably have a bottle beer with my Christmas diiner

.Regards ____Honiley Road Yardley B'ham B33 8HN.

From:
Sent: 19 December 2018 19:25
To: Licensing
Subject: Re: RE:

Evening Satty

Thank you for your reply. I will point out that Jiliabi to me has always been a family restaurant where I go weekly with my wife and kids as our little treat. But since they have lost there license and big groups can bring their own drink there it is hard for the staff to control how much certain people drink.

So hence last Sunday a big group which was made up of all men started to sing football songs and were very loud. When members of staff asked them to keep the noise down they got some verbal abuse and the table carried on singing.

This has not been the only occasion there was another group where one lady had drank a bottle of spirits to herself and she could hardly walk and was crashing into tables !!! As you can imagine this could turn into a serious situation if the table she crashed into took offence.

You may say then don't go to the restaurant, but why should my family and me have to go to a different place when we have always felt safe and enjoyed the atmosphere in the Jiliabi.

Kind regards

From:
Sent: Wednesday, December 19, 2018 12:24 PM
To: Licensing
Subject:

Dear Sirs

As a customer at the Jilabi Restaurant for as many as 8 years I was very shocked and saddened to hear about recent activities regarding illegal immigrants.

I try to go to the Jilabi once a week with my wife and children, it's a lovely way to catch up at the end of the week.

We have always had impeccable service, all the staff are very professional and friendly, we know all the management on first name terms and are always treated with respect, as are all the staff by the owner Abdul Rouf.

If we go out with friends or colleagues for the evening the Jilabi Restaurant is our first point of call, it has a wonderful atmosphere.

I am still a regular visitor to the Jilabi Restaurant and have booked to go with my family for Christmas Day lunch and New Year's Eve.

My only concern is I take my children with me and recently due to them having their licence suspended it is a very different restaurant, the Jilabi Restaurant has never been the kind of venue where people go to drink heavily but I feel customers drink more if they take their own.

Regards _____ New Coventry Road, Sheldon, Birmingham B26 3BA

From:
Sent: 20 December 2018 00:35
To: Licensing
Subject: Jilabi - 2065 Coventry Road, Sheldon, Birmingham, B26 3DY

Good evening,

I am a regular visitor to the above restaurant and understand that the Premises Licence is currently under review.

I have been a regular diner at Jilabi for in excess of 10 years and have to say I rate it as one of the best eating establishments I have ever visited.

The food provided is of a consistently high standard whether dining as a couple or as a large group. The customer service provided is also second to none - _____ (and other staff whose names I do not know) always offer a very professional and friendly service. Jilabi is an exceptionally busy restaurant but the quality of the service and food provided is never sacrificed. I think this is supported by the fact that in January of this year, Jilabi was in the top "Three Best Rated" Indian Restaurants in Birmingham. To achieve this accolade, amongst other things, customer reviews, satisfaction and trust were all checked. The restaurant is exceptionally well run with specific waiters fulfilling specific roles, resulting in a very efficient and smooth running service. At least one of the owners/Managers is always present overseeing the running of the restaurant.

Being within such close proximity to Birmingham's National Exhibition Centre, Jilabi not only caters for local residents, it also attracts visiting exhibition staff from the NEC. They have also been known to provide meals to a number of celebrity visitors - including the UK's Home Secretary.

Jilabi are supportive of fundraising campaigns - a couple of months' ago they organised a week long fundraising event in support of a local School and Sixth Form who were completing the Duke of Edinburgh's Award and in the past they have donated free meal vouchers as raffle prizes at fundraising events.

In all the years I have been visiting Jilabi, I have never witnessed any incidents, anti-social behaviour, trouble or noise nuisance caused by the restaurant's customers or staff - neither inside nor outside. I have visited at various times including weekend evenings when they are full to capacity and there are often large groups (especially since the extension of the the restaurant). When vacating the restaurant, diners are very respectful of local residents and businesses - I think this is also because customers have a genuine respect for Jilabi and its owners and staff. The Jilabi have a long list of loyal customers - if you attend the premises you will see that there is a large wall plaque dedicated to these customers with their names listed on it.

I have nothing but praise for Jilabi - the food, the staff, value for money and atmosphere - and hope that it will continue to offer this service for many more years to come.

Yours faithfully

___ Benedon Road
Sheldon
Birmingham
B26 2UT.

From:
Sent: 20 December 2018 10:40
To: Licensing
Subject: Jilabi Restaurant Sheldon

To Whom it may concern

We, family and friends have been customers of the Jilabi for over 10 years and have known Abdul, his family and many of their colleagues even longer.

Notwithstanding your particular reasons (not known to us) for suspending the restaurant's licence, we would like to put the following comments on record based on our experiences on over a hundred visits.

The restaurant provides excellent food and service at affordable prices. This is amply demonstrated by its popularity and reputation.

It is a family-based restaurant providing meals for a wide cross section of society but particularly for families. The staff are always kind and considerate. In this context it should be noted that it provides meaningful employment, mainly for young people of both sexes and from a diverse cross section of ethnic backgrounds. For this the proprietors should be commended.

Abdul and his staff ensure the restaurant is a safe environment for all its customers. When, as is inevitable in a popular restaurant, the occasional customer misbehaves, the management have dealt with the issue promptly and professionally. When we have been at the restaurant, usually at weekends and during the late evening, we have not been in a situation when we have felt in any way threatened. On the contrary the atmosphere is always friendly.

We have looked at the reasons why a licensing authority may withdraw a licence from a premises. From our perspective there are no grounds to continue to withhold a license to the Jilabi. As soon as we can return to "business as usual" the better for everyone concerned.

Yours sincerely

Arley Road

Solihull

B91 1NJ

From: [REDACTED]
Sent: 20 December 2018 17:17
To: Licensing
Subject: Jilabi restaurant b26 licence

To whom this may concern.

I have been going to the Jilabi on Coventry rd b26 in excess of 10 years.
The jilabi has always in my opinion been a well run family restaurant. They have never caused any issues in the area in terms of crime or disorder or noise nuisance in fact the restaurant has signs promoting quietness when leaving the premises. This is as I said a well run family restaurant and we have made many friends over the years including the staff ie Abdul, _____ and _____ to name a few.
It is a weekly meeting place for us and our friends.
Public safety is promoted. The buffet has signs advising hot dishes and that children must be accompanied at all times.
Posters promoting the licensing laws are clearly visible.
We have never felt uncomfortable or been made to feel in danger in all the years we have dined here. We have been given tours of the kitchen and facilities on many occasions and found everything to be in good order.

We feel that revoking the alcohol licence is both unnecessary and unfair.

Vibart Rd Yardley Birmingham B26 2AD

From: _____
Sent: 21 December 2018 00:26
To: Licensing
Subject: Jilabi Indian Restaurant

Dear Licensing Team,

I am emailing you in regards to Jilabi Indian Restaurant who has had their alcohol license taken off them.

I am a regular customer at Jilabi and enjoy dining in as the atmosphere is comfortable and easygoing. The staff are polite and friendly and make customers feel welcome. I have not known of any public disorder and feel it is such a shame that the license has been taken as it has an impact on all customers who enjoy a glass of drink with their meal.

I do hope you reconsider this and help Jilabi provide us customers the service we have received in the past.

Kind Regards

From: Mrs. Danford Lane Solihull
Sent: 21 December 2018 16:46
To: Licensing
Subject: Re: Jilabi Restaurant, Sheldon

Dear sirs

Thank you for your most recent email.

We are writing to appeal against the suspension of the license for the Jilabi Restaurant.

The protection of children from harm

We have frequently taken our four young grandchildren to dine at this restaurant as well as observing many other children there, and on all occasions the highly responsible senior staff have ensured that not only were they treated with respect and care but any potential dangers within the running of a restaurant were completely negated.

The prevention of public nuisance

The restaurant takes every step to ensure that customers vehicles are correctly parked to avoid any public nuisance.

Furthermore, staff again do everything possible to ensure that customers leaving the premises do so in an orderly manner. This is done by having a person on the door to meet and greet and one of the senior managers always on hand to say goodbye to customers leaving.

Prevention of crime and disorder

In all the times that we have visited the Jilabi we have only once witnessed any possible disorder when some customers arrived having already imbibed an excess of alcohol, and the staff managed to very tactfully persuade the offenders to move on with no adverse effect to either customers or neighbours. We would add that this occurred some years ago and have never witnessed any disorder since.

The above comments are as a longstanding and frequent user of the restaurant.

We believe that the comments we made in the previous email illustrated the reasons why the Jilabi are effective in complying under all four of the Licensing Objectives and below is a copy of that email for reference. We would respectfully request that all our comments are put before the Licensing Committee.

Kind Regards

____ Danford Lane Solihull
 Solihull
 West Midlands
 B91 1QD

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

955 / 2

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**

Jilabi
2065 Coventry Road
Sheldon

Post town:

Birmingham

Post Code:

B26 3DY

Telephone Number:

N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

L Late night refreshment
M3 Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities

Monday – Thursday	23:00	-	01:00	L
	10:00	-	01:00	M3
Friday – Saturday	23:00	-	02:00	L
	10:00	-	02:00	M3
Sunday	23:00	-	00:00	L
	12:00	-	00:00	M3
Good Friday & Christmas Day	12:00	-	23:30	M3
	23:00	-	00:00	L

The opening hours of the premises

Monday – Thursday	10:00	-	01:00
Friday – Saturday	10:00	-	02:00
Sunday	12:00	-	00:00
Good Friday & Christmas Day	12:00	-	00:00

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

On and Off Supplies

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Part 2

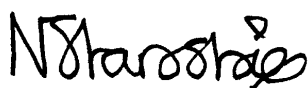
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Rahim Miah	
Post town:	Post Code:
Telephone Number: Not specified	
Email Not specified	

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

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Rahim Miah	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 743	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 02/07/2014



Nicola Stansbie
Senior 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. (Permitted price is defined as the duty + VAT chargeable in relation to the alcohol.)

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

Embedded Restrictions

Permitted hours - Alcohol may be sold or supplied: (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 am. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 pm. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day, which would be 11.00 am. if New Year's Day falls on a weekday or 12 noon if a Sunday.

Permitted hours - Alcohol shall not be sold or supplied: (a) unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises; (b) on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Permitted hours - Alcohol shall not be sold or supplied unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as an ancillary to meals served in the premises.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Licence Holder will ensure that all staff are trained in respect of the 4 licensing objectives.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

After 22:00 hours children shall be accompanied by an adult who is responsible for them.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee A resolved on 19th May 2014 to grant the variation application subject to the conditions agreed by the applicant with West Midlands Police and the conditions volunteered at the hearing which are stated below under the appropriate licensing objective.

Conditions agreed with West Midlands Police:

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

All front of house staff to have documented licensing training before commencement of their first front of house shift within the premises

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

Conditions agreed with West Midlands Police relating to crime & disorder objective:

Premises to install / update CCTV to the recommendations and specifications of West Midlands Police

CCTV images / recordings to be retained for no less than 28 days

CCTV images / recordings to be instantly downloadable and made immediately available to any of the responsible authorities on request

CCTV to operate throughout the whole period of licensable activity

Off sales only to be permitted when purchased with food.

Any alcohol sales to be incidental to the main business of the restaurant and can only be made when purchasing food.

3c) Committee conditions to promote public safety

N/A

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

Signage:

The applicant shall erect prominent, clear and legible signage inside the premises

- a. requesting patrons to be considerate of local residents when leaving the premises; and
- b. advising patrons that the consumption of alcohol is not permitted in the unlicensed area outside the front of the premises.

Taxis:

The applicant shall ensure that when ordering a taxi on behalf of patrons, the drivers are instructed to enter the premises to collect passengers at all times or contact passengers by telephone and not sound car horns unnecessarily.

Doors and windows to remain closed after 01.00hrs except for access and egress.

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

The applicant shall implement the Challenge 25 policy including at the point of delivery for takeaway orders involving the sale of alcohol.

The applicant shall ensure that all persons making deliveries are trained in the implementation of the Challenge 25 policy and shall retain records of such training for inspection by a Responsible Authority upon reasonable request.

Challenge 25 signage to be displayed on the entrance door and bar area.

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Annex 4 – Plans

The plan of the premises with reference number **86242-955/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 04/12/2018



Scale:
1:4,000

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