

BIRMINGHAM CITY COUNCIL

LICENSING SUB – COMMITTEE A 7 December 2018
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON FRIDAY 7 DECEMBER AT 0900 HOURS, IN THE COMMITTEE ROOM B,
COUNCIL HOUSE EXTENSION, MARGARET STREET, BIRMINGHAM.**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Mike Sharpe and Bob Beauchamp.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

**JILABI, 2065, COVENTRY ROAD, SHELDON, BIRMINGHAM, B26 3DY -
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION
ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES
LICENCE: CONSIDERATION OF INTERIM STEPS**

A certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, an application for Review of Licence, a copy of Premises Licence and Location maps were submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of West Midlands Police

PC Rohomon – West Midlands Police

On behalf of the Premises Licence Holder

No one attended on behalf of the Premises Licence Holder.

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The meeting started at 0918 hours to allow time for the Premises Licence Holder or their representative to attend the meeting.

The Chair made introductions and outlined the procedure to be followed.

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David Kennedy, Licensing Section, made introductory comments relating to the documents submitted.

On behalf of West Midlands Police PC Rohomon made the following points:

- a) The premises had two licenses, one for Jilabi (2065, Coventry Road) and one for Delicious Buffet (2067, Coventry Road). However the premises was operating as one, knocking the internal wall down. (PC Rohomon submitted a “Google Maps” view of the premises for Members).
- b) PC Rohomon explained that both premises had “Jilabi” signs above them, one having a big “Jilabi sign, the other had “Jilabi.co.uk”. This further indicated that the premises were operating as one.
- c) There was no signage, which West Midlands Police knew of, that said “Delicious Buffet”.
- d) West Midlands Police received a phone call stating that the premises were employing illegal immigrants treating them badly and paying them £70-£80 a week for a full time job.
- e) West Midlands Police were concerned that this was a “Modern Day Slavery” issue.
- f) Officers attended, along with Immigration teams and others. When they arrived they accounted a very busy restaurant between two sites and upstairs.
- g) Officers were deployed outside the premises, to the front and the rear. Individuals did try to flee the premises, but were told to go back into the premises where they were dealt with by Immigration Officers. However, they did not have enough officers to deal with the sheer volume of staff that was trying to exit the building.
- h) The Police arrested 3 individuals; Male A - been here 7 years with no right to work, Male B – been here 4 years with no right to work, Male C – no right to work. All of the 3 men were Bangladeshi.
- i) Upstairs other members of staff were removing their uniform in an attempt to blend in with the customers at the premises. There were approximately 10 Members of staff who were removing their uniform; however, the police were unable to deal with them due to the volume of staff.
- j) The employment of illegal immigrants was a serious crime and issue.
- k) That the aggravating factor was that the complaint received initially was fully endorsed by the police inspection months later.
- l) These individuals were vulnerable and had no protection, were being exploited. West Midlands Police had no idea how they had gotten into the

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UK, but confirmed that the individuals had clearly made extortionate efforts to get here.

- m) That it was the premises responsibility to make sure all employees had right to work in the UK.
- n) During the police inspection, there was no indication whether the DPS or Premises Licence Holder was present or not.
- o) The immigration issue would also be an issue for HMRC as they would need to do investigations in TAX and National Insurance.
- p) The Police inspection happened in November 2018.
- q) The premises had a number of conditions on their licence; however, the main one for the hearing today was the issue of training. The condition states that they must train staff. However, upon inspection there were 12 fulltime employees and 8 part-time employees. However, the training records indicated that only 14 employees had received training.
- r) That the restaurant would have a busy period coming up, however, West Midlands Police and Birmingham City Council had a duty of care and there were already issues of public safety. These employees were working illegally for little money.
- s) It was a serious crime; under the s182 Guidance, it was determined as one of the most serious along with firearms and pornography.
- t) That West Midlands Police were asking for nothing more than a suspension of the Premises Licence. To remove the DPS there was nothing stopping the premises getting a new one and carrying on the same operation. In addition, removing the sale of alcohol would also not address the issues or serious crime and public safety.
- u) West Midlands Police would be seeking full revocation at the Full Review meeting.

Responding to questions from Members of the Sub-Committee PC Rohomon made the following points:-

- a) That it was an issue of serious crime.
- b) That the police could not confirm if it was “gangs”.
- c) That Modern Day Slavery and Illegal Immigration was a growing problem and the demand was huge, West Midlands Police only had a small team to deal with it.
- d) That the inspection was part of a wider operation.

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At 0940 there was a knock at the door. Mr David Kennedy answered the door and it was a Fleet and Waste Officer who was politely sent away.

Mr Kennedy advised Members that the minimum sentence for Modern Day Slavery was 20 years.

PC Abdool Rohomon continued:-

- a) That it was a public safety issue for employees as they were also members of the public.
- b) That the premises should have carried out checks to make sure they were all legal and had right to work in the UK.
- c) The 3 illegal immigrants were arrested; 2 were on their way back home and the other was to make his own arrangements to get home.
- d) That there was only one premises as the wall had been knocked through and the whole décor and arrangement inside was of one premises with no separation.
- e) That there was also no first floor plans for licence but upstairs was being advertised on their website as being used as a function room.
- f) That Modern Day Slavery and Illegal Immigration was a growing problem and the demand was huge, West Midlands Police only had a small team to deal with it.

PC Rohomon indicated that he did not wish to sum up.

At 0946 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1006 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

1/071218

RESOLVED:-

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

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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.

**DELICIOUS BUFFET, 2067, COVENTRY ROAD, SHELDON, BIRMINGHAM,
B26 3DY - LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME
REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF
PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS**

A certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, an application for Review of Licence, a copy of Premises Licence and Location maps were submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of West Midlands Police

PC Rohomon – West Midlands Police

On behalf of the Premises Licence Holder

No one attended on behalf of the Premises Licence Holder.

* * *

The meeting started at 1019 hours to allow time for the Premises Licence Holder or their representative to attend the meeting.

The Chair made introductions and outlined the procedure to be followed.

David Kennedy, Licensing Section, made introductory comments relating to the documents submitted.

On behalf of West Midlands Police PC Rohomon made the following points:

- a) The premises were operating as one, but there were 2 separate licenses.
- b) That West Midlands Police submission was the same as the previous case.
- c) That there was no indication which licence was being used on the night the inspection took place, which was why they had submitted two Expedited Review applications.
- d) That the circumstances and evidence was exactly the same as Jilabi and Delicious Buffet.

Mr David Kennedy gave Members a large map to indicate the licensable areas for both premises and to indicate which wall had been removed.

PC Rohomon continued:-

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- a) That at the full review hearing West Midlands Police would be addressing other issues regarding the breach of condition of licence and additional issues with the licence.
- b) That the issues of the plans and how the premises were operating would be addressed at the full review as it was not appropriate for the hearing today. They were just addressing the issue of serious crime.
- c) That he stood by his original submissions from the previous hearing and that the issue was serious crime.
- d) That looking at Jilabi's website it was noticeable that the premises was a large room, with no dividing wall. The premises had the same décor and carpet throughout.
- e) That both premises were linked to other premises.

PC Rohomon indicated that he did not wish to sum up.

At 1027 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1037 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

2/071218

RESOLVED:-

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.

3/071218

OTHER URGENT BUSINESS

There were no matters of urgent business.

The meeting ended at 1045 hours.

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CHAIRMAN