

Evidence for the  
Licensing Review of  
**Jilabi**

RESTRICTED DOCUMENT



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LICENSING ACT 2003PREMISES 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

BIRMINGHAM CITY COUNCIL

Part 2

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

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Rahim Miah	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

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

Dated 02/07/2014

*N Stansbie*

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.

## **BIRMINGHAM CITY COUNCIL**

### **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.

## **BIRMINGHAM CITY COUNCIL**

### **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

**BIRMINGHAM CITY COUNCIL**

**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.

## BIRMINGHAM CITY COUNCIL

### Annex 4 – Plans

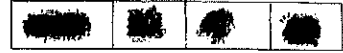
The plan of the premises with reference number **86242-955/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank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

**WITNESS STATEMENT**

Crime Number:.....

**Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN



Statement of: Mohammed Sarqib .....

Age if under 18: Over 18 ..... (if over 18 insert 'over 18') Occupation: PCSO 31487 .....

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: M Sarqib .....Date: 16.12.18 .....Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PCSO 31487 Sarqib of the West Midlands Police. I am currently stationed at Stechford police station.

This statement relates to a multi – agency visit to the Jilabi Restaurant, 2065 Coventry Road, Sheldon Birmingham.

The following agencies were also represented during the visit.

- West Midlands Fire Service,
- UK Immigration,
- Birmingham City Council Licensing.

At approximately 20:00hrs on Friday 23<sup>rd</sup> November 2018 in company with PS 6278 Edwards, 22225 Hussain, 22990 Pritchard, 22699 Roscorla, 4990 Watton, 22428 Ali, 31489 Wynne, and 31102 Read, West Midlands fire safety officers [redacted] and [redacted], Birmingham city council licensing [redacted] and Immigration officers [redacted] [redacted]

Upon arrival at the Jilabi and in company with 22990 Pritchard, 22699 Roscorla and 31489 Wynne I immediately made my way to the rear of the premises. As the other officers entered the premises through the front door, I saw 5 males attempting to flee via the rear exit. These males were contained and guided back into the premises.

As a result of the visit and following immigration and police national computer checks the following three males were arrested for immigration offences,

Mr [redacted], date of birth [redacted] 1975 ( Entry without leave offence immigration act 1971 section 24 (1)-(A)

Person liable to be detained and removed from united kingdom as illegally present- Entry without leave.

Mr [REDACTED] date of birth [REDACTED]/1978 (over stay immigration act 1971 section (1)-(A) liable to be detained and removed from the united kingdom as currently illegally present in the united kingdom.

Mr [REDACTED] date of birth [REDACTED]/1985 (Immigration act 1971 (I.S 91) (Over stay liable to be detained and removed from the united kingdom as illegally present in the united kingdom.

Whilst at the premises I spoke briefly to an unknown IC1 couple whom were customers dining in the restaurant. I explained the reasons we were at the premises. It was during this interaction I saw that both were drinking alcohol on the second floor of the Jilabi restaurant.

I am aware that other immigration offences are now being investigated, as a number of individuals during the process of immigration checks being completed raised concerns in relation to immigration status.

A Mr [REDACTED] date of birth [REDACTED]/1997 ( [REDACTED] ) as detailed within PCSO Read's Pocket note book entry was cross referenced against the immigration data base and found to be currently under a judicial review in terms of immigration status.

Mr [REDACTED] (DOB [REDACTED]/1997) status is currently within the immigration process, during this stage of the immigration process Mr [REDACTED] (Dob [REDACTED]/1997) cannot have employment while at this stage.

Mr [REDACTED] (DOB [REDACTED]/1997) communicated to immigration officers and Sheldon NHT officers that he was a customer who was dining at the location I witnessed this conversation take place.

Immigration officers advised that under guidelines and regulations of the immigration legislation Mr [REDACTED] (DOB [REDACTED]/1997) had to be seen visually working at the location in order to detain him for further investigations.

No officers visually observed Mr [REDACTED] (DOB [REDACTED]/1997) working at the location as an employee, the individual was to be escorted out of the premises as advised by immigration officers.

I escorted Mr [REDACTED] (DOB [REDACTED]/1997) out at approximately 20:44 Hrs, at this stage the deputy manager an unknown individual to me a IC4 male communicated verbally " [REDACTED] everything ok" Mr [REDACTED] (DOB [REDACTED]/1997) replied yes the deputy manager verbally communicated " Table 19 please" Mr [REDACTED] (Dob [REDACTED]/1997) replied " I don't work here I am a customer".

I advised the deputy manager that Mr [REDACTED] (Dob [REDACTED]/1997) is being escorted out the building.

I am also aware that various licensing violations and fire safety issues are also being investigated.

Throughout my time at the location, my body worn video camera was switched on and recording and the footage can be produced as evidence if required. (Police Ref 1752, 23/11/18).

End Of Statement

Signature: M. Sarqib Signature witnessed by: .....

OFFICIAL (when complete)

**Witness contact details**

URN : [REDACTED]

Name of witness: - PCSO Mohammed Sarqib.....

Former name.....N/A.....\*Email address: [REDACTED]

\*Email address needed for correspondence i.e. support material to be sent

Address Stechford Police Station, 338 Station Rd, Birmingham.....Postcode:B33 8RR .....

Preferred telephone number: [REDACTED] Alternate telephone number: [REDACTED]

Agreed means of contact and frequency: N/A.....

Gender...M... Date and place of birth: [REDACTED] Ethnicity Code (16+1).....A2.....

**DATES OF WITNESS NON-AVAILABILITY:** (12 months) As per GRS .....

**RESTRICTED (when complete)****WITNESS STATEMENT**

(CJ Act 1987, s.9 MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Paul Mackinnon

Age if under 18 Over 18 (If over 18 insert "over 18")

Occupation: Immigration Officer

This statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature  Date: 12/12/2018Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named officer and I currently work in the West Midlands Immigration Compliance and Enforcement Team which is part of the Home Office Immigration Enforcement unit based at Sandford House, 41, Homer Road, Solihull, Birmingham B91 3QJ.

On Friday the 23/11/2018 I attended a Police led operation to Jilabi Restaurant, 2065 Coventry Road, Sheldon, Birmingham, B26 3DY.

Entry was gained by Police officers and subsequently following their request I entered the premises via the front door with IO Smith.

Upon entry to the premises I observed a large number of what appeared to be both staff serving customers and customers within the establishment.

Police officers gathered staff from within the premises and then requested Immigration staff conduct necessary checks on them to confirm their identities.

Following our checks we identified three males as having no right to live or work in the UK, all of whom were Bangladeshi Nationals.

Details are below:

~~REDACTED~~ DOB ~~REDACTED~~ 1978, 7 Year overstayer with no right to work.

~~REDACTED~~ DOB ~~REDACTED~~ 1985, 4 Year overstayer with no right to work.

~~REDACTED~~ DOB ~~REDACTED~~ 1975 an Illegal entrant, who has been in the UK since at least 2010.

All three were arrested and detained pending decisions regarding their immigration status.

Signature:  Signature Witnessed by: .....

**RESTRICTED (when complete)**

Approved for UKBA use – December 2011

MG11T

**WITNESS STATEMENT****Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: Immigration Officer Oliver SMITH

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer 17298

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: O.SMITH

Date: 12/12/2018

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named officer. I am currently employed as an Immigration Officer in the Home Office at Immigration Enforcement West Midlands. On Friday 23 November 2018, myself and IO MACKINNON attended Jilabi Restaurant, 2065 Coventry Road, Sheldon, Birmingham B26 3DY as a immigration referring agency for a police led operation.

Entry was gained by police officers and once secured, myself and IO MACKINNON were asked to enter by police officers to assist with their queries. Upon entry, the restaurant appeared to be busy and close to full capacity with a large amount of both customers and staff present. Police requested we took a room upstairs so they were able to bring staff to us to conduct immigration checks to verify their identity.

Following immigration checks we identified three males as having no right to live or work in the UK, all of whom were Bangladeshi Nationals.

Details are below:

DOB [REDACTED]-1978, 7 Year overstayer with no right to work.

DOB [REDACTED]-1985, 4 Year overstayer with no right to work.

DOB [REDACTED] 1975 an Illegal entrant, who has been in the UK since at least 2010.

All three were arrested and detained pending decisions regarding their immigration status.

Signature: O.SMITH

Witnessed by:

2010/11

**RESTRICTED (when complete)**

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Sgt J. Edwards # 6278

Pcso Sarqib # 31487

Sheldon Police NHT  
West Midlands Police Headquarters  
Lloyd House  
PO Box 52  
Colmore Circus Queensway  
Birmingham  
B4 6NQ

Direct Telephone: 8443172

Switchboard: 101

Internal: 8443172

Email: [REDACTED]

[REDACTED]

Our Reference: Multi-Agency Visit

Date: 30/11/18

West-Midlands Police Sheldon NHT Multi-Agency Visit 23/11/18.

UK Immigration,

Good Afternoon,

Firstly thanks for inviting us onto your visits on the 23/11.

For your Information,

Two of the three subjects arrested by yourselves are at Morton hall Immigration centre pending removal back to their home countries.

Subject three was bailed to report to us as he is returning home on his own accord ( if not in a set period of time ) will be re-arrested and removed.

I believe Licensing issued a fine on the spot to the employer and officers left the premises without speaking to everyone on site as was too busy and officers were outnumbered.

IO's only spoke to some front of house staff, they didn't speak to any of the kitchen staff and were subsequently told by customers that at least 3 more males were upstairs and had taken their uniforms off to evade detection.

[REDACTED]

Also a phone call was received today 26/11 stating that approx 10 subjects had blended in with customers to avoid detection. (Cannot confirm).

Speak soon

Paul Mackinnon  
Immigration Officer  
Home Office  
Immigration Enforcement West Midlands  
41 Homer Road, Solihull, B91 3QJ

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Sgt J. Edwards # 6278

Pcso Sarqib # 31487

Sheldon Police NHT  
West Midlands Police Headquarters  
Lloyd House  
PO Box 52  
Colmore Circus Queensway  
Birmingham  
B4 6NQ

Direct Telephone: 8443172

Switchboard: 101

Internal: 8443172

Email: [REDACTED]

Our Reference: Multi-Agency Visit

Date: 30/11/18

West-Midlands Police Sheldon NHT Multi-Agency Visit 23/11/18.

BCC Licensing,

Here are the details of my findings; also depending on what the premises licence holder provides or doesn't provide to immigration officers it may result in the review of the premises licence. I'm waiting for an update from Paul MacKinnon.

#### Licensing Matters Identified

Conditions attached to the premises licence following a Licensing Sub Committee hearing on 19th May 2014 state at:-

##### Conditions 3a:-

- 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.

##### Conditions 3b:-

- 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;

During our visit the duty manager, advise the premises employed 12 full time and 8 part time front of house staff.

The training records produced where not considered adequate as the records consisted of photocopies of page 4 of the premises licence Anex 2 – Conditions consistent with operating schedule. Copies were produced with an additional hand written reference to challenge 25-age verification policy.

There was no documented training records evidencing what training has been provided regarding the key aspects of the Licensing Act such:-

- The four licensing objectives;
- The law regarding the sale and serving of alcohol;
- What forms of identification accepted when carrying out age verification checks

There was no available list for the front of house staff employed and the training records that were produced had only been signed by 14 individuals.

There was no operational CCTV system at the premises and officers were advised by the duty manager the premises had been broken into about 3 weeks ago and the CCTV hard drive had been



time.

The CCTV hard drive had not been replaced since the stated theft and no CCTV recording was taking place at the time of the visit when licensable activities were taking place. No CCTV recorded images available.

A Traders Notice 25195 was issued highlighting these matters.

Regards

Teresa Wilding

Licensing Enforcement Officer

Birmingham City Council Licensing  
Ashted Lock,  
Building 1-3, Ground Floor,  
Birmingham Science Park Aston,  
Dartmouth Middleway,  
Aston,  
Birmingham,  
B7 4AZ

Telephone:

Facsimile:

15



2071 Coventry Rd

2069 2067 2065

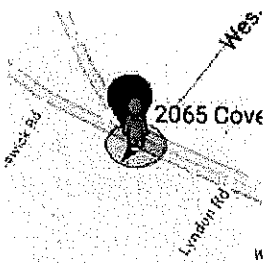


Image capture: Jul 2018 © 2018 Google

Birmingham, England

 Google, Inc.

Street View - Jul 2018



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## 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, ordnance 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 23<sup>rd</sup> November 2018 a joint inspection was conducted at the restaurant called Jilabi's. The inspection involved officers from Sheldon Police Station, Home Office**

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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 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 25<sup>th</sup> November 2018. I am conscious of the guidance contained within Section 182 of the licensing act 2003 and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed

 12.8 SUPT GREGG. B. N.P.