

THAMES VALLEY POLICE

Division/Station : High Wycombe

From : Andy Dean
Licensing Officer

To : Licensing Authority
Wokingham Borough Council

Ref :

Date : 20 September 2018

Tel.No. 01865 309 275

Subject :

Representations supporting Home Office Immigration Enforcement

This representation is in relation to; Miah's Spencers Wood
Tankerton House
Basingstoke Road
Spencers Wood

I Andy Dean on behalf of Thames Valley Police wish to make representations in support of the Review application made by the above Government enforcement agency.

The representation identifies that the Licensing Objective – Prevention of Crime and Disorder has been undermined by the actions of this premises and the controlling company.

This company own and run three establishments across the Thames Valley Police area and it must be identified that all three premises have committed criminal offences in the employment of illegal immigrants;

This premises; - On 10th August HM ICE team attended this premises at 17.48 hours. There were ten persons on the premises. Of these upon carrying out the necessary checks it was discovered that four persons working within the kitchen were illegal immigrants and therefore under the law not entitled to work and were arrested and detained. Even after the previous two events the company have gone on to employ further illegal workers.

It is important to recognise that the DPS has the responsibility of the day to day running of the premises so he has a certain responsibility of this as he hasn't refused to employ these illegal workers however he might be directed by the Company and therefore the blame is two fold both the DPS and the Company.

ON 15th May 2018 Home Office Immigration Compliance & Enforcement team attended another premises owned by this company – Miah's Garden Club, 130 – 134 Wokingham Road, Reading and found that there were five persons working within that weren't entitled to as they were illegal immigrants. Again this undermines the licensing objective of Preventing Crime and Disorder and after this you would have thought the company would have learned its lesson.

However not to be deterred it was found that on the 16th June 2018 when Home Office Immigration & Compliance enforcement team attended another of this companies premises – Miah's Of Pangbourne, 26 Reading Road, Pangbourne. At this location three males were identified as illegal or overstayers and therefore not entitled to work in this Country. Again this undermines the licensing Objective of preventing Crime and Disorder.

In conclusion we have a host of issues relating to this company relating to the employment of illegal workers. In itself the employment of an illegal worker is enough

to consider a revocation of this licence and as such this employment constitutes a criminal activity which has serious impacts on society. It can also in certain circumstances have a serious and real implications to modern day slavery.

The current Secretary of State Guidance pursuant to the Licensing Act 2003 specifically deal with this in sections 11.27 & 11.28;-

11.27 ;- There is a 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 the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;**
- For unlawful gambling; and
- For the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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.**

Home Office Immigration Compliance & Enforcement have made application to review the licence of the other premises involved. At this point I have no information to identify whether these have gone ahead as of yet.

For these reasons Thames Valley Police respectfully recommend that the Licensing Panel take the only appropriate and proportionate step available to them in this situation and that is to revoke the licence as the only possible means to promote the Licensing Objectives and further support the prevention of Crime and Disorder.

Andy Dean
Licensing Officer
Thames Valley Police