

# **Premises Licence Review**

Linguine Italian Restaurant 20 Northenden Road Sale M33 3BR

# Contents

Case Summary	3
Licensed Premises History	4
Enforcement Visit: 23 May 2024	5
Enforcement Visit: 21 June 2024	7
Reasons for Review	10
Outcome Sought	12
Appendix A - Supporting Evidence	

# **Case Summary**

On 23 May 2024, the North West ICE team visited Linguine, 20 Northenden Road, Sale, M33 3BR under s179 of the Licensing Act 2003. A female was arrested attempting to flee the premises. She was working at the premises with no right to work in the UK.

Based on this visit another visit was tasked under a warrant on 21 June 2024. During this visit two individuals were identified as working at the premises with no right to work in the UK.

Referrals have been made to the Civil Penalty Compliance Team in relation to the illegal working and these are currently under consideration.

# **Licensed Premises History**

The premises license number is PL000378 and has been held by Mr Nagmadin Zana as shown on the premises license.

Licensable activities authorised by the licence and the times the Licence authorises the carrying out of licensable activities.

Alcohol - On the premises

Sunday - 12:00 to 00:00 Monday to Saturday - 10:00 to 00:00 Christmas Day - 11:00 to 22:00 Good Friday - 12:00 to 22:30

The company registration number for Linguine Italian Restaurant Ltd is 11372904. Companies House show that it was incorporated on 21 May 2018 is currently dissolved and Nagmadin Abdulla ZANA was the company director.

# Enforcement Visit: 23 May 2024

Entry was gained to the premises at approximately 19:50 under section 179 of the Licensing Act 2003. The following individual was encountered.

clearing tables Upon entering the premises immigration officers witnessed whilst wearing an apron. On seeing immigration officers, she removed her apron threw it in the kitchen and headed towards the rear of the premises in an attempt to leave. She was arrested by officers in the rear and taken back into the premises for questioning. During the illegal working interview admitted she had been working at the premises for one month as a waitress, working 2 days a week for 5 – 6 hours. stated that she was offered the job by the manager she also pays £50 in cash per shift. confirmed that she did not provide a share code or have any right to work checks conducted prior to being offered the job. stated she kept telling the employer she would provide documents the following week but never provided any. Home Office checks showed that was refused a visitor visa in August 2022. She then entered the UK and submitted a claim on 28 October 2023 which is still under consideration. Her bail conditions clearly outline that she is not permitted to work in the UK.

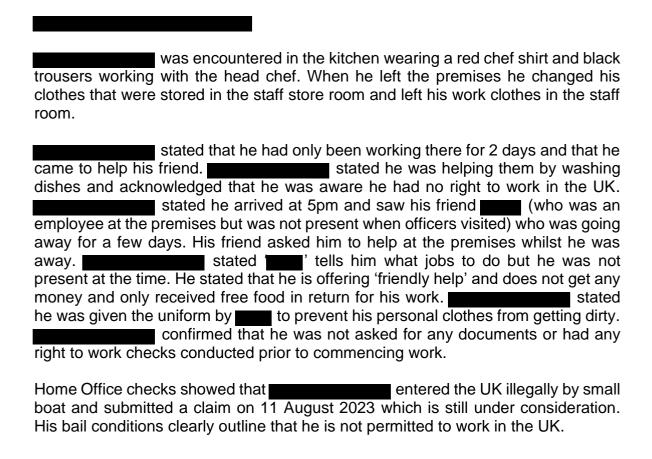


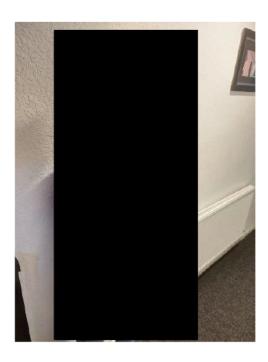
encountered in work attire as a waitress.

# identified herself as the general manager for the kitchen to immigration officers. When questioned in relation to she stated has been working as a waitress for approximately 3 – 4 months for three days per week. She stated that the owner offered the job. confirmed that she pays approximately £50 in cash per shift. stated that she is unsure if any right to work checks were conducted as she only works in the kitchen.

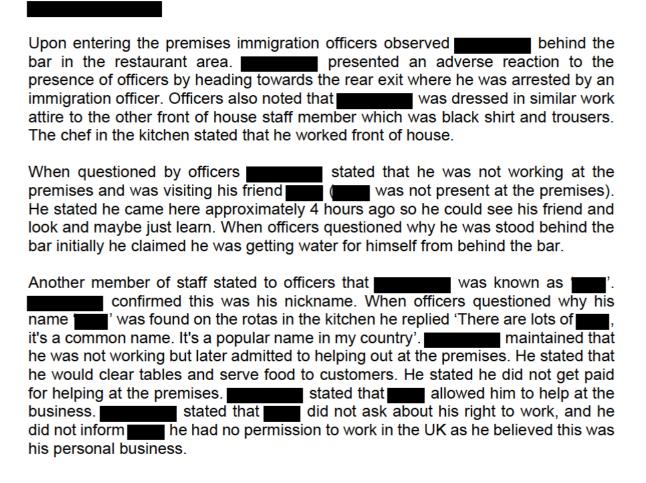
#### Enforcement Visit: 21 June 2024

Entry was gained to the premises at 19:50. Immigration officers executed a Schedule 2, Paragraph 17(2) Immigration Act 1971 warrant at the address seeking illegal workers as a result of the visit conducted on 23 May 2024. Upon entering, immigration officers encountered the following individuals:





encountered in chef's uniform.



Home Office records show that entered the UK and submitted a claim on 18 October 2023 which is still under consideration. His bail conditions clearly outline that he is not permitted to work in the UK.



encountered in front-of-house attire

Although denied working at the premises it is considered that this was an attempt to deceive immigration officers as he was wearing front-of-house work attire, he displayed an adverse reaction to the presence of immigration officers and other staff members confirmed he was the only known at the premises and was scheduled to work on the rotas.

#### Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

There were 3 illegal workers encountered at the premises across two enforcement visits.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. In this case, all three workers had outstanding claims. Claimants are issued Application Registration Cards (ARC), these cards clearly state the holder's employment restrictions. The license holder could have easily avoided employing a worker illegally by abiding by the restrictions on the card. It is considered that in this case the license holder has failed to conduct any type of Right to Work checks on the illegal workers outlined above.



Example of an ARC card where work is not permitted.

Whether by negligence or wilful blindness, illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. All employers are dutybound by law to conduct these checks, and guidance can be found on the GOV.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page. The information is readily available; however, the license holder has deliberately overlooked the rules and laws in place to prevent crime and disorder.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded straight to review.

# **Outcome Sought**

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

Linguine Italian Restaurant has been found employing illegal workers on two occasions. This business has clearly failed to meet the prevention of crime and disorder objective. The license holder and its agents would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application and the associated training one must complete.

Right to work checks should be carried out on all prospective employees prior to their first day, the checks are also irrespective of the length of the engagement or employment contract. Guidance is available online and the Home Office have published "Right to work checks: an employer's guide" which can be found on the GOV.UK website.

Immigration Enforcement asks the committee to seriously consider revocation of the license. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in the employment of illegal workers and facilitating disgualified immigrants to work illegally.

# Appendix A - Supporting Evidence

Encounter	
Illegal Working-Employee	
Illegal Working-Employer	
Illegal Working-Employee	
Illegal Working-Employee	
Freetext Illegal working	

Encounter			
Details			
Type of work	Visit		
Visit reference			
Created by			
ProntolD	- Iran (Islamic Republic of)		
Time	19:56		
Created at geolocation	<b>Easting</b> 379060		
	Northing 391895		
Creation date	23-05-2024 19:56:29		
Chosen Identity			
Identity source/type	Declared		
Name			
DOB			
Gender	Female		
Nationality	Iran (Islamic Republic of)		
Languages			
Languages spoken	English		
Interpreter used?	No		
Encounter			
Encountering officer	- Officer		
Is this encounter related to a Small Boats event?	No		
Is this person the subject of the visit?	No		
Do you suspect an immigration offence?	Yes		
Why do you suspect the person of an immigration offence?	mstched Intel of illegal working on the premises. female was seen clearing tables on entry and attempted to leave the rear if the premises after removi g her apron and threw ut into a hatch to the kitchen		
Declared immigration status			
How and when did the subject last enter the UK?	7 months ago via plane		
CIDPID/CEPR			
Are there any vulnerabilities/ trafficking/safeguarding issues?	No		

	T	
Where in the premises was the subject located?		
Are you taking enforcement action?	Yes	
References (Person ID, HO Ref, Port Ref, BRP)		
Biographic search results	Systems checked Person Check	
	Result of checks Outstanding claim as of 28/10/2023	
	Does the person have No	
	an open absconder status on Atlas Person	
	Alerts?	
	Status returned by	
	system checks	
Photo of Subject		
Do you want to take a photograph of the subject?	Yes	
Powers used	Paragraph 18(2) Schedule 2 Immigration Act 1971	
Photo of subject	1	
Identity Documentation		
Document 1	Document type	

Name in document (if
different from above)

Document reference

Document expiry date

Country of issue (if
different from
nationality above)

Suspected fraudulent

Notes
Photos

# **Notes**

No notes entered.

Illegal Working - Employee		
Details		
Type of work	Visit	
Visit reference		
Created by		
ProntolD	- Iran (Islamic Republic of)	
Subject CIDPID/CEPR		
Subject name		
Subject DOB		
Subject nationality	Iran (Islamic Republic of)	
Subject gender	Female	
Time	20:06	
Created at geolocation	<b>Easting</b> 379048	
	Northing 391908	
Creation date	23-05-2024 20:06:52	
Language of Interview		
What language is the interview carried out in?	English	
Interpreter used?	No	
Obligation		
How long have you been working at this business?	1 months when its busy- they didnt know	
What is your job role/ what are your duties?	Waitress	
What days/ hours do you work each week?	2 days a week for 5 or 6 hours.	
Do you work the same hours/ days every week?	Yes	
Control		
Who gave you this job (name and role in business)?	Manager- in the kitchen	
Who tells you what days/ hours to work?	Manager-ssys he texts her.	
Who tells you what tasks/ duties to do each day?	Manager-	

Remuneration	Domunaration		
	T		
How are you paid (money, accommodation, food)?	Cash- £50 per shift		
Who pays you?	Manager-		
Pre-employment Checks			
What name does the employer know you as?			
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	No, i told him i would show him next week. I oromised to him tjst i eould dhow him permission i kept telling him next week next week.		
Does your employer know you're not allowed to work in the UK?	He doesn't know.		
Additional Questions			
No details provided.			
Photographs			
No photographs.			
Declaration			
I confirm that I have understood all the qu	estions and that the details are true and correct.		
Interviewee signature (	23-05-2024 20:17:26		
Observations			
Observations	The female male was seen by immigration offices wearing an apron clearing tables on entry. On seeing Immigratio Officers, the female headed towards the rear of the premises, taking her apron off, throwing it into the hatch to the kitchen, and then leaving through the back entrance. She was arrested as		

	soon as she stept out of the back and taken back into the premises to be questioned
Do you suspect this person of illegal working?	Yes

Illegal Working - Employer		
Details		
Type of work	Visit	
Visit reference		
Created by		
ProntolD	- Iraq	
Subject CIDPID/CEPR	Unknown	
Employer		
Subject DOB		
Subject nationality	Iraq	
Subject gender	Male	
Time	20:11	
Created at geolocation	<b>Easting</b> 379048	
	Northing 391936	
Creation date	23-05-2024 20:11:08	
Language of Interview		
What language is the interview carried out in?	English	
Interpreter used?	No	
Employer Details		
What is the name of the business?	Linguine	
What is your position here?	General manager for the kitchen	
What are the Companies House and VAT numbers of the business?	I don't know	

# **Declaration by Employer** I confirm that I have understood all the questions and that the details are true and correct. Signed by 23-05-2024 20:25:39 Employee -Known to employer as Obligation How long has the employee been She doesn't work very often but she has been working here around 3 to 4 working at this business? months What days/ hours do they work each She works a few shifts per week her last shift before today was Sunday week? What days/ hours do they work each 5pm-9pm week? Are their days/ hours the same every She works around three days per week week? What is their job role/ duties? Waitress serving food to the customers Control Who gave the employee this job? The owner gave her a job his name Who tells them what days and hours I do as I do the rota to work? Who tells them what tasks or duties to perforrm each day? Where are the employee records? the other manager deals with that Remuneration What is the employee given in return She is paid for their tasks and duties? If the payment includes money, how £45 to £50 per shift but sometimes she gets extra it is business much is paid?

Who pays this employee?	I do or the other managers	
How is this employee paid – cash,	Cash	
bank transfer?		
Does HMRC know that this employee	I do not know	
works at your business?		
Pre-employment Checks		
Did you check the right to work or	I do not know if she gave the owner any papers or not as its not a big deal for	
immigration status before you offered	me as I work in the kitchen	
the employee the job?		
Did you ask to see any documents	I do not know	
from the employee to demonstrate		
their right to work in the UK?		
When did you last check the	I didn't not know what her status was	
employee's employment status?		
Did you know that the employee was	I don't know deals with all the staff, I just pay her at the end of the shift if	
not allowed to work in the UK?	i am working	
Observations		
Observations		
Management Checks Complete		
Date management checks complete	25-05-2024 17:17:33	
Reviewer(s)		

Illegal Working - Employee			
Details			
Type of work	Visit		
Visit reference			
Created by			
ProntolD	- Iran (Islamic Republic of)		
Subject CIDPID/CEPR			
Subject name			
Subject DOB			
Subject nationality	Iran (Islamic Republic of)		
Subject gender	Male		
Time	20:11		
Created at geolocation	<b>Easting</b> 379042		
	Northing 391929		
Creation date	21-06-2024 20:11:39		
Language of Interview	Language of Interview		
What language is the interview carried out in?	Kurdish		
Interpreter used?	Yes		
Details of interpreter			
Does the individual understand the interpreter?	Yes		
Obligation			
How long have you been working at this business?	I arrived 2 days ago. I came here to help my friend, I know am not aloud to work here.		
what is your job role when you are working here.	I was washing dishes I was helping them I know am not aloud to work in this country.		
what time did you start working here today.	I arrived at 5pm and I saw my friend. And I wanted to help him.		
what is your friend's name	My friends name is .		
where is your friend's and what is his job role here.	He called me and he told me he was not going to be here for a few days and that I can come and help. He is an employee here.		
what time would you be finishing today	I said I can only stay from 5 till 9pm. said it doesn't matter what time I can work 1 hour or 2.		
who tells you what jobs to do when you are here.	Theew was a guy here his name was he isn't here now. I don't no anyone else here.		

Control		
Apart from today, when was you last working here	Yesterday I came from 4pm till 9.45pm	
Remuneration		
how much have you been paid for working yesday and for today	No it's just friendly help. I do not get money I just came to help.	
do you get any food for helping out here	Yes they feed me.	
who gave you your work shirt, the one you are wearing.	It was giving to me by a person who woris here he said take it it will keep your clothes clean.	
is that lerson here now.	He is not here now it was .	
do you know your not aloud to work here.	Yes I am aware of that. I know I just came to help.	
does your friend know your not aloud to work on the uk.	I am not sure. If he know or not. He and if I could help I know am not aloud to work here.	
did ask to see any ID before you started working here .	No.	
Pre-employment Checks		

### **Pre-employment Checks**

No details provided.

# **Additional Questions**

No details provided.

# **Photographs**

No photographs.

#### **Declaration**

I confirm that I have understood all the questions and that the details are true and correct.



Observations		
Observations	I believe that the male was working today. On our arrival, the male was working in the kitchen area with the head chef. I observed the male in a red chef shirt and black trousers. When I asked the male if he had any belongings here, he said yes, there was that room. Male changed his chef shirt and trousers into his personal clothing and left the work ones in the staff room.	
Do you suspect this person of illegal working?	Yes	
Photo 1		
	Caption	chelf shirt.
	Exhibit Ref	Male was wearing a chef red shirt and black trousers.

Photo 2



Caption

the staff area where the subject changed his work

clothes to his personal clothes.

**Exhibit Ref** 

Male was wearing a chef red shirt and black

trousers.

Illegal Working - Employee		
Details		
Type of work	Visit	
Visit reference		
Created by		
ProntolD	- Iran (Islamic Republic of)	
Subject CIDPID/CEPR		
Subject name		
Subject DOB		
Subject nationality	Iran (Islamic Republic of)	
Subject gender	Male	
Time	20:10	
Created at geolocation	Easting 379041	
	Northing 391917	
Creation date	21-06-2024 20:09:42	
Language of Interview		
What language is the interview carried out in?	English	
Interpreter used?	No	
Obligation		
Happy to conduct the interview in English?	Yes, I will tell you if I don't understand.	
How long have you been working at this business?	I'm not working in this business.	
What is your job role/ what are your duties?	Nothing. I do nothing. I came here to visit my friend.	
Who is your friend?	Mr.	
What Mr. full name?	I don't know.	
What time did you arrive here today?	Today, I suppose it was about afternoon, about 4pm, I don't know the exact time. 4:35.	
What have you been doing here since your arrival approx. 4 hours ago?	I came her to visit my friend. I just, you know I was a teacher in my country I went to university and about 1 month ago because my occammodation is in Burnley I went to Burnley University to check courses for September. So I was waiting for that so I had some spare time so I just check my friend.	

So, what have you been doing here	I just help them, to look here and maybe learn here in the future. Maybe just
since your arrival approx. 4 hours ago?	look and learn and that's all.
How have you been learning?	Look how it is to help maybe in the future when I've got my answer (response).
On entry to the premises you were witnessed standing behind the bar. Why were you behind the bar?	As I told you, I just wanted to drink water. I didn't know it was unusual to stand behind the bar.
Why did you walk from the bar immediately as immigrations officers entered and head towards the rear?	Actually I didn't know you where here for immigration. I went out with my friend once to eat and some poloce officers cMe in and I didn't know what was happening maybe crime, but they just ordered food. I wanted to goto the toilet, I didn't know what was after the toilet door (rear exit).
You were seen behind the bar by my colleague ( ), you are wearing all Black like other members of staff here, you immediately headed towards the rear on Immigration Officers entering the premises, I put it to you you are working here and you tried to avoid detection.	So things not the things that I told you. I told you everything about that.
What exactly have you been doing for the last four hours? please give me specifics.	As I told you I cam here to visit my friend. When you came in I was trying to drink a glass of water. I didn't know what your point of being here and we call it nature calls I suppose so I went and they called me.
How long have you been working at this business?	I'm not working here.
What is your job role/ what are your duties?	I have no role here.
A worker in the kitchen knows you as , is that your nickname?	Yes.
There is a rota with on it behind the bar.	There are lots of , it's a common name. It's a popular name in my country.
The other staff only mention they know one with me now. You answers are not credible. How long have you worked here?	Er, I'm not working here as I told you.
What is your job role/ what are your duties?	I don't have any job here.
What days/ hours do you work each week?	As I told you I came here to visit my friend and look and learn fir my future if you consider this one as working.

	7
What exactly have you been doing here today?	I've been watching, learning and helping them with the service.
What is involved when you do service?	Er, just help, looking learning how they serve and sometimes serve the food.
Who do you serve the food to?	People, I don't know anyone specific, customers.
Is that customers sitting at tables inside the restaurant?	Yes.
How long have you been working at this business?	As I told you, I cam here to visit my friend today. I was here a couple of times to see my friend but I wasn't working. Today I was here to learn fit my future.
What is you friend name?	
What role here?	I don't know specifically.
How long have you know ?	About 2 months.
What's his full name?	I don't know his full name.
I've received information that you have worked here for the last 3 weeks, plus we have your name on the rota (staff identified him as), you are dressed in all Black like others, you tried to avoid detection on officers entry, you have provided non credible answers to my questions and challenges. The manager has said you have worked here for about 1 month and you work front of house, like a waiter. Would you like to now tell the truth?	As I told you, I came here several time to help them. But I wasn't working here. I didn't consider it as a job as a kind of work. I was here to just help and learn something. I'm waiting for my course to start in September. I was board and wanted to learn something for my future.
You have now admitted to helping out. so with that in mind, how long have you helped out here?  Please answer short and to the point.	Erm, you know it was a kind of I came here a couple of times. It wasn't regular, it's your friends you know. I don't know the period of time ok. As I told you I was waiting for my course to start in September. My course doesn't start until September, I'm bored, I wanted to learn something for my future.  I was helping them with customer service to see how customer service will be.
When you help out what do you do?	
What is the customer service you have been doing?	Just help them serving food.
Is that food for customers?	Er, yes yes for people who want to eat here.
Do you also clear the tables?	Yes it was clearning tables you know serKing the food and cleaning tables it's customer service.
What days/ hours do you helped out each week?	It was a specific kind of time. It was somtime 2 days sometime 1, 3 days. I was meeting my friend to learn. I didn't know serving food can put all this pressure on me or make any problem for me. I was trying to learn something.
How much do you get paid?	I didn't receive any money. I was just here to learn and help that's all.

Do you get free food from the restaurant in return for helping out?	Nothing in return. I was here to help and learn everything. I was trying to help.	
Control		
Who allowed you to help at the business?	My friend . I help serving the food.	
Who tells you what days/ hours to work?	It's not specific. It's not like that.	
You are here today. Who told you to come today.	I get your point but it wasn't like this. When I came here I was interested to learn something so I came here tonlearn, although it wasn't regular things per week.	
Does know you immigration status in the UK?	I don't know. We've not spoke about that.	
Did ask to see any documents or a share code from you before allowing you to work here?	As I told you it wasn't kind of work. No nothing much like this.	
Did you show any documents or a sharecode to ?	No.	
Are you allowed to work in the UK?	Er, no I suppose they told me when I came here.	
Does know you are not allowed to work in the UK?	We never speak about this. Fir me it was personal, but I didn't know I have to tell someone else about my application or something like this.	
What name does know you as?	Maybe they know me as but I never told them about my special name.	
When you say special name do you mean your real name?	Yes, sorry, something English doesn't traslate right with my mother tongue.	
Is there anything you would like to add about working here?	As I told you I was here to help, just to learn for myself for my future. I came here several time to learn and I was waiting for my university course to start and I was bored. I was a teacher in my country, I need to learn, I was a teacher for 4 years of children with special needs. I didn't know coming here to help out would put me in this stressful situation. If I knew that learning here was illegal, I didn't know, I'd stop.	

#### Remuneration

No details provided.

# **Pre-employment Checks**

No details provided.

# **Additional Questions**

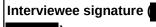
No details provided.

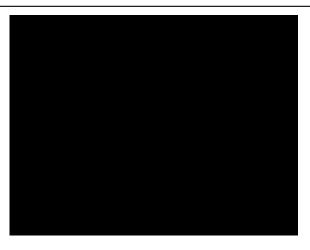
# **Photographs**

No photographs.

# **Declaration**

I confirm that I have understood all the questions and that the details are true and correct.





21-06-2024 21:07:40

# **Observations**

Observations	In questioning.
Do you suspect this person of illegal	Yes
working?	

Photo 1



Caption Outfit
Exhibit Ref IE/1
Common name Outfit

Freetext	
Details	
Type of work	Visit
Visit reference	
Created by	
Address	LINGUINE , 20 Northenden Road, Sale, M33 3BR (Visit Address)
Subject CIDPID/CEPR	
Subject name	
Subject DOB	
Subject nationality	Iran (Islamic Republic of)
Subject gender	Male
Time	20:31
Created at geolocation	<b>Easting</b> 379056
	Northing 391930
Creation date	21-06-2024 20:30:51
Is this entry related to a Critical Incident?	No
Entry	
Title	Illegal working
Text	Another member of staff knows the subjects name as "Work rotas found in the bar area showing on the work rota

# **Photographs** work rota Name | Mon dem N N N ·N work rota N N N