

Yvonne Raine

From: Thorley Mark <
Sent: 12 September 2018 12:35
To: Yvonne Raine
Subject: RE: Committee Report - Cookson Spice, Chester-le-Street - 18th September 2018
Attachments: Witness Statement Cookson Spice.pdf; Checking Right to work.doc

Yvonne,

Please see attached supporting information in regard to premises licence review application hearing for Cookson Spice

- [1] Witness Statement of Officer-In-Charge Michael Sandberg
- [2] Copy of employers guidance from www.gov.uk/check-job-applicant-right-to-work?

Kind Regards,

Mark

Mark Thorley

A/Chief Immigration Officer (3755)
Immigration, Compliance and Enforcement Team – North East and Cumbria
Immigration Enforcement

Home Office
Link House, Newcastle upon Tyne NE1 2JQ
M:
www.homeoffice.gov.uk

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WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

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Statement of: Michael Sandberg

Age if under 18: o/18

(if over 18 insert 'over 18')

Occupation: Assistant Immigration Officer

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 anything in it, which I know to be false, or do not believe to be true.

Signature:

Date: 20/11/2017

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

I am the above named officer, warrant No.8737. I work in the Arrest Team at NORTH EAST AND CUMBRIA IMMIGRATION COMPLIANCE AND ENFORCEMENT TEAM, part of the Home Office, based in Newcastle Upon Tyne.

On 18/11/2017 I was on duty and in company with other uniformed Immigration Officers. We attended the address of COOKSON SPICE, COOKSON HOUSE, COOKSON TERRACE, CHESTER-LE-STREET, DH2 2AN on an enforcement visit. I was OIC for the visit. I entered at 17:45 and showed my warrant to the manager JAMAN UDDIN AHMED. I served the Notice to Occupier and invited the team to enter under Section 179 of the 2003 Licensing Act. AHMED confirmed to me that he was the owner and manager of the business. There were 4 persons arrested.

1. H G

2. B K

3. N R

4. N A W

I interviewed AHMED regarding the employment of the 4 males who were arrested. This was conducted in the kitchen at his request. I first asked him about H G

Q1. HOW LONG HAS H G WORKED HERE?

A1. 1 DAY, CAME TODAY. HE IS ALLOWED TO WORK 10 HOURS.

Q2. DID HE SHOW YOU ANYTHING TO PROVE HE CAN WORK?

A2. NO. HE SAID HE CAN PROVE IT BUT NOTHING SEEN.

Q3. HOW DID YOU GET HIM HERE TODAY?

A3. I PICKED HIM UP FROM S [REDACTED] ROAD, NO. [REDACTED]

Q4. WHATS HIS ROLE?

A4. WAITER.

Q5. HOW MUCH DOES HE GET PAID?

A5. £20 FOR A FEW HOURS.

I then asked him about E [REDACTED] K [REDACTED],

Q1. HOW LONG HAS [REDACTED] WORKED HERE?

A1. 2 DAYS.

Q2. HAS HE SHOWN ANY PROOF HE CAN WORK?

A2. HE TOLD ME HE IS LEGAL, HE WILL BRING HIS PASSPORT NEXT WEEK.

Q3. WHATS HIS JOB?

A3. WAITER.

Q4. WHICH DAYS DOES HE WORK?

A4. FRIDAY AND SATURDAY.

Q5. WHAT HOURS?

A5. 6-10, 4 HOURS PER DAY.

Q6. HOW MUCH IS HE PAID?

A6. £25-30 PER NIGHT.

Q7. HOW IS HE PAID?

A7. CASH IN HAND.

Q8. IS THAT THE SAME FOR F [REDACTED] G [REDACTED]

A8. YES. (CASH IN HAND) ALL 4 PAID CASH IN HAND.

I then asked him questions relating to N [REDACTED] R [REDACTED]

Q1. HOW LONG HAS N [REDACTED] R [REDACTED] WORKED HERE?

A1. STARTED LAST WEEK.

Q2. HOW MANY DAYS / HOURS DOES HE WORK?

A2. 4 HOURS.

Q3. WHICH DAYS?

A3. FRIDAY AND SATURDAY.

Q4. HOW MUCH IS HE PAID?

A4. £25-30 PER DAY.

Q5. WHAT DID HE SHOW YOU TO PROVE HE CAN WORK?

A5. A STUDENT ID, BUT I ASKED HIM FOR A PASSPORT COPY.

Q6. DID HIS STUDENT ID PROVE THAT HE CAN WORK?

A6. YES -- 10 HOURS I THINK.

Q7. DID YOU TAKE A COPY OF THIS?

A7. NO.

I then asked him questions relating to N A W

Q1. WHEN DID N A W START WORKING HERE?

A1. 2 WEEKS AGO. HE HELPS OUT AT WEEKENDS.

Q2. WHAT DAYS / HOURS DOES HE WORK?

A2. THURSDAY / SATURDAY / SUNDAY. 4 HOURS PER DAY.

Q3. WHAT DID HE SHOW YOU TO PROVE THAT HE CAN WORK?

A3. SOLICITORS LETTER, CONFIRMING PERMISSION TO WORK.

Q4. HOW MUCH DOES HE GET PAID?

A4. £25-30 PER DAY.

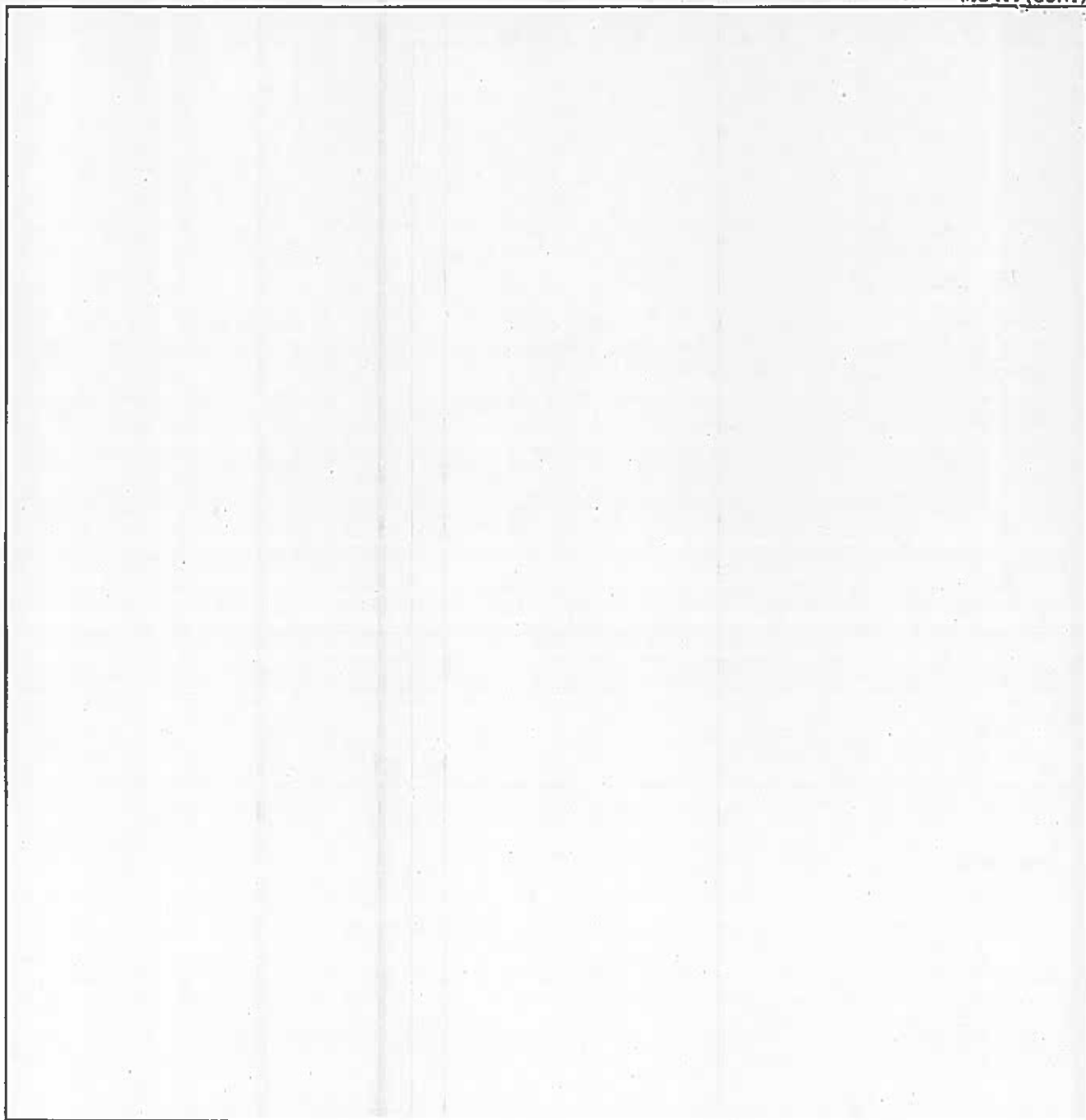
Q5. DO YOU HAVE A COPY OF THE SOLICITORS LETTER?

A5. NO.

I thanked him for his help. I read back all of the questions and his answers from my notebook and he signed this to confirm it was a true reflection of our interview. I served the referral notice and vacated the premises at 18:46.

Signature:.....

Signature witnessed by:.....



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Checking a job applicant's right to work documents

You must check that a job applicant is allowed to work for you in the UK before you employ them.

1. You must see the applicant's original documents.
2. You must check that the documents are valid with the applicant present.
3. You must make and keep copies of the documents and record the date you made the check.

You could face a civil penalty if you employ an illegal worker and have not carried out a correct right to work check.

You must not discriminate against anyone because of their race.

Check with the Home Office if the applicant is a Commonwealth citizen but does not have the right documents - they might still have the right to work in the UK.

Checking the documents

You need to check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you
- the dates for the applicant's right to work in the UK have not expired
- photos are the same across all documents and look like the applicant
- dates of birth are the same across all documents
- the applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work)
- for students you see evidence of their study and vacation times
- if 2 documents give different names, the applicant has supporting documents showing why they're different, such as a marriage certificate or divorce decree

Read the guidance on [how to carry out right to work checks](#) and [what documents you can accept](#).

Further checks

You'll have to make [further checks on your worker](#) if they have a limited right to work in the UK.

Taking a copy of the documents

When you copy the documents:

- make a copy that cannot be changed, for example a photocopy
- for passports, copy any page with the expiry date and applicant's details (for example nationality, date of birth and photograph) including endorsements, for example a work visa
- for biometric residence permits and residence cards (biometric format), copy both sides
- for all other documents you must make a complete copy
- keep copies during the applicant's employment and for 2 years after they stop working for you
- record the date the check was made

Make sure you follow data protection law.

If the job applicant cannot show their documents

You must ask the Home Office to check your employee or potential employee's immigration employment status if one of the following applies:

- you're reasonably satisfied that they cannot show you their documents because of an outstanding appeal, administrative review or application with the Home Office
- they have an Application Registration Card
- they have a Certificate of Application that is less than 6 months old

Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents do not allow the person to work.

The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

If you need more help

Read the guidance if you need more help.

You can also contact the Home Office.

Employer Enquiry helpline

Telephone: 0300 123 5434

Monday to Thursday, 9am to 4:45pm

Friday, 9am to 4:30pm

Find out about call charges

For application questions as a business (or representative) or a Tier 1 investor, contact the business helpdesk.

Business helpdesk

BusinessHelpdesk@homeoffice.gsi.gov.uk

For application questions if you're an educational provider or Tier 4 sponsor, contact the educators helpdesk.

Educators helpdesk

educatorshelpdesk@homeoffice.gsi.gov.uk