
From: Caroline Dickenson <
Sent: 22 November 2018 12:26
To: Yvonne Raine
Subject: FW: 47 North Bailey
Attachments: NE & CUMBRIA ICE - Referral Notice.pdf

Hi Yvonne

Please find attached the civil penalty referral notice for Lebaneat and below email confirming the progression of the case. Please can this be served for the hearing and also forwarded to Gill Proud. I have further information which I will be sending which also needs serving please prior to the hearing

Thanks

Caroline

-----Original Message-----

From: R Ashley
Sent: 22 November 2018 11:44
To: Caroline Dickenson <
Subject: 47 North Bailey

Caroline

As discussed, please find attached Civil Penalty Referral Notice in relation to Lebaneat, 47 North Bailey, Durham which was served during a Police led enforcement visit on 02.08.2018 where Immigration officers located two persons with no permission to work.

The package was sent to our civil penalties team in August however the case is currently in a backlog awaiting registration and have not yet been considered.

Regards

R;

-----Original Message-----

From: Campbell R [mailto: @homeoffice.gov.uk]
Sent: 22 November 2018 11:22
To: R Ashley < >
Subject: Emailing: NE & CUMBRIA ICE - Referral Notice

Your message is ready to be sent with the following file or link attachments:

NE & CUMBRIA ICE - Referral Notice

Note: To protect against computer viruses, email programs may prevent you from sending or receiving certain types of file attachments. Check your email security settings to determine how attachments are handled.



Immigration
Enforcement

Referral Notice

Illegal Working Civil Penalty

Employer name:

LEBAWEAT
Employer registered address:

47 NORTH BAILEY
DURHAM
DH1 3ET

Business type: Sole Trader/Limited Company

Franchise/Other.....

VAT No: NK

Company number: NK

Director(s)/Owner(s):

This is an important notice. Please do not ignore it. Your case will be referred for consideration of your liability for a civil penalty.

This Referral Notice is issued in respect of (a) suspected breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Tasking Reference: T

Notice given date: 02.08.18

Issued to: A

Position: KITCHEN MANAGER

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on 02.08.18 at the following business address: LEBAWEAT 47 NORTH BAILEY, DURHAM, DH1 3ET

Who we suspect of working illegally

	Names of suspected illegal workers	Nationality	DOB	Reason
1	E A S M			No right to work/Working in breach
2	NY A H A			No right to work/Working in breach
3				No right to work/Working in breach
4				No right to work/Working in breach
5				No right to work/Working in breach
6				No right to work/Working in breach
7				No right to work/Working in breach
8				No right to work/Working in breach

Reason for referral

Your case will be referred to the Home Office's Civil Penalty Compliance Team which will consider your liability for a civil penalty for employing the identified suspected illegal worker(s). It is illegal to employ an adult subject to immigration control if he has not been granted leave to enter or remain in the UK or his leave to enter or remain is invalid or has ceased to have effect, or he is subject to a condition preventing him from accepting the employment in question.

What this means

The Civil Penalty Compliance Team will consider whether you are liable for a civil penalty, and if so your penalty level.

- A Civil Penalty Notice will be issued if you are found liable. This Notice will require you to pay a penalty for a specified amount by a specified due date.
- A Warning Notice may be issued if you meet the mitigating criteria set out in our Code of practice on preventing illegal working which is on www.GOV.UK.
- A No Action Notice will be issued if you are not liable for a civil penalty. This Notice will inform you that no civil penalty action will be taken against you on this occasion, and that your case has been closed.

Visiting Officer Copy

<p>What happens next</p>	<p>You will receive an Information Request which requires you to provide information and evidence. You will be asked to confirm your business details and provide documentary evidence to demonstrate that you carried out the required right to work checks on the workers named in this Referral Notice. You will also be asked to provide the unique Home Office reference number you received if you reported your suspicions about these people working illegally to us. It is important that you respond to this request accurately, in full and before the deadline given in the Information Request, as this evidence will inform our decision in your case. You should respond to this request using the Response Form you will receive from us. If you actively co-operate with us in our investigations, any penalty for which you may be liable may be reduced.</p>
<p>What factors do we consider</p>	<p>We will consider the following factors when looking at your case:</p> <ol style="list-style-type: none"> 1. Are you liable for a civil penalty? You will have established an excuse against liability and will not be served with a civil penalty if you have correctly carried out document checks as set out in our Code of practice on preventing illegal working. 2. Have you been found to be employing illegal workers within the previous three years? This factor determines your breach level and the civil penalty calculator to be used in determining your penalty amount if you are found liable for employing illegal workers. 3. Have you reported suspected illegal working to us? This mitigating factor is considered when determining your penalty amount. You must have reported your suspicions about the workers in question before any visit by us is made known to you. 4. Have you actively co-operated with us? This mitigating factor is considered when determining your penalty amount. You must have complied accurately and timely with our investigations, and provided us with access to your premises, records and systems. 5. Do you have effective document checking practices in place? This mitigating factor is considered when determining whether you will be issued with a Warning Notice instead of a Civil Penalty Notice. It is only taken into consideration when you have not been found to be employing illegal workers within the previous three years, and where there is mitigating evidence for factors 2 and 3 above. <p>You can find out more about how these factors are considered in calculating your civil penalty in our Code of practice on preventing illegal working which is on www.GOV.UK.</p>
<p>What you do if you receive a penalty</p>	<p>If you receive a Civil Penalty Notice you must either pay the penalty or object or appeal within 28 days.</p> <p>If you do not either pay your penalty or object or appeal by the due dates, enforcement action will be taken against you to recover the debt through the courts. This may have an adverse impact on your ability to obtain credit in the future and act in the capacity of a director in a company.</p> <p>The Civil Penalty Notice will set out why you are liable to pay a penalty and the amount. It will also set out how you should pay and by when or, if you wish to object or appeal, how you should do this and by when.</p>
<p>What amount might you have to pay</p>	<p>The maximum penalty amount you could receive is £20,000 per illegal worker. We will take into account a number of factors which may reduce the amount you are required to pay. These are set out in our Code of practice on preventing illegal working.</p>
<p>If you need more information</p>	<p>You can call our helpline on 0300 123 4699 if you have any questions.</p> <p>You can visit our website on www.GOV.UK to view our Code of practice on preventing illegal working and guidance for employers, including guidance which sets out how we administer illegal working civil penalties.</p> <p>You can use our online employers' toolkit to help you understand your responsibilities and how to carry out the correct right to work checks on your employees.</p>

From: Caroline Dickenson
Sent: 22 November 2018 12:27
To: Yvonne Raine
Subject: FW: Emailing: NE & CUMBRIA ICE - Referral Notice
Attachments: NE & CUMBRIA ICE - Referral Notice.pdf

Hi Yvonne

Please serve the attached notice as per my previous email

Thanks

Caroline

-----Original Message-----

From: Rachael Ashley
Sent: 22 November 2018 11:43
To: Caroline Dickenson
Subject: FW: Emailing: NE & CUMBRIA ICE - Referral Notice

Caroline

As discussed, please find attached Civil Penalty Referral Notice in relation to Lebaneat, 69 Claypath, Durham which was served during a Police led enforcement visit on 02.08.2018 where Immigration officers located two persons with no permission to work.

The package was sent to our civil penalties team in August however the case is currently in a backlog awaiting registration and have not yet been considered.

Regards
Rachael

-----Original Message-----

From: Campbell R <<mailto:>>
Sent: 22 November 2018 11:23
To: R Ashley <<mailto:>> @durham.pnn.police.uk>
Subject: Emailing: NE & CUMBRIA ICE - Referral Notice

Your message is ready to be sent with the following file or link attachments:

NE & CUMBRIA ICE - Referral Notice

Note: To protect against computer viruses, email programs may prevent you from sending or receiving certain types of file attachments. Check your email security settings to determine how attachments are handled.

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to whom they are addressed.



Immigration
Enforcement

Referral Notice

Illegal Working Civil Penalty

Employer name: Lebanek

Employer registered address:

69 Claiaph
Durham
DH1 1QT

Business type: Sole Trader/Limited Company
Franchise/Other.....

VAT No:

Company number:

Director(s)/Owner(s):

A S

This is an important notice. Please do not ignore it. Your case will be referred for consideration of your liability for a civil penalty.

This Referral Notice is issued in respect of (a) suspected breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Tasking Reference: T

Notice given date: 2/8/18

Issued to: [Signature]

Position: Owner

We have encountered suspected illegal working

We encountered (a) suspected breach(es) of section 15 on 2/8/18 at the following business address:

69 Claiaph, Durham, DH1 1QT

Who we suspect of working illegally

	Names of suspected illegal workers	Nationality	DOB	Reason
1	<u>A</u> <u>A</u>			No right to work/Working in breach
2	<u>MC</u> <u>A</u> <u>CCG</u>			No right to work/Working in breach
3				No right to work/Working in breach
4				No right to work/Working in breach
5				No right to work/Working in breach
6				No right to work/Working in breach
7				No right to work/Working in breach
8				No right to work/Working in breach

Reason for referral

Your case will be referred to the Home Office's Civil Penalty Compliance Team which will consider your liability for a civil penalty for employing the identified suspected illegal worker(s). It is illegal to employ an adult subject to immigration control if he has not been granted leave to enter or remain in the UK or his leave to enter or remain is invalid or has ceased to have effect, or he is subject to a condition preventing him from accepting the employment in question.

What this means

The Civil Penalty Compliance Team will consider whether you are liable for a civil penalty, and if so your penalty level.

- A **Civil Penalty Notice** will be issued if you are found liable. This Notice will require you to pay a penalty for a specified amount by a specified due date.
- A **Warning Notice** may be issued if you meet the mitigating criteria set out in our **Code of practice** on preventing illegal working which is on **www.GOV.UK**.
- A **No Action Notice** will be issued if you are not liable for a civil penalty. This Notice will inform you that no civil penalty action will be taken against you on this occasion, and that your case has been closed.

<p>What happens next</p>	<p>You will receive an Information Request which requires you to provide information and evidence. You will be asked to confirm your business details and provide documentary evidence to demonstrate that you carried out the required right to work checks on the workers named in this Referral Notice. You will also be asked to provide the unique Home Office reference number you received if you reported your suspicions about these people working illegally to us. It is important that you respond to this request accurately, in full and before the deadline given in the Information Request, as this evidence will inform our decision in your case. You should respond to this request using the Response Form you will receive from us. If you actively co-operate with us in our investigations, any penalty for which you may be liable may be reduced.</p>
<p>What factors do we consider</p>	<p>We will consider the following factors when looking at your case:</p> <ol style="list-style-type: none"> 1. Are you liable for a civil penalty? You will have established an excuse against liability and will not be served with a civil penalty if you have correctly carried out document checks as set out in our Code of practice on preventing illegal working. 2. Have you been found to be employing illegal workers within the previous three years? This factor determines your breach level and the civil penalty calculator to be used in determining your penalty amount if you are found liable for employing illegal workers. 3. Have you reported suspected illegal working to us? This mitigating factor is considered when determining your penalty amount. You must have reported your suspicions about the workers in question before any visit by us is made known to you. 4. Have you actively co-operated with us? This mitigating factor is considered when determining your penalty amount. You must have complied accurately and timely with our investigations, and provided us with access to your premises, records and systems. 5. Do you have effective document checking practices in place? This mitigating factor is considered when determining whether you will be issued with a Warning Notice instead of a Civil Penalty Notice. It is only taken into consideration when you have not been found to be employing illegal workers within the previous three years, and where there is mitigating evidence for factors 2 and 3 above. <p>You can find out more about how these factors are considered in calculating your civil penalty in our Code of practice on preventing illegal working which is on www.GOV.UK.</p>
<p>What you do if you receive a penalty</p>	<p>If you receive a Civil Penalty Notice you must either pay the penalty or object or appeal within 28 days.</p> <p>If you do not either pay your penalty or object or appeal by the due dates, enforcement action will be taken against you to recover the debt through the courts. This may have an adverse impact on your ability to obtain credit in the future and act in the capacity of a director in a company.</p> <p>The Civil Penalty Notice will set out why you are liable to pay a penalty and the amount. It will also set out how you should pay and by when or, if you wish to object or appeal, how you should do this and by when.</p>
<p>What amount might you have to pay</p>	<p>The maximum penalty amount you could receive is £20,000 per illegal worker. We will take into account a number of factors which may reduce the amount you are required to pay. These are set out in our Code of practice on preventing illegal working.</p>
<p>If you need more information</p>	<p>You can call our helpline on 0300 123 4699 if you have any questions.</p> <p>You can visit our website on www.GOV.UK to view our Code of practice on preventing illegal working and guidance for employers, including guidance which sets out how we administer illegal working civil penalties.</p> <p>You can use our online employers' toolkit to help you understand your responsibilities and how to carry out the correct right to work checks on your employees.</p>

From: Caroline Dickenson
Sent: 22 November 2018 12:30
To: Yvonne Raine
Subject: FW: Lebaneat
Attachments: Lebaneat NFC.docx; Lebaneat Prohibition Notice.docx

Hi Yvonne

Please find attached the prohibition notice which was served on Lebaneat Express which is another premises controlled by the Applicant for Lebaneat wrap house and may be referred to in the hearing. Please can this be served also and a copy sent to Gill.

Thanks

Caroline

DURHAM CONSTABULARY, Protecting Neighbourhoods, Tackling Criminals, Solving Problems...Around the Clock

NEIGHBOURHOOD POLICING: Use your postcode to get access to local news and events from your Neighbourhood Policing Team, at <https://www.durham.police.uk>

This email carries a disclaimer, a copy of which may be read at <https://www.durham.police.uk/Pages/E-Mail%20and%20SMS%20Text%20Disclaimer.aspx>



County Durham and Darlington
Fire and Rescue Service

File Note for Case

File Number:

Premises Name: **Lebaneat Express**

*Telephone call from L T (WW Durham)

*Meeting held with Mr. A S (owner)

Date: **26/10/18** Time: **17:27**

Page 1 of 2

Following an FSVOP from WW Durham, L T raised concerns about sleeping on the first floor of this premises (see email below).

Upon inspection it was identified that there is sleeping and resting occurring on site and this was admitted by the owner Mr. S. **Therefore, a prohibition notice will be served by SM Si, restricting sleeping and/or resting on the first floor.** This is to be served in the in the next 24hours as he is duty fire safety officer over the weekend. The reasons for the noticed are as follows:

- Escape in one direction only which exits through and past the risk area
- No interlinked detection between the kitchen and the first floor
- The sleeping area is currently an inner-inner room from the first-floor store.

However, although there is more than one cause for concern in this regard. The issue of the means of means of escape being as it is where is possess a serious risk to life if persons where to sleep on the first floor, it warrants a prohibition notice.

N.B currently any occupants on the first floor would not be able to use this escape route even if there were interlinked detection to the first floor. As by the time the heat detection in the kitchen activates, the room of origin would already be 2/3rds on fire making the route impassable.

Original email from L Thomas:

On 26 Oct 2018, at 13:24, L Thomas <[@ddfire.gov.uk](mailto:ddfire.gov.uk)> wrote:

Hi, whilst completing an FSVOP inspection at Lebaneat Express, 37 Young Street, Gilesgate, DH1 1HJ, I discovered people are sleeping on the premises on the 1st floor.

When you reach the top of the stairs to the 1st floor there is a door to the left, this takes you into a store room. There is then two rooms beyond this, the 1st room had cushions on the floor which seemed obvious to me that people were sleeping there, then the next room has two single beds within and someone was still in bed when I looked into the room (11:40). This is a room within a room and another beyond.

The only means of escape from the 1st floor is down the stairs and through the shop.

The door at the bottom of the stairs was wedged open.

The risk assessment does not mention sleeping accommodation.

There is no fire alarm system, only one hardwired heat detector in the cooking area on the ground floor front of shop and a wire protruding from the ceiling in the rear ground floor preparation area where a hardwired detector used to be installed.

Chris, the maintenance records at the 3 premises are really poor. The risk assessments have recently been completed this month.

I have advised them accordingly regarding the records but I feel a fire safety representative needs to inspect the above premises with regards the sleeping arrangements.

Regards,

WM L Thomas

Signed

G Chaytor

Date: 26 October 2018

This matter is being dealt with by: J

Smith Ext:

Our Ref: 2E41000020

Your Ref:

Direct Dial Telephone:

E-mail: @ddfir.gov.uk

DELIVERED BY HAND

The Responsible Person
Lebaneat Express

37 Young Street
Durham
DH1 2JU

Dear Sir / Madam

Regulatory Reform (Fire Safety) Order 2005
Lebaneat Express, 37 Young Street Durham

County Durham and Darlington Fire and Rescue Authority are the enforcing Authority under Article 25 of the above legislation.

Please find herewith a Prohibition Notice Number PN18/001 in respect of the above premises.

If you wish to propose that there is another method of compliance with the Order, you should submit the proposals without delay in writing to the Fire and Rescue Authority. You may wish to seek further specialist advice in respect of any such proposals.

Your attention is drawn to the notes which accompany this Notice.

If you are in any doubt as to the obligations placed upon you, or there is any relevant matter upon which you require clarification, you may write to me direct, or alternatively telephone your enquiry to the number shown above.

Yours faithfully

J Smith
Fire Safety Section

Copy to:- Licensing Authority, Building Control, Environmental Health,
Durham Constabulary, Public Register



County Durham and Darlington
Fire and Rescue Authority

PROHIBITION NOTICE

**NOTICE REQUIRING STEPS TO BE TAKEN UNDER
ARTICLE 31 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005
PROHIBITION NOTICE NUMBER PN18/001 ISSUED ON 26 October 2018**

Name: The Responsible Person
Premises: Lebaneat Express
Address: 37 Young Street Durham

I, J Smith, Business Fire Safety Officer, on behalf of and duly authorised by County Durham & Darlington Fire & Rescue Authority (the Fire and Rescue Authority) hereby give you notice that the Fire and Rescue Authority are of the opinion that the following use of the said premises as occupied by you, namely, **sleeping accommodation**, or any other activity of a like kind, involves, or will involve, a risk to relevant persons on the premises in the event of fire so serious that use of the premises ought to be **restricted**.

The Fire and Rescue Authority are further of the opinion that the matter(s) which give rise to the said risk are:-

- **Escape in one direction only which exits through and past the risk area (kitchen Area)**
- **No interlinked detection between the kitchen and the first floor**
- **The sleeping area is currently an inner-inner room from the first-floor store.**

and the Fire and Rescue Authority hereby direct that the use of the premises to which this Notice relates is **restricted** as follows:-

The premises is not to be used for any residential purpose including sleeping or resting for public or private use until the matters specified above have been remedied.

The Fire and Rescue Authority are of the opinion that the risk of injury would be imminent, and the **restriction is to take effect immediately.**

This Notice continues in force until the specified matters have been remedied and the Fire and Rescue Authority withdraw it.

Signed Date 26
October 2018

Being a person authorised by County Durham & Darlington Fire & Rescue Authority under Section 101 of the Local Government Act 1972 to issue such a notice.

**NOTES TO ACCOMPANY PROHIBITION NOTICE SERVED UNDER
ARTICLE 31 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

- 1 Failure to comply with any requirement imposed by an Prohibition Notice served under Article 31 of the Order within the time specified in the Notice (or such further time as the Fire and Rescue Authority may, at their discretion, grant) is a criminal offence under Article 32 of the Order and renders the offender liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to an unlimited fine, or imprisonment for a term not exceeding two years, or both.
- 2 In any proceedings for an offence referred to in Note 1. Where the commission by any person of an offence under the Order is due to the act or default of some other person, which person is guilty of the offence, and a person may be charged with and convicted of the offence whether or not proceedings are taken against the first mentioned person.
- 3 Nothing in the Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of an employee or person nominated to implement measures for fire-fighting and procedures for serious and imminent danger and for danger areas, and appointed to assist him/her in undertaking such preventive and protective measures as necessary.
- 4 Subject to Note 3, in any proceedings for an offence under the Order, except for a failure to comply with Article 8(a) (Duty to take general fire precautions) or Article 12 (Elimination or reduction of risks from dangerous substances), it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of such an offence.
- 5 In any proceedings for an offence under the Order consisting of a failure to comply with a duty or requirement so far as is reasonably practicable, it is for the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.
- 6 A person on whom a Prohibition Notice is served may appeal under article 35 of the said Order to the magistrates' court, for the area in which the premises is situated, within 21 days from the date on which the Prohibition Notice is served. The bringing of an appeal does not have the effect of suspending this Notice, unless on the application of the appellant, the court so directs (and then only from the giving of the direction).
- 7 Where an appeal is brought against a Prohibition Notice, the bringing of the appeal does not have the effect of suspending the operation of the Notice, unless, on the application of the appellant, the court so directs (and then only from the giving of the direction).
- 8 It should be noted that in order to satisfy the "Environment and Safety Information Act 1988" the Fire and Rescue Authority is obliged to enter details of any Prohibition Notice into a register to which the public have access. If you feel that any such entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the Fire and Rescue Authority within a period of fourteen days following the service of the Notice.

- 9 The works or actions specified in the Notice are only intended to reduce the excessive risk to a more acceptable level. The Notice is issued without prejudice to any other enforcement action that may be taken by this or any other enforcement authority.
- 10 The Fire and Rescue Authority would be willing to consider and reasonably assist with any proposals you may have to remedy the matters specified in the Notice.

- End -

STANDARD TERMS AND DEFINITIONS

FIRE RESISTING (FIRE RESISTANCE)

The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

INTUMESCENT STRIPS

A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

SMOKE SEAL

A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

SELF-CLOSING DEVICE

A device which is capable of closing the door from any angle and against any latch fitted to the door. Rising butt hinges are not acceptable.

AUTOMATIC DOOR RELEASE

A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self closing door, enables it to be held open during normal working conditions.

EMERGENCY ESCAPE LIGHTING

That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

RISK ASSESSMENT

An organised appraisal of your activities and premises to enable you to identify potential fire hazards, and to decide who (including employees and visitors) might be in danger in the event of fire, and their location. You will then evaluate the risks arising from the hazards and decide whether the existing fire precautions are adequate, or whether more needs to be done. It will be necessary for you to record your findings (if you have five or more employees), and to review and revise when necessary.

-End-

From: Caroline Dickenson
Sent: 22 November 2018 14:12
To: Yvonne Raine
Subject: FW: Message from KM044
Attachments: SKM04418112214090.pdf

Hi Yvonne

More for Leabeneat, can this be served please

Thanks

Caroline

From: Helen Robson
Sent: 22 November 2018 12:50
To: Caroline Dickenson
Subject: FW: Message from KM044

Helen Robson
Licensing Unit

From:
Sent: 22 November 2018 13:10
To: Helen Robson <
Subject: Message from KM044

DURHAM CONSTABULARY, Protecting Neighbourhoods, Tackling Criminals, Solving Problems...Around the Clock

NEIGHBOURHOOD POLICING: Use your postcode to get access to local news and events from your Neighbourhood Policing Team, at <https://www.durham.police.uk>

This email carries a disclaimer, a copy of which may be read at <https://www.durham.police.uk/Pages/E-Mail%20and%20SMS%20Text%20Disclaimer.aspx>

WITNESS STATEMENT

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

URN

Statement of: **Rebecca Carey**Age if under 18: **over 18** (if over 18 insert 'over 18')Occupation: **PCSO**

This statement (consisting of **1** pages(a) 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 states in it, anything which I know to be false, or do not believe to be true.

Signature: _____

Date: **04/08/18**Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded:

(supply witness details on rear)

I am a Police Community Support Officer currently stationed at Durham City Police Office.

On Friday 3rd August 2018 at 19:10hrs, I attended The Wrap House, Claypath, Durham City, in company with PC 2210 Brown.

I spoke to staff at the location in relation to the venue currently not having a valid licence. I told them that they could not serve/sell alcohol to any customers, nor could they serve hot food after 11pm. I informed them that the owner, A M H S had been spoken to by the council via phone and email so he was fully aware.

The venue still had alcohol behind the bar, I witnessed a waitress taking a bottle of lager to a table, another table had a bottle of white wine on it and another had lager on it. The staff agreed that no more alcohol would be sold.

This visit was recorded on bodyworn video and uploaded on the red sigma under number

Signature: _____

Signature witnessed by: _____

Not Disclosable

Witness Contact DetailsName of Witness: **Rebecca Carey**

Home Address:

Postcode:

E-mail Address:

Mobile:

Home Telephone Number:

Work Telephone Number:

Preferred means of contact (*specify details for vulnerable/intimidated victims and witnesses only*):Gender: Male Female

Date and place of birth:

Former name:

Ethnicity Code (16+1):

DATES OF WITNESS NON-AVAILABILITY:**Witness Care**

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*)
 Yes No If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No
 If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me. Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) Child Witness cases only. I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'

Signature of witness: _____

PRINT NAME: **Rebecca Carey**

Signature of Parent: _____

PRINT NAME:

Address and telephone number (of parent etc), if different from above:

Statement taken by:

Station:

Time and place statement taken:

WITNESS STATEMENT

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

URN				
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Statement of: **Rebecca Carey**

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

Occupation: **PCSO**

This statement (consisting of **1** pages(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 states in it, anything which I know to be false, or do not believe to be true.

Signature: _____

Date: **03/08/2018**

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court:

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

I am a Police Community Support Officer currently stationed at Durham City Police Office.

On Thursday 2nd August at approx. 17:15hrs, I entered The Wrap House, 69 Claypath, Durham in company with Immigration and other officers.

While in the premises, I noticed that there was no alcohol licence on display. There was wine and spirits on display behind the bar area and wine glasses on all of the tables. I looked at the drinks menu that was on all the tables and listed on there was wine and spirits for people to purchase.

The following day I have checked with Police and Council Licencing and found that the licence for the venue was suspended in 2016 due to none payment of the licensing fee.

Signature: _____

Signature witnessed by: _____

Not Disclosable

Witness Contact DetailsName of Witness: **Rebecca Carey**

Home Address:

Postcode:

E-mail Address:

Mobile:

Home Telephone Number:

Work Telephone Number:

Preferred means of contact (*specify details for vulnerable/intimidated victims and witnesses only*):Gender: Male Female

Date and place of birth:

Former name:

Ethnicity Code (16+1): 1

DATES OF WITNESS NON-AVAILABILITY:**Witness Care**

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*)
 Yes No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No
 If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me. Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) Child Witness cases only. I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'

Signature of witness: _____ PRINT NAME: **Rebecca Carey**

Signature of Parent: _____ PRINT NAME: _____

Address and telephone number (of parent etc), if different from above:

Statement taken by:

Station:

Time and place statement taken:

From: Caroline Dickenson <
Sent: 22 November 2018 14:12
To: Yvonne Raine
Subject: FW: Document1
Attachments: Document1.docx

Hi Yvonne

Screen shots showing they were serving alcohol without a licence, can these be served please

Thanks

Caroline

From: Rebecca Carey
Sent: 22 November 2018 13:01
To: Caroline Dickenson <
Subject: Document1

Hello,

Heres some screen shots from the body cam

DURHAM CONSTABULARY, Protecting Neighbourhoods, Tackling Criminals, Solving Problems...Around the Clock

NEIGHBOURHOOD POLICING: Use your postcode to get access to local news and events from your Neighbourhood Policing Team, at <https://www.durham.police.uk>

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From: Caroline Dickenson
Sent: 22 November 2018 14:13
To: Yvonne Raine
Subject: FW: 1

Hi Yvonne

Update from immigration

Thanks

Caroline

From: CPCT Communication and Correspondence Inbox
Sent: 22 November 2018 13:17
To: Campbell R <homeoffice.gov.uk>
Cc: CPCT Communication and Correspondence Inbox
<
Subject: RE: >

Good afternoon

The two cases have been logged onto our Database but have not yet been considered. We are in the process of establishing a liable party and will then write to the employers. I've added the CPCT ref's for future reference.

T (CPCT Ref)

T (CPCT Ref)

Regards

M Tidswell
Communications and Correspondence Team, Civil Penalty Compliance Team
Interventions and Sanctions Directorate
Immigration Enforcement

HOME OFFICE
Civil Penalties Compliance Team,

From: Campbell R
Sent: 22 November 2018 11:34
To: CPCT Communication and Correspondence Inbox

Subject: RE: 1

Good Morning

Do we have any further updates with these cases?

Many thanks

R.

From: CPCT Communication and Correspondence Inbox

Sent: 30 October 2018 07:59

To: Campbell R <[@homeoffice.gov.uk](mailto:campbell.r@homeoffice.gov.uk)>

Cc: CPCT Communication and Correspondence Inbox

Subject: RE:

Good morning

The two referrals are in a backlog of cases awaiting registration and have not yet been considered.

Regards

M Tidswell

Communications and Correspondence Team, Civil Penalty Compliance Team
Interventions and Sanctions Directorate
Immigration Enforcement

HOME OFFICE

Civil Penalties Compliance Team,

From: Campbell R

Sent: 29 October 2018 15:28

To: CPCT Communication and Correspondence Inbox

Subject: 1

Good Afternoon

Following our telephone conversation on Friday can you please provide an update in relation to the above 2 premises.

RNs were served early august.

Many thanks in advance

F

R. Ashley

NE&C Immigration Enforcement
Immigration Officer

Durham Constabulary Embedded Officer
Durham City Police Station – Intelligence Office

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DURHAM CONSTABULARY, Protecting Neighbourhoods, Tackling Criminals, Solving Problems...Around the Clock

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RESTRICTED (when complete)

WITNESS STATEMENT

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

URN

Statement of: Michael Sandberg

Age if under 18: 0/18 (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: 04/08/2018

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

I am the above named officer. 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 02/08/2018 I visited LEBANEAT, 69 CLAYPATH, DURHAM, DH1 1QT.

I was arrest 1 for the visit. I entered at 17:21. I made my way up the stairs and introduced myself to a female working behind the counter on the first floor. She was later confirmed as J [redacted] G PHL. She has been naturalised and is now a GBR citizen.

I showed my warrant and explained the reason for my visit. G [redacted] give signed consent to allow us onto the premises. G [redacted] confirmed that she has been working at the address for some time.

I was then asked to speak with a male who was encountered on the 2nd floor. His name was confirmed as A A S. He admitted to working at the premises for 1 week. He washes dishes. He did not admit to being paid any cash for his work but that he receives food in return for his work.

He works 2/3 days per week. He stated that he doesn't know who the owner is and that an unknown lady gave him the job. I R A [redacted] and his details were confirmed. He is a FAS with no PTW.

Approximately 10-15 minutes later a male entered the premises and asked my why I was questioning his friend. A [redacted] admitted that this male was the manager and that his name was A S [redacted] en [redacted] national. After referral to C R [redacted] it was agreed to serve A A [redacted] with an E [redacted] and ask that he reports on Monday to MIDDLESBROUGH REPORTING CENTRE. I served a referral notice on A M H S E [redacted]

Sandberg
69 Clapath

69 Clapath House, Duden.

01) G
J - G
GB
H

l

CID checks =
Naturalised

Partner - 1
1
5)

Male

Works 2 hrs per day
washes dishes.
Gets food
2/3 days per week
Doesn't know owner,

a lady gave him a job
- Name unknown

Came to UK hidden in
container;
Fast out in unknown
place, got on bus, travelled
3 hrs.

Came to Durban 3 years
ago. Came to UK 4
years ago - to Manchester.
V A. A

SYR
Rapid - 7

17/1/14
F

Asylum refused. ABS.
Refused 13/3/14
Address => No.

WITNESS STATEMENT

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

Statement of Mark Bryden URN:

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Age if under 18 (if over 18 insert 'over 18') Occupation: Immigration Officer 8158.....

This statement (consisting of: 2 pages 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: 04-8-18.....

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

I am an immigration Officer (IO) within the Home office and work for the North East and Cumbria Immigration Compliance and Enforcement team (NE & Cumbria ICE) based at I have been employed by the Home Office in the capacity of an arrest trained officer for ten years. My duties include establishing the immigration status of foreign nationals present in the United Kingdom and investigation of offences under the Immigration Act 1971 (as amended).

On Thursday 02/08/18 I was part of a Durham Constabulary led visit to the Lebeanat Restaurant, 47 North Bailey, Durham, DH1 3ET. I was in full PPE uniform and accompanied by IO Cooper. Entry to the premises was via Section 179 of the licensing act 2003 as the premises held an alcohol licence. I entered the premises at 17:21 which was open but had no customers inside. I made my way to the rear open plan kitchen area I noted 2 males had entered the toilets located to my left Durham Police officers had made their way to the kitchen area and were also knocking on the toilet doors asking the 2 males to come out. I identified myself to a chef in the kitchen and showed my warrant card and asked to speak to who was in charge. The chef looked around and nodded at another male who I now know to be A A S I born from Italy. I is speaking to a police officer he then comes over to me I explain the reason for the visit and give him the notice to occupier and Section 179 licensing act information. I produces his passport no as identify. A police officer brings 1 of the males from the toilet and sits him at a table at the rear of the premises. The police officer tells me on entry she had seen the male who I now know to be F A S V born from Sudan working in the kitchen wearing a chefs top and hat preparing food. On seeing officers he left the kitchen and ran to a toilet locking the door behind him when police knocked on the door he opened it but had changed out of his chefs clothing the police officer located the uniform hidden under paper towels at the

Signature: / Signature witnessed by:

Continuation of Statement of

MARK BEYAN

bottom of a waste paper bin in the toilet. M confirms he is from Sudan and he came to the UK as an asylum seeker. IO Loughran at Tyne Enforcement office conducts Home Office systems checks which trace M as having entered the UK illegally on hidden in a lorry. He made an asylum claim on the same date which was refused however he has appealed that decision and his appeal remains outstanding. Checks show he does not have permission to work in the UK. M can speak English and I ask him the following questions in English:

Q1. HOW LONG HAVE YOU WORKED HERE?

A1. 2 DAYS

Q2. WHAT IS YOUR JOB?

A2. LEARNING BREAD

Q3. WHAT HOURS DO YOU WORK?

A3. 12 O'CLOCK LAST WEEK 1PM THIS WEEK FOR 1 DAY

Q4. HOW MUCH ARE YOU PAID?

At 17:39 the owner A M H S enters the restaurant and shouts at all the staff to stay quiet and not speak to anyone. A female who entered with the owner approaches M and tells him to be quiet not say anything another male says something in Arabic to M I ask M question 4 again he replies:

A4. NOT WORKING, LEARNING.

At this point M says he does not understand English I tell M his English is excellent and we have been conversing in English without problem until the manager arrived. M replies NO UNDERSTAND. I call a big work Arabic interpreter and continue my questions.

Q5. DO YOU RECEIVE FOOD OR ACCOMDATION FOR WORKING HERE?

A5. THEY GIVE ME FOOD

Q6. WHO GAVE YOU THE JOB HERE

A6. AHMED, HE IS THE OWNER

Q7. DID YOU SHOW ANY DOCUMENTS TO AHMED TO WORK HERE?

A7. NO WITHOUT DOCUMENTS

Q8. DO YOU HAVE PERMISSION TO WORK IN THE UK?

Signature:

..... Signature witnessed by:

Continuation of Statement of

MARK BRADEN

A8. NO IM NOT WORKING IM TRAINING. I DON'T KNOW IF I NEED PERMISSION TO TRAIN.

I tell M I have written down all my questions and his answers and ask him if he is willing to sign my notebook to confirm his answers I tell him I can read back my questions and his answers if required. He takes my pen and signs my notebook. I tell M via the interpreter that according to my checks he has no permission to work in the UK until his asylum appeal is decided and that he should not be in the kitchen working or helping or learning until he is given permission to. M understands he goes to a small staff area and changes into different clothing he has with him and leaves the premises. I place M name on the referral notice which is explained and served on the kitchen manager A A S I I asks me why I am serving the referral notice as M is just learning. I ask I what is M learning and what will happen when M completes his learning ? I does not reply. At 18:21 all officers leave the premises.

Signature: Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s 9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: Toni Ellison.....

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer 16712.....

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: Date 03 August 2018

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

I am the above named officer and I'm based at North East and Cumbria ICE in Newcastle. I have been an Immigration Officer since April 2017 and I have been employed by the Home Office since 2016.

I attended LEBANEAT WRAP HOUSE FIRST FLOOR, 69 CLAYPATH, DURHAM, DH1 1QT on Thursday 02 August 2018 as part of a planned Police led visit. My role was arrest officer with I S Entry to the premises was under Informed Consent gained at 17:21hrs by Police and ourselves. I attended the kitchen area where there was 1 male working making bread. He provided his details as M A Sudan, Male, and he stated he arrived in the United Kingdom (UK) 1yr 3month ago via a lorry and further stated he had made a claim for asylum. He provided his home address as

Home Office checks conducted corroborated what / advised me showing he entered the UK and claimed asylum at port. He is now a Third Country Unit drop out case and therefore the UK is responsible for processing his asylum case and he has no permission to work.

Q: HOW LONG WORKING HERE?

A: 1 MONTH

Q: HOME ADDRESS?

A:

Q: HOW DID YOU GET JOB?

A: I CAME AND ASKED FOR A JOB

Q: BOSSES NAME?

A: I DON'T KNOW - I ASKED FOR JOB

Q: HOW DO YOU GET TO WORK?

A: BUS - 1HR FROM NEWCASTLE

Q: WHO TELLS YOU DUTIES?

A: BOSS

Q: HOW MUCH PAID?

A: I'VE NOT BEEN PAID YET

Q: HOW DO YOU PAY TO TRAVEL TO WORK?

A: HOME OFFICE, ASYLUM APPLICATION

Q: HAPPY WORKING HERE?

A: YES, I DON'T KNOW

Q: WHAT DAYS WORKED?

A: WED-SUN

Q: WHAT HOURS WORKED?

A: 4-10PM

Subject at this point stated he claimed Asylum on 19/04/2017.

Q: DO YOU RECEIVE ACCOMMODATION/FOOD/DRINK WORKING HERE?

A: NO, I TAKE 1 DRINK

Q: WHY DID YOU LEAVE

A: AFTER I WAS RELEASED FROM DETENTION I CAME TO NEWCASTLE 4 MONTHS AGO

Q: WHAT IS YOUR DUTIES?

A: MAKING BREAD ONLY

Q: TO CLARIFY, NO MONEY RECEIVED FOR WORKING HERE?

A: NO, NOTHING, I THOUGHT MAYBE AFTER 1 MONTH I WOULD BE PAID BUT NOTHING

Q: ANY REASONS FOR NOT ASKING FOR PAY?

A: NO

Q: ANY INTENTION OF ASKING BOSS TO PAY YOU?

A: NO

Q: ANY REASONS WHY?

A: NO

Whilst subject claims to have not been paid, nor has he asked for his pay, when asked questions regarding this he nervously smiled and simply stated no to being asked if there were any reasons why he did not ask to have his pay paid to him. During the visit the Gangmaster Licensing Abuse Authority team member also spoke with the subject regarding Modern Day Slavery issues – details of this interview not provided to myself.

Subject was asked to leave the premises as he had no permission to work, he collected his belongings from the kitchen area and left the premises.

Following this, the owner arrived at the premises and I spoke to him regarding the subject and also regarding another male being interviewed by I S

Q: NAME/DOB/NAT?

A: A M S

Q: WHO EMPLOYS STAFF?

A: COMPANY EMPLOYS FROM AN AGENCY

Q: WHAT AGENCY?

A: S TRADING LTD, MEADOWFIELD

Q: DO THEY PROVIDE EMPLOYEE PAPERWORK?

A: YES, NINO, ADDRESS, NO ID DOCUMENTS – I DON'T ASK AS THAT'S THEIR JOB THAT'S WHY THE

COMPANY USES THEM

SAYED stated "I HAVE OVER 150 STAFF I DON'T HAVE STAFF DETAILS TO TELL YOU HOW LONG ANYONE HAS WORKED HERE - IT'S HELD IN OUR HEAD OFFICE IN BEIRUT"

Q: ROLE WITHIN COMPANY?

A: OVERALL OWNER

SAYED stated "PAYROLL IS 6TH OF THE MONTH, ALL PAPERWORK IS WITH
CONTACT IS D

LIMITED

Q: HOW OFTEN STAFF PAID?

A: MONTHLY ON 6TH MONTH

Q: IS AGENCY YOUR COMPANY?

A: NO

Full interview relayed back to £ and completed in English. He confirmed he understood everything and signed my pocket notebook to this effect also.

Left premises at 19:00