

APPENDIX TO ANNEX H

The Sub-Committee will have noticed that Annex H contained questions for the parties to the hearing aimed at clarifying certain matters.

At the time of the publication of the agenda the only party to have responded to questions was the Licensing Authority and their response is part of the Agenda at Annex I (item F therein).

Some information has now been supplied by the Home Office and the licence holder and this is provided to you as below as an extra page to Annex H

Applicant (the Home Office)

Question 1

Have Immigration Enforcement revisited the premises since 7 December 2019 as detailed on Page 4 of the application and what was the outcome?

No, according to our records no more visits have been made since the visit on 7 December 2019.

Question 2

Please provide information on the 'prior warnings' given as detailed at paragraph 1.8 of the application. It is not clear to what these refer to.

This is an error and should have been removed.

Question 3

The premises licence holder has produced in evidence a notice of no action against him (copy enclosed). The Council recognises that 'no action' does not mean 'no wrong doing' but it would be useful to know if the notice concerned relates to matters on 7 December 2019 or some other event. If it is for some other event, please provide details.

The No Action Notice does relate to the visit carried out on 7 December 2019.

Question 4

Is the notice provided by the licence holder genuine? Was it served on Mr Rahman or the premises in general?

The Home Office believe it is genuine as it matches our records. Our Civil Penalty and Compliance Team confirm that the notice was sent to the employer.

Question 5

Please confirm if the names on the notice (copy enclosed) match those redacted in the review application

We can confirm that they are the same individuals.

Question 6

Please can you clarify paragraph 2.1 of the application in terms of 'three separate occasions'. This implies there is a previous history of concern

This is a typo and should have been removed. The premise has only been visited by Immigration Enforcement on 7 December 2019.

Question 7

Please confirm the outcome of the three persons detained. It would be useful for the Licensing Authority to know if the detentions were upheld or if following further enquiries the persons concerned were found to have a legitimate right to be in the UK after all.

Person 1 – Was initially detained and then submitted an application for Asylum whilst in detention. Applicant was released on bail whilst his Asylum application is being processed.

Person 2 – Was initially in detained and submitted Further Submissions whilst in detention and was released on bail whilst this is considered.

Person 3 – Initially detained and submitted Rule 35 – Torture allegation whilst in detention and was released on bail whilst this application is being considered.

The Licence Holder

The Licence holder has not responded to any of the questions asked of him but has sent the following by email

'Having reviewed the ongoing situation and the current state of affairs with regards to my health, my family's well being and the fact I have to travel a long way in order to effectively defend myself and run my business, I have decided to close the premises and will be winding down over the next couple of days.

I envisage we will cease trading before the hearing date and will no longer be a running business. I have not taken this decision lightly having invested a lot into Milton Keynes but the financial constraints of operating as a takeaway in a restaurant has its financial constraints and pressures.

I am surrendering the licence with effect from June 1st