

From: [Simpson Justin](#)
To: [Licensing](#)
Subject: Representation in respect of a Premises Licence application for Codfather, 15 High Street, Ashford TN24 8JN
Date: 16 May 2019 12:38:34

Dear Sir / Madam,

Representation in respect of **The Cod Father, 15 High Street, Ashford TN24 8JN**

A civil penalty fine for £30,000 was imposed on Codfather Kent Ltd, 15 High Street, Ashford on 20/12/18. This was in respect of an Immigration Enforcement visit, on 15/06/18, when two male nationals from Afghanistan were found working illegally at the premise.

There was no objection or appeal from the employer so after 28 days appeal rights were exhausted. The penalty is due and still outstanding and will be going through the debt recovery process with a third party agent.

The interview with the person responsible for employing staff, on 21/06/18, was **Khaista Gul AHMADZAI**. This is same person who is applying for the latest licence and registered at Companies House as the Officer responsible for Codfather Ashford Limited, 15 High Street, Ashford, appointed on 01/10/18. Of note this is despite the previous director, noted at the time of the Immigration Enforcement visit on 15/06/18 at Companies House, being **Sahar Gul AHMADZAI**, who claimed only to be the manager.

The suggestion could be put forward that this is a blatant attempt to circumvent fines for employing illegal workers as there is an active proposal by Companies House to strike off Codfather Kent Ltd.

The employment of people who do not have the right to work in the UK is a serious crime and can be linked to exploitation of vulnerable people.

Employing people without making the legally required checks demonstrates that the premises licence holder is not robust and does not take the responsibilities towards the licensing objectives seriously.

The ability to work illegally is a key driver of illegal migration; it encourages people to break the UK's immigration laws and provides the practical means for migrants to remain unlawfully in the UK.

It encourages people to take risks in trying to enter the UK illegally by putting their lives in the hands of unscrupulous people smugglers and leaves them vulnerable to exploitative employers.

Illegal working results in businesses that are not playing by the rules undercutting legitimate businesses that are. It also negatively impacts on the wages of lawful workers and can be linked to other labour market abuse such as tax evasion,

breach of the national minimum wage and exploitative working conditions.

Working illegally is a criminal offence and on conviction in England and Wales, an illegal worker may receive a custodial sentence of up to six months and an unlimited fine.

We are committed to tackling the economic motivation behind illegal migration and those people who facilitate it. However, employers also have an important role to play in preventing illegal working by undertaking simple checks on their employees' right to work in the UK.

Employers have had a responsibility since 1997 to ensure they do not employ illegal workers. Since 2008, this requirement has been underpinned by civil and criminal sanctions for non-compliance, set out in the Immigration, Asylum and Nationality Act 2006 - sections 15 and 21. Under these sanctions, an employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker and an employer who knowingly or has reasonable cause to believe that the employment is not permitted may on conviction after indictment be subject to a custodial sentence of up to five years and an unlimited fine.

Employers may prevent a liability for a civil penalty by undertaking simple right to work checks on all those they intend to employ and repeating the checks if the employee has time-limited permission to live and work in the UK.

In order for CPCT to issue a civil penalty, they must be satisfied that an employer (who has not established a statutory excuse) has employed an individual subject to immigration control who is not permitted to do the work in question. For the purposes of the civil penalty scheme (s15 of the Immigration, Asylum and Nationality Act 2006) 'employment' is defined in s25 of this Act and unless this employment relationship can be demonstrated on a balance of probabilities, the civil penalty will fail following an objection and/or an appeal even if it is clear that illegal work has taken place. In this respect 'employment' is not the same as 'work'. The employment of people who do not have the right to work in the UK is a serious crime and can be linked to exploitation of vulnerable people.

The Home Office (Immigration Enforcement) have presented this evidence to inform the licensing committee's consideration and to draw to its attention the significant risk that the licensing objective of preventing crime and disorder is being undermined.

Yours faithfully,

Justin Simpson
Immigration Enforcement

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