



Home Office

Premises Licence Review

T&J Burgers
86, Bolebridge Street
Tamworth
Staffordshire
B79 7PD

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Case Summary

On 19 July 2024, East Midlands Immigration Compliance and Enforcement (ICE) team visited T&J Burgers, 86, Bolebridge Street, Tamworth, Staffordshire, B79 7PD, following information received from Police source that persons who have claimed asylum and are living in a nearby hotel are illegally working in the shop. Entry to the premises was gained by Section 179 of the Licencing Act 2003 and Licencing Officer Sarah Gear from Tamworth Borough Council also attended.

A civil penalty referral notice for illegal working was served to the owner Mr Junaid Jalil.

A referral was made to the Civil Penalty Compliance Team in relation to the illegal working.

A civil penalty of £80,000 was issued to T&J Burgers Ltd on 26 September 2024 for the employment of two persons working in breach of their visa conditions.

Licensed Premises History

The premises licence number is LN/000005053 and was issued by Tamworth Borough Council. The premises license is held by Mr Junaid Jalil.

The premises is licenced for the provision of Late Night Refreshment.

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment Indoors & Outdoors.

	From	To
Sunday	23:00	02:00
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	00:00
Friday	23:00	02:00
Saturday	23:00	02:00

The company registration number for T&J Burgers is 13495175, it is under the name of T&J Burgers Ltd.

Companies House shows that it was incorporated on 5 July 2021, is currently active and that Junaid Jalil was appointed director on 5 July 2021, Tauqeer Khaliq was also appointed as a director on 5 July 2021.

Enforcement Visit: 19 July 2024

Upon entering the premises Immigration officers encountered a total of six persons working within the premises two of which were identified as working in breach of their visa conditions. One admitted to working as a delivery driver despite his visa conditions stating he could only work in Health and Social care and the other admitted to working as a cook in the kitchen despite his visa conditions stating he could only work in Health and Social Care. The manager also admitted to hiring the individuals. Both individuals were arrested as workers in breach.

██████████

██████████ was encountered in the kitchen of the premises whilst cooking.

██████████ was interviewed in Urdu via an interpreter. During questioning ██████████ stated that he had been working at the premises for two weeks, 3 – 5 days per week, 5 – 6 hours per day. ██████████ confirmed that the owner 'Junaid' offered him the job and pays him approximately £50 per day in cash. He also confirmed that the employer did not check his immigration status or conduct any right to work checks prior to being offered the job.

Home Office checks show that ██████████ was issued a skilled worker visa valid until 14 February 2025 with his sponsor Lorac Healthcare Limited. This restricts his work limited to only jobs by his sponsor. Therefore, ██████████ was found working in breach of his visa restrictions.

██████████

██████████ was encountered in the kitchen of the premises. It was later established that he works as a delivery driver at the premises.

During questioning ██████████ stated that he had been coming to the premises for two months asking for work, but it was his first day working at the premises. He stated that he was the delivery driver and 'Junaid' offered him the job.

██████████ stated that he was paid in cash at a rate of £5 to £6 per hour plus an additional £1 per delivery within 3 miles, over 3 miles he received 50p extra. ██████████ told officers that he showed his BRP to the employer but no online right to work checks were conducted.

Home Office checks revealed that ██████████ was issued with a skilled worker visa valid until 14 September 2028 with his sponsor Flourish Healthcare. This restricts his work limited to only jobs by his sponsor. Therefore, ██████████ was found working in breach of his visa restrictions.

Junaid JALIL – Licence holder and employer

JALIL identified as the owner of the premises for almost. An illegal working interview was conducted with JALIL.

When questioned in relation to [REDACTED] he stated that [REDACTED] had been working at the premises for around one and a half months. This contradicts with [REDACTED] admission during his interview of working at the premises for only two weeks.

When questioned regarding [REDACTED] he stated that [REDACTED] had been working at the business for nearly two months as a delivery driver. JALIL stated that [REDACTED] was paid at a rate of £11 per hour in cash.

When questioned if he conducted right to work or immigration checks prior to offering the job, JALIL stated that he had seen the BRP for both workers and the details were passed to the accountant. JALIL claimed that he was unaware that both employees were not allowed to work in a food establishment.

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 two illegal workers encountered at the premises during the enforcement visit. In this case the license holder confirmed that the workers provided their BRP cards, however, it is considered that right to work checks were not conducted. If right to work checks were conducted it would have showed that both employees were restricted to work only for their listed sponsor.

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.

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. A warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded to review the license.

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 considered 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

T&J Burgers under the control of Junaid JALIL has been found employing illegal workers. This business has clearly failed to meet the prevention of crime and disorder objective. The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

The section 182 guidance at point 11.28 states that revocation of the licence should be seriously considered - even in the first instance. As evidenced in this document, there have been two instances of illegal working. Immigration Enforcement asks that as starting point, the licence should include conditions to prevent further breaches, and we invite the committee to consider whether revocation should take place in this instance.

As a starting point, the Home Office proposes the conditions to address the further risk of illegal working:

- The licence holder must carry out the relevant right to work checks for any prospective employees before commencing employment.
- The licence holder must retain copies of documents as a result of conducting checks relating to the right to work. These must be stored securely by the at the premises, or a digital copy must be immediately accessible from the premises for ease of inspection by immigration officials.
- The licence holder, or any person appearing to represent the licence holder, must be able to produce without delay documents relating to the right to work at the request of an immigration officer.

This submission and appended documents provide the licensing subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should act against this premises licence.

Appendix A – Supporting Evidence

██████████ – Illegal Working Interview

██████████ – Illegal Working Interview

Junaid JALIL - Employer - Illegal Working Interview

Illegal Working - Employee

Details	
Type of work	Visit
Visit reference	EV5-925,691
Created by	[REDACTED]
ProntoID	[REDACTED]
Subject CIDPID/CEPR	Unknown

Subject name	[REDACTED]				
Subject DOB	[REDACTED]				
Subject nationality	[REDACTED]				
Subject gender	Male				
Time	17:02				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>420917</td> </tr> <tr> <td>Northing</td> <td>303985</td> </tr> </table>	Easting	420917	Northing	303985
Easting	420917				
Northing	303985				
Creation date	19-07-2024 17:02:15				

Language of Interview


What language is the interview carried out in?	Urdu
Interpreter used?	Yes
Details of interpreter	P12090
Does the individual understand the interpreter?	Yes

Obligation

What are you doing at T&J Burgers?	I'm working here for a few hours part time as a job
How long have you been working at this business?	For the last two weeks
What is your job role/ what are your duties?	Work in the kitchen
What days/ hours do you work each week?	3 to 4 days a week, sometimes 5 days a week, sometimes 5 or 6 hours
Do you work the same hours/ days every week?	The days and hours can change

Control

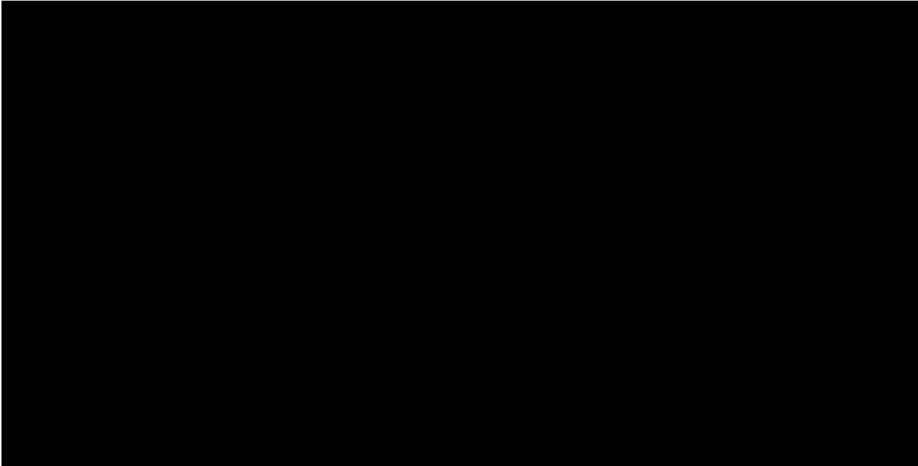
Who gave you this job (name and role in business)?	The owner, Junaid
Who tells you what days/ hours to work?	Yes Junaid
Who tells you what tasks/ duties to do each day?	Yes, Junaid
Remuneration	
How are you paid (money, accommodation, food)?	Money
If money, how much and how do you receive it?	According to the hours i work it depends on this. Around £50 per day
Who pays you?	The owner Junaid, by cash in hand
Do you pay income tax or have a National Insurance number?	No because it is a part time job
Pre-employment Checks	
What name does the employer know you as?	They call me [REDACTED]
Did the employer check your right to work or immigration status before they offered you the job?	No Junaid did not check
How have you supported yourself before working here?	I had some money and friends and family supported me
Does your employer know you're not allowed to work in the takeaway business?	I'm not sure
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.	

Interviewee signature ([REDACTED])	 <p data-bbox="938 712 1166 741">19-07-2024 17:15:16</p>
Observations	
Observations	Seen cooking in the kitchen, in a sector other than his sponsor.

Language of Interview	
What language is the interview carried out in?	English
Interpreter used?	No
Q&A	
did you know that your visa only allows you to work in the health sector?	Yes I know that
do you know that under your visa conditions the extra 20 hours has to be worked in the same sector?	Yes I know but I was told I can wwork anywhere after the 4th of april
who was it who told you that?	My manager at the care home told me this.
Declaration	
Interviewee signature ([REDACTED])	[REDACTED]

Illegal Working - Employee	
Details	
Type of work	Visit
Visit reference	EV5-925,691
Created by	[REDACTED]
ProntolD	[REDACTED]
Subject CIDPID/CEPR	Unknown
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]

Subject gender	Male				
Time	17:58				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>420924</td> </tr> <tr> <td>Northing</td> <td>303993</td> </tr> </table>	Easting	420924	Northing	303993
Easting	420924				
Northing	303993				
Creation date	19-07-2024 17:58:30				
Language of Interview					
What language is the interview carried out in?	English				
Interpreter used?	No				
Obligation					
how long have you been working at t&j burger?	I just started today, I have been coming here for about 2 months asking for work but today is my first day?				
who gave you the job at t&j burger.	Junaid, he is the manager and boss.				
What is your job role/ what are your duties?	I am a delivery driver.				
are you sure you have only started work today as we have spoken to junaid and he said you have been working here for 2 months.	Yes today is definitely my first day				
Control					
Who tells you what days/ hours to work?	The owner and manager junaid				
Who tells you what tasks/ duties to do each day?	Junaid				
Remuneration					
How are you paid (money, accommodation, food)?	Cash in hand				
how much cash in hand do you get?	£5/6 per hour plus £1 per delivery within 3 miles, over 3 miles I get 50p extra.				
Do you pay income tax or have a National Insurance number?	I pay tax on my wage from flourish healthcare not from here.				
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	I showed him my brp he didn't do any online checks				

job? If so, what did you show and were they originals?	
Did the employer check your right to work or immigration status before they offered you the job?	He said he checked
Additional Questions	
Who else works here at j&t Burger	I only know junaid
Photographs	
No photographs.	
Declaration	
I confirm that I have understood all the questions and that the details are true and correct.	
Interviewee signature ([REDACTED])	 19-07-2024 18:14:46
Observations	
Observations	Subject has admitted to working outside of his normal full time job, he states he was told he can work in any other job for a maximum of 20 hours.
Do you suspect this person of illegal working?	Yes

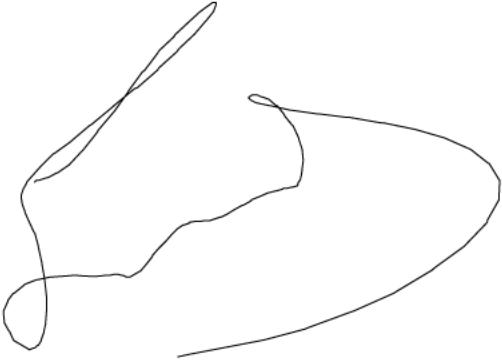
Illegal Working - Employer	
Details	
Type of work	Visit
Visit reference	EV5-925,691
Created by	[REDACTED]
ProntoID	Junaid Jalil - 23/12/1985 - British Citizen
Subject CIDPID/CEPR	Unknown
Employer	Junaid Jalil
Subject DOB	23-12-1985
Subject nationality	British Citizen
Subject gender	Male
Time	18:10
Created at geolocation	Easting 420925 Northing 303996
Creation date	19-07-2024 18:10:41

Language of Interview	
What language is the interview carried out in?	English
Interpreter used?	No
Employer Details	
What is the name of the business?	T&J Burgers Limited
If the business is owned by a company what is the name of the company?	No just sole owner by me
What are the Companies House and VAT numbers of the business?	No my partner has all the details
What is your position here?	Owner
How long have you been the owner?	Nearly 2 years
do you provide uniform?	Yes we provide the uniform

do you know what checks to carry out?	Yes, well the accountant does
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Declaration by Employer

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

Signed by Junaid Jalil	 19-07-2024 18:32:04
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Employee - [REDACTED]

Known to employer as	[REDACTED]
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Obligation

How long has the [REDACTED] been working at T&J burger?	Nearly about one and a half months, mainly at weekends especially when I need staff
What is their job role/ duties?	He will be doing delivery

What days/ hours do they work each week?	Only weekend, maybe one day through the week - start about 4 or 5 o'clock and finish at 10 or 11
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Are their days/ hours the same every week?	Changes week to week
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Control

Who gave the [REDACTED] this job, who allowed him to work here?	Myself, his wife asked me because he cant work 20 hours so I allowed him to work
Who tells them what days and hours to work?	My partner tells him when he's needed
Who tells them what tasks or duties to perform each day?	Myself I tell him what to do as its always busy on Fridays and Saturdays
Where are the employee records?	They're with the accountant

Remuneration

What is the [REDACTED] given in return for their tasks and duties?	Cash in hand
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If the payment includes money, how much is paid?	Hourly he gets £11 so will get paid depending on how many hours he works
Who pays this [REDACTED]	If I'm here I give it, if its my partner he does
How is this employee paid – cash, bank transfer?	Cash in hand
Does HMRC know that this employee works at your business?	I don't think so as they came from Pakistan recently
Pre-employment Checks	
Did you check the right to work or immigration status before you offered the [REDACTED] the job?	I just passed the details to my accountant
Did the employee share a digital code with you to enable you to check their right to work in the UK?	The account will know, we just sent his brp card details to them
Did you ask to see any documents from the employee to demonstrate their right to work in the UK?	Yes they showed me the BRP
What documents did you ask to see and what were you shown before offering employment?	Just the [REDACTED] and I seen it said 20 hours allowed
Were you shown any originals?	Yes the brp
Did you know that the employee was not allowed to work in a food establishment in the UK?	No I didn't know that

Employee - [REDACTED]	
Known to employer as	[REDACTED]
Obligation	
How long has the [REDACTED] been working at this business?	He's my friends brother, comes nearly 2 months, comes mainly on a weekend when it's busy, came today and yesterday as well
What is their job role/ duties?	He's a delivery driver
What days/ hours do they work each week?	Changes each week but mainly weekends, mostly Saturday night
Are their days/ hours the same every week?	No it changes
Control	
Who gave the [REDACTED] this job?	My partner allowed him to work
Who tells them what days and hours to work?	My partner will tell him when to come, generally the day before

Who tells them what tasks or duties to perform each day?	My partner, he's a driver so is told when
Remuneration	
What is the [REDACTED] given in return for their tasks and duties?	Cash in hand
If the payment includes money, how much is paid?	Paid £11 per hour so depends how many hours
Who pays this employee?	Either me or my partner depends who is here
How is this employee paid – cash, bank transfer?	Cash in hand
Does HMRC know that this employee works at your business?	I don't think so
Pre-employment Checks	
Did you check the right to work or immigration status before you offered the [REDACTED] the job?	The account has been given all the details so should have
Did the employee share a digital code with you to enable you to check their right to work in the UK?	We gave the BRP details to the accountant to check
Did you ask to see any documents from the employee to demonstrate their right to work in the UK?	Just the BRP
What documents did you ask to see and what were you shown before offering employment?	Yes BRP
Did you know that the employee was not allowed to work at a food establishment in the UK?	No I did not know that
Observations	
Observations	

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