



Home Office

## Premises Licence Review

Sarashwathy Bhavan  
549 High Road  
Wembley  
HA0 2DJ

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## Case Summary

On 03 March 2023, the West London ICE team visited Sarashwathy Bhavan, 549 High Road, Wembley, HA0 2DJ after intelligence was received that the business was employing illegal workers. Entry to the premises was gained under Section 179 of the Licensing Act 2003. The visit was accompanied by [REDACTED], a licensing officer from Brent Council.

Five arrests were made, and it was found that one employee was sleeping on the kitchen floor as he was homeless.

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

## Licensed Premises History

The premises license number is 162606 and is held by Mr Anil Verma and [REDACTED]

The DPS Vandana Verma, licence number: PL1163. Issuing authority: Wokingham Borough Council.

Anil Verma stated that the business is listed as Dosa Centre LTD, trading under Sarashwathy Bhavan, company number 11356450. Dosa Centre LTD was incorporated on 11 May 2018, Vandana Verma is named as a director. The registered office address is 29 New Broadway, Middx, Hillingdon, England, UB10 0LL. The Civil Penalty Compliance Team has sent an information request and is currently considering the case against this company.

It must also be noted that according to Companies House, another company is listed as being active at 549 High Road, Wembley, Middlesex, England, HA0 2DJ. This company is Saraswathy Bhavan Limited, registered under the number 14642339. Saraswathy Bhavan Limited was incorporated on 06 February 2023, [REDACTED] born [REDACTED] is listed as the director.

## Enforcement Visit dated: 03 March 2023

Entry was gained to the premises at 15:30. Upon entering, Immigration Officers encountered the following workers:

[REDACTED]

[REDACTED] was encountered in the kitchen of the premises; a search was conducted on his person and he was in possession of the keys to the restaurant. Home Office checks revealed that [REDACTED] had applied for a visit visa on 19 June 2019, which was granted from 08 July 2019 to 19 January 2020. This visa was granted with no right to work and no recourse to public funds.

[REDACTED] admitted having overstayed his visa by 3 years.

During an interview with Immigration Officers, [REDACTED] admitted having been working as a [REDACTED] for 3 months. He worked 6 days a week, for 10 hours per day. He stated that Anil gave him the job and stipulated his hours and tasks. He is paid £900 a month, cash in hand with food from the restaurant included. He admitted to his employer being aware that he has no right to work in the UK and never presented any documents prior to employment. [REDACTED] was also in possession of a set of keys for the premises.

He was asked, "Does your employer know you're not allowed to work in the UK?" [REDACTED] replied, "Yes he knows".

Mr Verma was also interviewed about [REDACTED] employment stating he has been employed for five months, asked for a passport copy but did not receive it or chase it up as in his words "We get busy and it slipped my mind".

Mr Verma was then asked "Are you aware that [REDACTED] had overstayed this visa and not allowed to work?" His reply was "I did know. I tried to help him because he is suffering badly in India."

[REDACTED] was arrested under Sch 2 Para 17(1) of the Immigration Act 1971 as a person liable to be detained under Para 16 of Schedule 2 of the same act. He was offered voluntary departure but refused due to wanting to stay and earn money.

[REDACTED]

[REDACTED] was also encountered in the kitchen. Home Office checks revealed that [REDACTED] had arrived on a visit visa which expired on 18 January 2023. This visa gave no right to work or recourse to public funds. [REDACTED] admitted to officers that he had overstayed.

██████████ stated during questioning that he had been working at the premises for 15 days as a ██████████ working 6 days per week, 10 hours per day. He also stated the owner of the business, Anil Verma gave him the job. Paying him £30 to £40 per day with food, although he has not been paid yet. He did not show any right to work documents before or during his employment stating that Mr Verma knows he has no right to work in the UK.

He was then asked, "So the owner knows you are not allowed to work but he still gave you the job?" ██████████ replied "Yes".

Mr Anil Verma was questioned regarding ██████████ employment. He stated that ██████████ had been employed since January. He asked him for a copy of his passport but did not know his visa had expired stating he thought it was due to expiry on 31 March and he would leave. He confirmed ██████████ was paid cash in hand and the hours of employment.

It is clear Mr Verma had not checked ██████████ right to work as his visa states "no right to work" and the date of expiry.

██████████ was arrested under Sch 2 Para 17(1) of the Immigration Act 1971 as a person liable to be detained under Para 16 of Schedule 2 of the same Act. He was offered voluntary departure but refused due to wanting to stay and work. ██████████ has submitted an asylum claim dated 17 March 2023.

██████████ was encountered in the kitchen. ██████████ provided his full details as ██████████ date of birth: ██████████ an Indian national. ██████████ stated he had entered the UK on a business visa in 2022.

Further examination showed that ██████████ was a negative trace on Home Office systems. He could not provide any evidence of his business visa or his lawful status to enter or remain in the UK. ██████████ has never had a right to work in the UK.

██████████ was questioned regarding his employment at Sarashwathy Bhavan to which he stated that he had worked there for one month and reports directly to ██████████ (who also no right to work) for his duties within the kitchen. He works six days per week between 12 noon and 22:00hrs. He has not submitted or been requested to submit any right to work details before or during his employment at the premises. He did state that he was sleeping rough prior to working and receiving free food from the business.

Mr Verma when questioned stated ██████████ had worked there for four days as a helper within the kitchen, requesting documents but had not received them and that he is on a trial. The pair had not arranged a rate of pay according to Verma and that he was unaware of ██████████ visa and right to work status.

██████████ is an illegal entrant and committed an offence under 24(1)A of the 1971 Immigration Act, (as amended) and breached 3(1)a of the same Act. ██████████ has no right to work in the UK.

██████████ was encountered in the kitchen area. Now known to be ██████████ date of birth: ██████████ an Indian national. ██████████ was questioned about his role in the business and replied that he was a porter and cleaner.

Further examination showed that ██████████ was an overstayer in the United Kingdom with no right to work. ██████████ had originally entered under a Tier 5 migrant visa to work for the Kuwaiti Embassy (also sponsor) in September 2019 that expired in September 2021. On 30 July 2021, ██████████ applied to extend his Tier 5 migrant visa to continue working for the Kuwaiti Embassy. This expired on 03 October 2022 and ██████████ made no further applications. Since this date ██████████ has had no right to work in the UK.

██████████ was located in the kitchen area of the restaurant where the food was being prepared. ██████████ stated during questioning that he had been working at the premises since 18 February 2023 as a porter and cleaner, working Tuesday to Sunday from 12 noon to 23:00hrs. He also stated the owner of the business gave him the job, paying him £1100 per month although he has not been paid yet.

He did not show any right to work documents before or during his employment and the company have not asked to see his right to work documentation.

The restaurant and business owner Mr Anil Verma was interviewed at the premises and stated that ██████████ had been working there for four days asking him for a copy of his passport, proof of ID and home address but as he hasn't since him since did not get the passport copy. He confirmed that he was a kitchen porter on trial working with no agreed pay due to the trial employment.

Mr Verma was asked "Did you know that ██████████ has no visa to work in the UK? Mr Verma replied "No I did not know. He told me that he will bring his passport and he is on a trial basis".

██████████ was arrested under Sch 2 Para 17(1) of the Immigration Act 1971 as a person liable to be detained under Para 16 of Schedule 2 of the same act. He was offered voluntary departure but refused due to wanting to stay and work. ██████████ has no leave to remain in the United Kingdom or right to work.

██████████ was encountered in the kitchen area, now known to be ██████████ date of birth: ██████████ an Indian national. ██████████ stated he had entered the UK in 2006 hidden in a lorry.

Home Office systems had no trace of [REDACTED] being granted leave to enter the UK. He has made no applications to regularise his stay and has never had the right to work.

[REDACTED] stated during questioning that he had worked at the business premises for six weeks, working 4 to 5 days per week from 12 noon to 22:00hrs. He is paid £1100 in cash and employed by Anil. He did not show any right to work documents before or during his employment.

[REDACTED] also stated that he had been living at the premises for 10 days and was granted permission to do so by, in his own words "The owner of the shop Anil". He doesn't pay any rent to live there and sleeps on the floor on cardboard within the kitchen.

The owner Mr Verma was questioned regarding [REDACTED] employment stating he had worked there for five months. Verma then stated he was aware that [REDACTED] had no documents but was supporting him as he had asked for help and Verma agreed.

Mr Verma stated he was unaware that [REDACTED] was sleeping at the restaurant.

[REDACTED] is an illegal entrant and committed an offence under 24(1) A of the 1971 Immigration Act, (as amended) and breached 3(1)a of the same Act. [REDACTED] was asked if he would like to return to India with Home Office assistance if required. He stated that he would like to. This process is ongoing with Mr [REDACTED] cooperation.

In summary, one of the key questions asked to Mr Anil Verma was:  
Today on 03 03 2023, West London ICE encountered 5 people illegally working in your restaurant - Sarashwathy Bhavan. Is there anything you would like to add or say?

His reply:

I knew of 2 people. I employed them to work because they were in very bad condition when they came to work. I didn't know about the 3 people as they only came to work 3 / 4 days ago.

## Other Employees

7 other employees were encountered during the visit. These employees were checked against Home Office systems and found to be working within their conditions.

It must be noted that these employees were found to be working in the front of the restaurant in customer facing roles. Interviews with the 7 workers displayed that the owner was aware of the correct checks which needed to be conducted.

## 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 five illegal workers encountered at the premises.

In this case, the business owner had demonstrated an awareness and understanding of the processes and responsibilities to conduct checks on the people they employ as there were staff who had right to work checks conducted by Mr Anil Verma.

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. Mr Anil Verma has deliberately overlooked the rules and laws in place to prevent crime and disorder.

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 an illegal worker and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded straight to review.

## 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 taken into account 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

Saraskwathy Bhavan under the control of Mr Anil Verma and Mrs Vandana Verma has been found employing illegal workers. This business has clearly failed to meet the prevention of crime and disorder objective.

### Right to work: a two-tier approach

During the visit, seven workers were encountered with the right to work. Mr Verma stated he had seen and/or copied right to work documentation for these staff. Six of which were encountered as front of house employees in public facing roles.

The five workers with no right to work were all encountered in the kitchen which is basement level and non-public facing.

Mr Verma has demonstrated an inconsistent approach to ensuring the correct checks are made before employing staff. The rates of pay, hours and conditions differ greatly between the two cohorts of workers. It is considered that whether for commercial advantage or negligence, Mr Verma has employed 5 back of house staff illegally, paid in cash and below the minimum wage (£9.50 as of April 2022).

The conditions subjected to the kitchen staff, namely sleeping on the floor, bare the hallmarks of exploitation/modern slavery. Mr [REDACTED] worker at the premises stated that the owner would pay him after 15 days employment around £30 to £40 a day. As [REDACTED] works 10 hours per day, 6 days a week this would put him at no more than £4 per hour. The UK minimum wage at the time of the enforcement visit was £9.50. It is considered that Anil Verma knows his responsibilities as an employer and applies this to the front of house while readily flouting the same responsibilities for the kitchen staff.

### Fire Safety:

One worker stated he was sleeping on the floor of the premise's kitchen floor for at least 10 days. Mr Verma stated he visited the premises everyday but was unaware of anyone sleeping in his kitchen. This is extremely concerning not only for the

wellbeing and safety of the workers but also from a fire safety perspective. A referral has been made to London Fire Brigades enforcement team.

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, ie. the right to work checks and keeping records for audit purposes.

Immigration Enforcement has submitted that the license holder clearly knew the rules and responsibilities of employing people. Right to work checks and documents were kept for workers who had the right to work, however the license holder knowingly broke these rules to employ [REDACTED] and [REDACTED]

Mr Verma stated during his interview with Immigration that he employed two workers who had no right to work and also aware of three more who he had given trial employment to.

Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally. Immigration Enforcement asks that the premises licence is revoked.

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 revoke the licence.

## Appendix A – Officer records

Illegal\_Working-Employee\_ [REDACTED]

Illegal\_Working-Employee\_ [REDACTED]

Illegal\_Working-Employee\_ [REDACTED]

Illegal\_Working-Employee\_ [REDACTED]

Illegal\_Working-Employee\_ [REDACTED]

Illegal\_Working-Employer\_ANIL\_Verma\_ [REDACTED]

QA\_ [REDACTED] [REDACTED]

Visit\_EV27-866,417\_Sarashwathy\_Bhavan\_(Closed)