

Inverclyde Licensing Board

ALL MEMBERS OF THE LICENSING BOARD

Direct Line: 01475 712109
Fax: 01475 712181
Enquiries To: Ms Denver
E-mail: fiona.denver@inverclyde.gov.uk
Our Ref: FD/LIC
Your Ref:
Date: 19 January 2012

Dear Member

Please attend a meeting of the **INVERCLYDE LICENSING BOARD** to be held on **THURSDAY 26 JANUARY 2012** at **10 am** within the **MUNICIPAL BUILDINGS, GREENOCK**.

Yours faithfully

Depute Clerk

AGENDA

1. **Licensing (Scotland) Act 2005: Application for Grant of Premises Licence**
A list of applications is enclosed
2. **Licensing (Scotland) Act 2005: Review of Premises Licence**
Marks & Spencer, 33 Hamilton Way, Greenock
Report by Clerk to the Board
3. **Licensing (Scotland) Act 2005: Review of Premises Licence**
The Willow Bar, 203 Roxburgh Street, Greenock
Report by Clerk to the Board
4. **Licensing (Scotland) Act 2005: Review of Premises Licence**
Port & Harbour, Customhouse Place, Greenock
Report by Clerk to the Board
5. **Licensing (Scotland) Act 2005: Review of Premises Licence**
Port & Harbour, Customhouse Place, Greenock
Report by Clerk to the Board
6. **Licensing (Scotland) Act 2005: Review of Premises Licence**
Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay
Report by Clerk to the Board
7. **Licensing (Scotland) Act 2005: Review of Premises Licence**
Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay
Report by Clerk to the Board
8. **Licensing (Scotland) Act 2005**
Licensing Forum Report on Overprovision
The Depute Clerk will Report

INVERCLYDE LICENSING BOARD

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR GRANT OF PREMISES LICENCE

| <u>No</u> | <u>Name and Address of Applicant</u> | <u>Address of Premises</u> | <u>Decision</u> |
|-----------|--|---|-----------------|
| 1. | Three Sisters Bake LLP Sommerville Weir Hall Faith Avenue Quarriers Village Bridge of Weir | Three Sisters Bake LLP Sommerville Weir Hall Faith Avenue Quarriers Village Bridge of Weir (Café/Restaurant) | |

| | | |
|-------------------------|--|---------------------------------|
| Report To: | Inverclyde Licensing Board | Date: 26 January 2012 |
| Report By: | Clerk to the Board | Report No: LA/803/12 |
| Contact Officer: | Fiona Denver | Contact No: 01475 712109 |
| Subject: | Review of Premises Licence Marks & Spencer, 33 Hamilton Way, Greenock | |

1.0 PURPOSE

- 1.1 The purpose of this report is to request that the Board considers a review of the Premises Licence for the premises known as Marks & Spencer, 33 Hamilton Way, Greenock.

2.0 BACKGROUND

- 2.1 The Clerk to the Board received notification of a conviction in terms of Section 43 of the Licensing (Scotland) Act 2005, a copy of which was forwarded to Strathclyde Police.
- 2.2 The Chief Constable confirmed the licence holder/connected person has been convicted of a relevant offence namely, on 18 July 2011, Winchester Crown Court, Health and Safety at Work etc Act 1974 Section 2(1) (2 charges), Chg 1 Fine £500,000, £600,000 costs Chg 2 Fine £500,000. A copy of the Chief Constable's letter is attached as Appendix 1 to this report. **Appendix 1**
- 2.3 The Clerk proposed that the matter be considered by way of written submission, a copy of the written submission received from Bond Pearce, Solicitors is attached as Appendix 2 to this report. **Appendix 2**
- 2.4 The Chief Constable has the opportunity to make comments on the submission received and intimated by telephone call on 16 January 2012 that they have no further comments to make.
- 2.5 The powers available to the Licensing Board, if satisfied that a ground for review is established and the Board considers it necessary or appropriate for the purposes of any licensing objective, are:-
- To issue a written warning to the licence holder;
 - To make a variation to the licence;
 - To suspend the licence for such period as the Board may determine;
 - To revoke the licence.

3.0 RECOMMENDATION

- 3.1 It is recommended that the Board considers the review of the Premises Licence for the premises known as Marks & Spencer, 33 Hamilton Way, Greenock and determines:-
- Whether or not a ground for review exists
 - If satisfied that a ground of review exists, what step the Board considers necessary or appropriate to take for the purposes of any of the licensing objectives

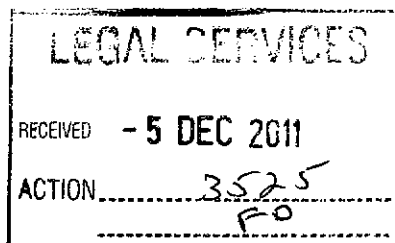
Fiona Denver
Licensing Paralegal

DATE : 25.11.2011

REF : KK121/RM

Clerk to the Licensing Board
Inverclyde Council
Municipal Buildings
Clyde Square
GREENOCK
PA15 1LY

CHIEF CONSTABLE
Stephen House QPM



Licensing Department
'K' Division
Mill Street
PAISLEY
PA1 1JU

Tel No: 0141 532 5933

Fax No: 0141 532 5906

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
NOTIFICATION OF PREVIOUS CONVICTION
PREMISES LICENSEE: MARKS AND SPENCER PLC
PREMISES: 33 HAMILTON WAY, GREENOCK**

I refer to the intimation dated 25.11.2011, from the Premises Licence Holder, under terms of Sec 43 of the Act and can confirm that, in terms of Section 44(4)(b) of the Licensing (Scotland) Act 2005, the applicant has been convicted of the additional relevant offence as follows:

| <i>Date</i> | <i>Court</i> | <i>Crime / Offence</i> | <i>Disposal</i> |
|-------------|------------------------|---|--|
| 18.07.2011 | Winchester Crown Court | Health And Safety At Work etc Act 1974 Section 2(1) (2 charges) | Chg 1 Fine £500000, £600000 costs Chg 2 Fine £500000 |

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully

David Stewart
Chief Superintendent

AGENDA ITEM 2

APPENDIX 2

10 January 2012
By post and email: fiona.denver@inverclyde.gov.uk

Clerk to the Inverclyde Licensing Board
Municipal Buidligns
Greenock
PA15 1LX

Bond Pearce LLP
3 Temple Quay
Temple Back East
Bristol BS1 6DZ

Tel: +44 (0)845 415 0000
Fax: +44 (0)845 415 6900
DX 200561 Bristol Temple Meads

tim.davies@bondpearce.com
Direct: +44 (0)845 415 6760

Our ref:
TLD1/LAB1/300010.3324
Your ref:
PRM091/FD/LIC

Dear Madam

Licensing (Scotland) Act 2005
Marks & Spencer, 33 Hamilton Way, Greenock
Review Hearing: 26 January 2012

Thank you for your letter of 5 January, the contents of which are noted.

The offences related to the removal of asbestos during the modernisation of one store in Reading back in 2006.

The Strathclyde Police letter of 25 November 2011 is not accurate in that there are just two offences namely one in relation to Section 2 of the Health and Safety at Work etc Act 1974 and one in relation to Section 3 of the said Act. The Police letter refers to ours of 25 October 2011 and then refers to "additional relevant offence".

There are no additional offences; simply the two referred to above which are set out in our letter of 25 October 2011.

The company contested the charges and their procedures were vindicated in that charges relating to two other stores in the South of England led to acquittals.

Since as long ago as 2007 (two years before the Licensing (Scotland) Act went live) planning and methodology of works in stores have been revisited and compliance and monitoring made even more stringent.

There have been no issues with asbestos removal at the Greenock store.

If it is of any interest we can confirm that the Licensing Boards at Ayr, Dumfries, Dundee, Edinburgh, Kilmarnock and Inverness (the only ones where there have been hearings so far) have simply noted the position.

We look forward to hearing from you.

Yours faithfully

Bond Pearce LLP

| | | |
|-------------------------|---|---------------------------------|
| Report To: | Inverclyde Licensing Board | Date: 26 January 2012 |
| Report By: | Clerk to the Board | Report No: LA/804/12 |
| Contact Officer: | Fiona Denver | Contact No: 01475 712109 |
| Subject: | Review of Premises Licence The Willow Bar, 203 Roxburgh Street, Greenock | |

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Board considers a review of the Premises Licence for the premises known as The Willow Bar, 203 Roxburgh Street, Greenock.

2.0 BACKGROUND

- 2.1 The Clerk to the Board received notification of a conviction in terms of Section 43 of the Licensing (Scotland) Act 2005, a copy of which was forwarded to Strathclyde Police.

- 2.2 The Chief Constable confirmed the licence holder/connected person has been convicted of a relevant offence namely on 12 September 2011, Glasgow City JP, Assault to Injury, Fined £200. A copy of the Chief Constable's letter is attached as Appendix 1 to this report.

**Appendix
1**

- 2.3 The Clerk proposed that the matter be considered by way of written submission, a copy of the written submission received from Brunton Miller, Solicitors is attached as Appendix 2 to this report.

**Appendix
2**

- 2.4 The Chief Constable has the opportunity to make comments on the submission received and intimated by telephone call on 16 January 2012 that they have no further comments to make.

- 2.5 The powers available to the Licensing Board, if satisfied that a ground for review is established and the Board considers it necessary or appropriate for the purposes of any licensing objective, are:-

- To issue a written warning to the licence holder;
- To make a variation to the licence;
- To suspend the licence for such period as the Board may determine;
- To revoke the licence.

3.0 RECOMMENDATION

- 3.1 It is recommended that the Board considers the Review of the Premises Licence for the premises known as The Willow Bar, 203 Roxburgh Street, Greenock and determines:-

- Whether or not a ground for review exists
- If satisfied that a ground of review exists, what step the Board considers necessary or appropriate to take for the purposes of any of the licensing objectives

Fiona Denver
Licensing Paralegal

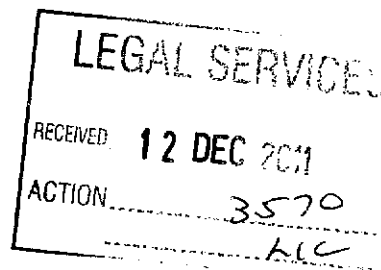

**STRATHCLYDE
POLICE**

DATE : 02.12.2011

REF : KK121/RM

Clerk to the Licensing Board
Inverclyde Council
Municipal Buildings
Clyde Square
GREENOCK
PA15 1LY

CHIEF CONSTABLE
Stephen House QPM



Licensing Department
'K' Division
Mill Street
PAISLEY
PA1 1JU

Tel No: 0141 532 5933

Fax No: 0141 532 5906

Dear Sir

LICENSING (SCOTLAND) ACT 2005
NOTIFICATION OF PREVIOUS CONVICTION
PREMISES LICENSEE: DUNDAS HERITABLE LIMITED
CONNECTED PERSON: JOHN SMITH (DIRECTOR)
PREMISES: THE WILLOW BAR, 203 ROXBURGH STREET, GREENOCK

I refer to the intimation dated 20th October 2011, from the Premises Licence Holder, under terms of Sec 43 of the Act and can confirm that, in terms of Section 44(4)(b) of the Licensing (Scotland) Act 2005, the applicant/connected person has been convicted of a relevant offence as follows:

| <i>Date</i> | <i>Court</i> | <i>Crime / Offence</i> | <i>Disposal</i> |
|-------------|-----------------|------------------------|-----------------|
| 12.09.2011 | Glasgow City JP | Assault To Injury | Fined £200 |

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully

David Stewart
Chief Superintendent

AGENDA ITEM 3

APPENDIX 2

Our ref. ADM/AR
Your ref. PRM013/FC/LIC

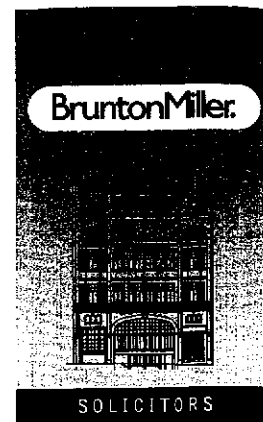
- ☐ Herbert House, 22 Herbert Street, Glasgow G20 6NB
Tel: 0141-337 1199 Fax: 0141-337 3300
DX-GW21 e-mail: info@bruntonmiller.com
LP-20 Glasgow 7
- ☐ 7 & 9 Colquhoun Street, Helensburgh, G84 8AN
Tel: 01436 675454 Fax: 01436 678434
DX-500750 e-mail: info@bruntonmiller.com
LP-1 Helensburgh

Partners:
Douglas S. Dalgleish
James H.D. Young
Edward A. Doull
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Arch. D. Maciver
Francis Collins

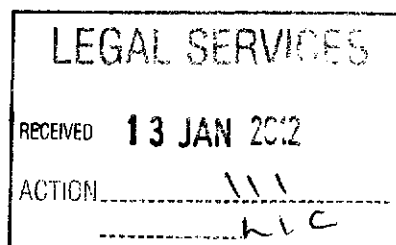
Consultant:
John D. Steele

Financial Services Manager:
Neil Caraher

www.bruntonmiller.com



The Clerk
Inverclyde Licensing Board
Municipal Buildings
Greenock
PA15 1LX



10 January 2012

Dear Sir,

The Willow Bar, 203 Roxburgh Street, Greenock
Licensing (Scotland) Act 2005
Review Hearing 26th January 2012

We thank you for your letter of 5th January regarding the above which of course stems from our intimation to you of John Smith's conviction.

The background to this unfortunate matter relates to long running ill feeling between Mr Smith and his brother in law (the complainer in the charge) which initially started a number of years ago following upon a business involvement which had "gone sour". There have been various acts of provocation on the part of Mr Smith's brother in law including contact being made with various suppliers and business associates of the applicant company all with a view to jeopardising the business run by Dundas Heritable Ltd.

There is also a previous attempt by the brother in law to assault Mr Smith, the details of which were reported to the appropriate Police Division at that time but no prosecution ensued.

On the day in question Mr Smith happened to come across his brother in law in the shop as narrated by the police when words were exchanged and the incident narrated followed.

It should be noted however that the application currently in front of the board is for the Transfer of a Premises Licence. Dundas Heritable Limited are investment landlords and do not operate the premises themselves. They are leased out to third parties and therefore there is no day to day involvement by Dundas Heritable Ltd in the actual operation of the licensed business taking place from the premises. Further, Mr Smith is one of two directors of the applicant company, the other not being involved in the incident referred to.

Against that background we would therefore respectfully request that whilst the board note the conviction no further action should be taken in regards to it.

AGENDA ITEM 3

- 2 -

APPENDIX 2

Further it should be noted that in terms of Section 44 (5)(b) of the Licensing (Scotland) Act 2005 the Chief Constable has power were he considers that having regard to the conviction specified it is necessary for the purposes of the Crime Prevention Objection that the premises licence should be suspended or revoke. The Chief Constable may include in his notice a recommendation to that effect. As we understand the position the Chief Constable has not made such a recommendation in this case and again for that reason also no further action should be taken.

Yours faithfully,
BRUNTON MULLER

PARTNER

| | | |
|-------------------------|---|---------------------------------|
| Report To: | Inverclyde Licensing Board | Date: 26 January 2012 |
| Report By: | Clerk to the Board | Report No: LA/805/12 |
| Contact Officer: | Fiona Denver | Contact No: 01475 712109 |
| Subject: | Review of Premises Licence Port & Harbour, Customhouse Place, Greenock | |

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Board considers a review of the Premises Licence for the premises known as Port and Harbour, Customhouse Place, Greenock.

2.0 BACKGROUND

- 2.1 The Clerk to the Board received a letter from HM Revenue and Customs dated 19 October 2011 requesting the review of the premises licence for the premises known as The Port and Harbour, Customhouse Place, Greenock. A copy of the letter forms Appendix 1 to this report.

**Appendix
1**

- 2.2 The request for the review of licence has been copied to the licence holder, Ahmed Trading (Glasgow) Ltd, and the designated premises manager who have been requested to appear at the meeting of the Board.

- 2.3 At the last meeting of the Board on 1 December 2011, Member's agreed to the review being continued to the next meeting following a written request from the licence holder's Solicitor.

- 2.4 The statutory grounds for review of a Premises Licence include any ground relevant to one or more of the licensing objectives. HM Revenue and Customs have referred to the following licensing objective:-

- Preventing Crime and Disorder

- 2.5 The powers available to the Licensing Board, if satisfied that a ground for review is established and the Board considers it necessary or appropriate for the purposes of any licensing objective, are:-

- To issue a written warning to the licence holder;
- To make a variation to the licence;
- To suspend the licence for such period as the Board may determine;
- To revoke the licence.

3.0 RECOMMENDATION

- 3.1 It is recommended that the Board considers the Review of the Premises Licence for the premises known as Port and Harbour, Customhouse Place, Greenock and determines:-

- Whether or not a ground for review exists;
- If satisfied that a ground for review exists, what step the Board considers necessary or appropriate to take for the purpose of any of the licensing objectives.

Fiona Denver
Licensing Paralegal



**HM Revenue
& Customs**

AGENDA ITEM 4
SUPPORT SERVICES APPENDIX 1
24 OCT 2011

LEGAL SERVICES
RECEIVED 24 OCT 2011
ACTION 3145 JIC

Clerk to the Licensing Board
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

HM Revenue & Customs
Inland Detection
Falcon House
Paisley
PA3 2RE

Tel 0141 555 3783

Fax 0141 555 3797

www.hmrc.gov.uk

Date 19th October 2011
Our Ref E2422154
Your Ref

Dear Sir

Application for a Licensing Board Review, Section 36(1) of the Licensing (Scotland) Act, 2005 in respect of Mr Ahmed Zulfiquar, Port & Harbour Hotel, Custom House Place, Greenock, PA15 1EJ.

HM Revenue & Customs wish to apply for a Licensing Board Review as the above individual has breached the Licensing objective "Preventing Crime & Disorder."

Inland Detection Scotland has responsibility for detecting and seizing contraband cigarettes, tobacco and alcohol. We carry out regular visits to public houses and retail establishments selling cigarettes and alcohol. We have powers to inspect such premises under Section 112 of the Customs and Excise Management Act, 1979 because these shops sell goods which are subject to excise duties.

On 1st June 2011, Officers of HM Revenue and Customs, UK Border Agency and Strathclyde Police visited the Port & Harbour Hotel. I spoke to the manager of the restaurant, Alison Daisley who confirmed that Mr Ahmed Zulfiquar was the owner and license holder.

I identified numerous bottles of wine in the bar area which I had concerns over. I had previously made numerous seizures of similar brands. I also discovered numerous cases of wine, vodka and whisky in a storage area to the rear of the restaurant which I suspected were non UK duty paid. Mr Zulfiquar was unavailable on the day but Ms Daisley confirmed that he was responsible for purchasing alcohol stocks.

I detained the suspect goods and left a Customs Detention form with Ms Daisley. This contained my office phone number. I received no contact from Mr Zulfiquar regarding the detained stock. I wrote to him on 08/06/2011 confirming the quantity of detained goods and

Information is available in large print, audio tape and Braille formats.
Type Talk service prefix number – 18001



INVESTOR IN PEOPLE



inviting him for interview. I received no response to this letter. I contacted Mr Zulfiquar by telephone on 20/06/2011 but there was no reply. I left a message asking him to call me back but received no response.

The goods in question have subsequently been seized by HM Revenue and Customs. 128.25 litres of wine, 9 litres of vodka and 4.2 litres of whisky were seized. The VAT and Excise Duty evaded on this alcohol was £574.89. It is our belief that these goods are non duty paid. Mr Zulfiquar has had sufficient opportunity to contact HM Revenue and Customs and provide an explanation but has chosen not to do so. During a simultaneous visit by HM Revenue and Customs and other agencies to the Wemyss Bay Hotel, a smaller quantity of suspect alcohol was detected and seized.

Yours Faithfully

Simon Pettigrew
Officer of HM Revenue and Customs
Inland Detection Scotland.

| | | |
|-------------------------|---|---------------------------------|
| Report To: | Inverclyde Licensing Board | Date: 26 January 2012 |
| Report By: | Clerk to the Board | Report No: LA/806/12 |
| Contact Officer: | Fiona Denver | Contact No: 01475 712109 |
| Subject: | Review of Premises Licence Port & Harbour, Customhouse Place, Greenock | |

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Board considers a review of the Premises Licence for the premises known as Port and Harbour, Customhouse Place, Greenock.

2.0 BACKGROUND

- 2.1 The Clerk to the Board received a letter from The Chief Superintendent dated 21 December 2011 requesting the review of the premises licence for the premises known as The Port and Harbour, Customhouse Place, Greenock. A copy of the letter forms Appendix 1 to this report. **Appendix 1**
- 2.2 The request for the review of licence has been copied to the licence holder, Ahmed Trading (Glasgow) Ltd, and the designated premises manager who have been requested to appear at the meeting of the Board. A copy was also forwarded to their Solicitor.
- 2.3 Strathclyde Police provided additional information by e-mail on 13 January 2012. A copy of the documentation forms Appendix 2 to this report. **Appendix 2**
- 2.4 The additional documentation was copied to the licence holder, designated premises manager and their Solicitor.
- 2.5 Strathclyde Police have made application for review of the Premises Licence on the following two points:-
- (i) One or more of the Premises Licence Conditions has been breached:-
 - Alcohol is to be sold on the premises only in accordance with the Operating Plan contained in the licence.
 - (ii) Failure to comply with one or more of the following licensing objectives:-
 - Preventing Crime and Disorder
 - Preventing Public Nuisance
- 2.6 The powers available to the Licensing Board, if satisfied that a ground for review is established and the Board considers it necessary or appropriate for the purposes of any licensing objective, are:-
- To issue a written warning to the licence holder;
 - To make a variation to the licence;
 - To suspend the licence for such period as the Board may determine;
 - To revoke the licence.

3.0 **RECOMMENDATION**

3.1 It is recommended that the Board considers the Review of the Premises Licence for the premises known as The Port and Harbour, Customhouse Place, Greenock and determines:-

- Whether or not a ground for review exists;
- If satisfied that a ground for review exists, what step the Board considers necessary or appropriate to take for the purpose of any of the licensing objectives.

Fiona Denver
Licensing Paralegal

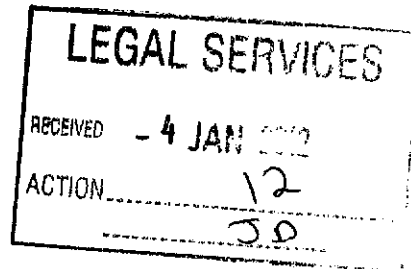
**STRATHCLYDE
POLICE**

DATE : 21 December 2011

REF : K176/HP

CHIEF CONSTABLE
Stephen House QPM

Clerk to the Licensing Board
Inverclyde Council
Municipal Buildings
Clyde Square
GREENOCK
PA15 1LY



Licensing Department
'K' Division
Mill Street
PAISLEY
PA1 1JU

Tel No: 0141 532 5933

Fax No: 0141 532 5906

Dear Sir

**LICENSING (SCOTLAND) ACT 2005, SECTION 36
PREMISES LICENCE REVIEW APPLICATION
PREMISES: PORT AND HARBOUR HOTEL, CUSTOMHOUSE PLACE,
GREENOCK PA15 1 EJ
PREMISES NUMBER: PREM/132
HOLDER OF LICENCE: AHMED TRADING (GLASGOW) LTD, 126 WEST
REGENT STREET, GLASGOW G2 2BH
DESIGNATED PREMISES MANAGER: ZULFIQAR AHMED, [REDACTED]
PORT AND HARBOUR, CUSTOMHOUSE PLACE, GREENOCK PA15 1 EJ**

The Chief Constable, being a competent objector in terms of Section 36(1) of the Licensing (Scotland) Act 2005, hereby makes application to the Licensing Board in terms of Section 36(3) (a) & (b) of the Act, for a review of the premises licence in respect of the premises known as Port and Harbour Hotel, Customhouse Place, Greenock.

The Chief Constable makes application on the grounds that in terms of Section 36(3)(a) of the Act, that one or more of the conditions to which the premises licence is subject has been breached namely:

- Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence

The Chief Constable makes application on the ground that in terms of Section 36(3) (b) of the Act, the premises licence holder has failed to comply with one or more of the following of the licensing objectives, articulated at Section 4(1) of the 2005 Act, namely:

- preventing crime and disorder
- preventing public nuisance

In support of this application the following information is provided for consideration:

The Port and Harbour Hotel, Custom House Place, Greenock is a two storey purpose built hotel. On the ground floor there is a lounge, restaurant, function suite and toilet facilities with a large kitchen area at the rear. On the first floor there are 14 en-suite bedrooms.

The Premises Licence Holder and Designated Premises Manager is Zulfiqar Ahmed, who is a Personal Licence Holder issued by Inverclyde Council on 26 October 2009 Reference Number IC 342.

About 2220 hours on Saturday 19 November 2011 police officers attended at the premises at the request of the door steward regarding the conduct of a male within the premises. The premises were extremely busy with only one door steward on duty. Officers noted that it took approximately ten minutes to get the attention of the person in charge of the premises, a male called Shamoon Masih. When speaking to police, he stated he was unaware the door steward was requiring assistance and was unaware that he had called for police assistance. One male customer was asked to leave the premises by staff, assisted by police officers. No crimes or offences were reported at that time; however officers have advised licensing colleagues that they were concerned regarding the lack of SIA trained stewards to cope with the volume of customers on the premises.

About 2340 hours the same night, CCTV operators noted a male being ejected from the premises who appeared to approach the door of the Port & Harbour in possession of a wooden stick and where he subsequently attempted to strike others; the male was chased by two other patrons and a fight took place in Custom House Quay. Two patrons responsible for assaulting this male returned to the premises and the injured party was left lying in the street. This injured male was conveyed to hospital where he was found to be suffering from a broken nose and swelling to his face. He was detained overnight in the Inverclyde Royal Hospital for observations. Due to the injuries sustained and his excessive level of intoxication, he could not be interviewed and his version of events could not be ascertained.

Police Officers re-attended the Port & Harbour a short time later to investigate the assault and observed numerous bottles lying on the ground directly outside the premises left by patrons. Officers observed that the tables inside the premises were full of empty bottles and glasses, with staff failing to clear them away. On returning to speak to Shamoon Masih, he was unaware of any incident having taken place.

On inspecting the toilets, Police Officers observed there were significant signs of drug misuse in the male toilets. A mirror had been removed from the wall, taken in to a cubicle where it was found with residue of white powder on it, suspected to be cocaine. The top of the cistern in another cubicle had a large amount of white powder on it, again strongly suspected of being cocaine. Officers saw that a number of small empty polythene bags used for storing controlled drugs were discarded on the floor and within the sink of the toilets.

Officers noted that the male and female toilets had both flooded due to the cisterns overflowing and a significant amount of water was on the floors. The door steward stated he had been unable to check the toilets as the premises were so busy. Officers were concerned that around 200 persons were within the premises, all heavily intoxicated, including members of Organised Crime Groups previously known to police officers. A subsequent review of the circumstances revealed that the function room had been leased to individuals who were providing their own security for live bands performing in the premises. After the function, Premises Management noted that the vast majority of patrons had brought their own alcohol into the function and had not purchased their alcohol on the premises.

Subsequent enquiries into the assault and a review of CCTV established that the injured male was the initial aggressor who had engaged in a stand up fight with two other males. He will be the subject of a report to the Procurator Fiscal for Breach of the Peace. Enquiries are continuing to trace the two other males responsible for the Serious Assault. I will update Your Honours once further information comes to light.

About 1100 hours on Friday 25 November 2011 officers from Strathclyde Police, the United Kingdom Border Agency (UKBA), Television Licensing, Environmental Health and Trading Standards attended at the premises for a Licensed Premises visit.

All toilets were checked and cocaine wipes were used. The female toilet tested positive for cocaine on a work surface adjacent to the sinks. UKBA personnel identified three persons who were working illegally within the premises;

Jatinkumar Thakorbbhai Patel, [REDACTED] has worked at the premises as a waiter for approx 6 months and was employed by Zulfiqar Ahmed. He was arrested under S28A Immigration Act 1971 as a suspected immigration offender, he is currently detained pending his removal from the UK.

Shahid Mehmood, bn [REDACTED] entered the UK as a visitor on an unknown date and has never had permission to work in the UK. He has claimed not to be working at the Port & Harbour Hotel and was only residing there with a friend. He has been released pending the issue of a travel document and is subject of further enquiry by UKBA officials.

Milan Sharma, [REDACTED] came to the UK as a student on an unknown date and had permission to reside and work approx 20 hours per week up until 31/03/2009. He admitted working at the hotel as an Assistant Chef, working 40-60 hours per week and receiving accommodation, food and a wage.

All three individuals were arrested under terms of the Immigration Act 1971, which Your Honours will be aware is a relevant offence in terms of Appendix 5, Licensing (Scotland) Act 2005.

The Premises Licence Holder and Designated Premises Manager Zulfiqar Ahmed, will be subject of further action by UKBA, which is likely to be dealt with by a Notice of Potential Liability. This usually involves a £10,000 civil penalty for employing one illegal worker, with further financial penalties for additional illegal workers found


within the premises. Your Honours will note that this is the second occasion that illegal workers /immigrants have been found within the Port & Harbour premises.

During the visit on 25 November 2011, a number of working televisions were found to be within the premises with no TV licence in place. The Designated Premises Manager, Zulfiqar Ahmed was cautioned and charged with contravention Communications Act 2003 S363 (2) – (operating a television without a licence.)

Your Honours may wish to consider taking necessary or appropriate action in accordance with section 84 (7) of the Act in respect of Zulfiqar Ahmeds' personal licence for the purposes of the licensing objectives.

The Chief Constable requests that the Licensing Board considers the aforementioned grounds for review and takes such steps as it considers necessary or appropriate for the purposes of any of the Licensing Objectives, under the terms of Section 39(2) of the Act.

Yours faithfully



David Stewart
Chief Superintendent

UKBA have visited The Port and Harbour Hotel on two separate occasions, the 01/06/2011 and 25/11/2011.

On the 01/06/2011 Immigration Officer Ashleigh Pears attended The Port and Harbour Hotel and three males were arrested. Details given as

1. RINKU [REDACTED] (M) [REDACTED] – No Immigration Paperwork was served and RINKU was released from UKBA enquiries.
2. Manish KUMAR [REDACTED] (M) [REDACTED] – KUMAR was served Immigration Paperwork stating that he was an overstayer in the UK as his leave had expired on 17/04/2011. KUMAR was interviewed in relation to working at the Port and Harbour Hotel and admitted to being employed by the boss Mr AHMED and working for 2-3 weeks prior to the visit on 01/06/2011. KUMAR worked 6 days per week and paid £5.80 per hour and paid cash in hand by male named as SHARMA. KUMAR was removed from the UK on 09/06/2011.
3. Shahid IBRAHIM [REDACTED] (M) [REDACTED] – IBRAHIM initially provided his details as M SHAHBAZ [REDACTED] IBRAHIM was served Immigration Paperwork stating that he was an Illegal Entrant to the UK in that he used verbal deception to enter the UK. IBRAHIM was interviewed in relation to working at the Port and Harbour Hotel and admitted to having worked there for aprox 7 months prior to the visit on 01/06/2011 and was employed by Mr AHMED. IBRAHIM worked 6 days per week and worked from 1100 – 0100 hours and paid £120/£140. IBRAHIM is still residing in the UK and has an outstanding Asylum Application.

No Notice of Potential Liability was served at the time of the visit or thereafter.

No available statements. – *Statement from A. PEARS attached.*

Second visit was on 25/11/2011. Immigration Officer Ashleigh Pears was in attendance with others.

1. Milan SHARMA [REDACTED] (M) [REDACTED] – SHARMA was served Immigration Paperwork stating that he was an overstayer in the UK as his leave expired on 29/11/2011. SHARMA was interviewed in relation to working at the Port and Harbour Hotel and admitted to doing so after his visa had expired. Interview with SHARMA regarding his employment is within Immigration Officer MCKAY'S statement.
2. Shahid MAHMOOD [REDACTED] (M) [REDACTED] – MAHMOOD was served Immigration Paperwork stating that he was an Illegal Entrant to the UK in that he used verbal deception to enter the UK. Interview with MAHMOOD regarding his employment is within Immigration Officer MCVEY'S statement.
3. Kumar PATEL [REDACTED] (M) [REDACTED] – aka Jatinkumar PATEL was served Immigration Paperwork stating that he was an Illegal Entrant to the UK in that he had used verbal deception to enter the UK. PATEL confirmed that he had worked at the Port and Harbour Hotel for 6 months prior to the visit and that he was employed by Mr AHMED. PATEL claimed to work 20 hours per week, sometimes more and was paid cash in hand. – *Awaiting a statement for Immigration Officer Ashleigh Pears. – Attached.*

Mr AHMED has been invited to attend Festival Court for interview in relation to the visit conducted on 25/11/2011; however he has failed to show on three occasions.

Mr AHMED was served a Notice of Potential Liability by post on 09/01/2012.

An outcome of this may be known by the date of the hearing.

Leighsa Boyd

Immigration Officer 7916

RESTRICTED**WITNESS STATEMENT**

Case No.:

Disclosable Information

Section 1 –

Surname: PEARS

Other of previous surname:

Forename: Ashleigh

Occupation: Immigration Officer

Other:

Years service: 5 years

Department: Glasgow Enforcement Unit

Disclosable Address: Festival Court 2, 200 Brand Street, Govan, Glasgow

Post Code: G51 1DH

Section 2 - Provenance (all mandatory fields)

Statement taken or compiled

Date and time: Monday 09 January 2012 @ 16:15

Place: Festival Court 2, 200 Brand Street

By: Self

Other person(s) present: N/A

Source: Operational Statement

Authentication: Verified by officer as own statement

Section 3 – Statement

I am an arrested trained Immigration Officer with the Glasgow Enforcement Unit, which is part of the UK Border Agency.

On Wednesday 01 June 2011 I attended Greenock Trading Standards Office and was present at a briefing regarding an enforcement visit to the Port and Harbour, Customs House Place, Greenock.

On arrival at the premises I was aware consent had been given for Immigration to enter at 11:12 hours. I entered the kitchen and spoke with two males who gave their details as (1) Rinku [REDACTED] who claimed to be a student, (2) Manish KUMAR [REDACTED] who also claimed to be a student.

Another two males presented themselves on male from the restaurant area and the other male came down stairs from the accommodation above they gave their details as (3) Mohammad SHABAZ [REDACTED] and (4) Milan SHARMA [REDACTED]

I informed (1) (2) and (3) of their arrest and caution under S28A Immigration Act 1971 at 11:55 hours corroborated by a Strathclyde Police Officer.

RESTRICTED

RESTRICTED**WITNESS STATEMENT**

At 12:16 I escorted both (1) and (2) to bedroom 9 where they claimed to be residing at 12:20 (2) presented from a suitcase an [REDACTED] passport [REDACTED]. Nothing else of evidence was located.

I departed the premises with the three arrested persons at 12:30 hours and proceeded to Greenock Police Station.

I conducted a cautioned interview with Manish KUMAR [REDACTED] and was served Immigration Paperwork as he had overstayed his leave in the UK as a student since 17/04/2011. KUMAR was then detained pending his removal from the UK.

I then proceeded to conduct Illegal Working questions, details as follows:

Q. How long worked at Port and Harbour?

A. 2-3 weeks because I begged him so I could get a ticket and go back to India

Q. Who gave you the job?

A. The boss Mr Ahmed

Q. Ask for ID?

A. Yes he did I showed my passport and I told him my visa had finished soon but it was okay at the time?

Q. Your visa expired 17/04/11 how was your visa still valid when you started working?

A. To me it is

Q. What are your duties?

A. Make pizzas and fry in the kitchen

Q. How many days?

A. 6 days a week

Q. Hours?

A. I work more than the 20 hours allowed about 8.00 hours per day

Q. Payment?

A. £5.80 per hour

Q. How do you get paid?

A. Cash in hand by the head waiter Sharma

Q. Pay Tax/NI

A. I don't know

Q. Do you receive any accommodation for your work?

A. Yes upstairs, I don't pay anything but it's because I work down stairs

I conducted a second interview with Shahid Ibrahim [REDACTED], he was served Immigration Paperwork as a verbal deceptive as he had obtained a visit visa to come to the UK when it was his intention to come to the UK to work, Ibrahim has never had permission to work in the UK. I proceeded to conduct illegal working questions, details as follows;

Q. How long worked at Port and Harbour?

A. Since I arrived about 7 months

Q. How did you know about job?

A. Friends told me

Q. Who gave you the job?

A. Mr Ahmed the boss

Q. Did he ask for ID?

A. No nothing at all he just asked did I have a passport and visa I said yes. I haven't shown anything

Q. Employed as?

A. Chef before cleaner

Q. Days of work?

A. 6 days per week

RESTRICTED

RESTRICTED**WITNESS STATEMENT**

Q. Hours

A. 11.00 – 01.00

Q. Payment?

A. £120.00 now £140.00

Q. How do you get paid?

A. Cash in hand by head waiter he was there today

Q. Do you receive accommodation?

A. Yes and food

Q. Pay Tax / NI?

A. No nothing

I played no further part in the enquiry.

IDENTIFICATION

I can not identify the owner of Port and Harbour.

Section 4 – Personal Details

Alias/known as: Ashleigh Pears
[REDACTED]

Home address: N/A

Post code: N/A

Telephone: N/A

Business address: Festival Court 2, 200 Brand Street, Govan, Glasgow

Post code: G51 1DH

Telephone: 0141 555 1333

[REDACTED]
[REDACTED]
[REDACTED]

Other:

Section 5 - Dates when unavailable in next 12 months

[REDACTED]
[REDACTED]

Section 6 - Any other confidential material**RESTRICTED**

RESTRICTED**WITNESS STATEMENT**

Case No.:

Disclosable Information

Section 1 –

Surname: PEARS

Other of previous surname:

Forename: Ashleigh
[REDACTED]

Occupation: Immigration Officer

Other:

Years service: 5 years

Department: Glasgow Enforcement Unit

Disclosable Address: Festival Court 2, 200 Brand Street, Govan, Glasgow

Post Code: G51 1DH

Section 2 - Provenance (all mandatory fields)

Statement taken or compiled

Date and time: Monday 09 January 2012 @ 15:07

Place: Festival Court 2, 200 Brand Street

By: Self

Other person(s) present: N/A

Source: Operational Statement

Authentication: Verified by officer as own statement
[REDACTED]

Section 3 – Statement

I am an arrested trained Immigration Officer with the Glasgow Enforcement Unit, which is part of the UK Border Agency.

On Friday 25 November 2011 I reported for duty to Glasgow Festival Court for an operation assisting Strathclyde Police Officer from Greenock Police Station named Operation Nasa.

Other visiting officers present from UKBA were McKay and Wyper, we were to attend Port and Harbour, Custom House Place, Greenock.

On arrival at the premises Police Officers entered and obtained consent for UKBA officers to enter. Within my personal notebook I obtained written consent from the Director Zulfiqar AHMED.

I attended the upstairs area of the hotel, where we believed staff members may have been residing. I proceeded back downstairs where I spoke with two males who had been gathered in the Restaurant area.

RESTRICTED

RESTRICTED**WITNESS STATEMENT**

The males gave their details as Shahid MAHMOOD [REDACTED], who claimed to have entered the UK on a visit visa and was not working at the premises. The second male gave his details as Jatin Kumar TPATEL [REDACTED], claimed to have entered the UK on a student visa and had withdrawn his application from the Home Office, PATEL was dressed in a black shirt and black trousers.

At 11:25 hours I informed TPATEL of his arrest and caution under S28A Immigration Act 1971 corroborated by Police Officer K437. At 11:26 I informed MAHMOOD of his arrest and caution under S28A Immigration Act 1971 again corroborated by Police Officer K437. Both males stated they lived upstairs in the hotel MAHMOOD lived in Room 9 and TPATEL lived in Room 11.

Both males were escorted upstairs at 11:35 where I commenced a search of Room 11, nothing of relevance was located and proceeded to conduct a search of Room 9 again nothing of relevance located.

Both males were escorted downstairs where I was aware another male had been arrested under Immigration Act, I now know this male to be Milan SHARMA.

At 12:10 I departed the premises with McKay and Wyper and escorted the three arrested males to Greenock Police Station for processing.

At 13:48 I conducted an interview with Jatin Kumar Thakorbbhai PATEL [REDACTED] who had leave in the UK as a student until 20/10/2011, this was when he withdrew his application for further leave to remain. PATEL was served Immigration paperwork and detained pending removal from the UK.

I proceeded to conduct illegal working questions, details as follows:

Q. How long worked in Port and Harbour?

A. 6 months

Q. How did you find out about it the job?

A. I tried to get a job in Glasgow I couldn't I went into Port and Harbour

Q. Who did you ask?

A. The boss Zulfiqar Ahmed

Q. What are you employed as?

A. Waiting staff

Q. Where you asked for documentation?

A. They looked at my p/port and visa

Q. Did they take a copy?

A. No

Q. Was Zulfiqar aware you could only work 20 hours?

A. Yes

Q. How many days did you work?

A. Sometimes Mon-Thur half day and weekends if busy I work full days

Q. How many hours per week?

A. He gives me 20 hours but if busy I have to work maybe extra 10-13 hours

Q. Payment?

A. £140.00 for 20 hours if I work extra I don't get paid.

Q. How does he pay you?

A. Cash on Sunday

Q. Do you receive wageslips?

A. No

Q. Pay Tax / NI?

A. No

RESTRICTED

RESTRICTED**WITNESS STATEMENT**

Q. Provide Uniform?

A. No

Q. Contract of employment?

A. No

Q. Do you get food for work?

A. Yeah

Q. Do you get accommodation for your work?

A. Yeah

IDENTIFICATION

I can not identify the owner of Port and Harbour.

Section 4 – Personal Details

Alias/known as: Ashleigh Pears
[REDACTED]

Home address: N/A

Post code: N/A

Telephone: N/A

Business address: Festival Court 2, 200 Brand Street, Govan, Glasgow

Post code: G51 1DH

Telephone: 0141 555 1333

[REDACTED]
[REDACTED]
[REDACTED]
Other:

Section 5 - Dates when unavailable in next 12 months

Section 6 - Any other confidential material**RESTRICTED**



Statement- Non Disclosable

Provenance

- 34. Date: 05.12.11
- 35. Time: 17:30hrs
- 36. Place: Festival Court
- 37. Taken by: SELF
- 38. Other persons present: n/a
- 39. Source: Operational Statement
- 40. Authentication: Verified by officer as own statement

Statement Disclosable

I am an arrest trained Immigration Officer and currently work within Glasgow Enforcement Unit which is part of UK Border Agency based at Festival Court, 200 Brand Street Govan, Glasgow G51 1DH

On Friday 25th November 2011 at 09:26hrs approximately, I was present at a briefing delivered Stevie ADAMS, an officer from Strathclyde Police at Greenock Police Station in relation to a multi-agency operation led by Strathclyde Police named Operation NASAR.

This visit involved various teams conducting enforcement visits to a number of different premises simultaneously.

At the briefing I was advised that Immigration Officer Ashleigh PEARS, Assistant Immigration Officer Marlene WYPER and I would be visiting **PORT AND HARBOUR HOTEL, CUSTOM HOUSE PLACE GREENOCK (locus)**.

Our team leader for the visit was DS Mark GILMOUR from Strathclyde Police.

At 10:55hrs approximately, same date, PEARS, WYPER and I arrived at the locus. At 11:05hrs, approximately, same date, we were instructed by the officers from Strathclyde Police to enter the locus.

Consent for the officers from UKBA to enter the locus and speak to the staff present was obtained by PEARS from the owner Mr Zulfiqar **AHMED**. Mr **AHMED** is a director of Custom Hotel Ltd which trades as the Port and Harbour Hotel in Greenock.

Mr AHMED advised that some of the staff that he employed in the hotel's restaurant were provided with accommodation in the hotel bedrooms upstairs. At 11:13hrs, approximately, same date, a sweep of the hotel rooms was conducted by WYPER and I.

We located a male in Room 4 of the hotel. I now know this male to be Milan **SHARMA**. Checks on Home Office records showed that Mr **SHARMA'S** last period of



leave to remain in the United Kingdom as a Post Study Migrant worker had expired on 29.09.2011. No other application for further leave to remain had been submitted. SHARMA stated that he had been working as a chef at the locus for 5 months.

At 11:50hrs, approximately, same date, in the presence of WYPER I informed SHARMA that he was being arrested under S 28 (A) Immigration Act 1971 (as amended) on suspicion of being an immigration offender, having overstayed the last period of leave he had been granted in the United Kingdom. I then cautioned him. A search of property belonging to SHARMA was conducted by WYPER and I, nothing of note was found.

At 11:39hrs, approximately, same date, WYPER and I escorted SHARMA downstairs to the bar area of the hotel. I then spoke to Mr AHMED. I asked Mr AHMED the following questions:

- Q1. You were the person who gave SHARMA the job?
 A. He worked here while he had a valid visa. His visa expired in September.
- Q2. You saw a copy of his passport?
 A. Yes, and we opened a bank account at the TSB using his passport.
- Q3. How did Milan get paid?
 A. Cash £100 approximately.

The interview was concluded at 12:20hrs, same date, in order for me to escort SHARMA to Greenock Police Station with WYPER. Two other males had been arrested at the locus by PEARS. I now know them to be Shahid MAHMOOD [REDACTED] and Jatin-Kumar PATEL [REDACTED].

At 14:10hrs, same date, I interviewed Milan SHARMA at Greenock Police Station in relation to his status in the United Kingdom. The interview was under caution and conducted in English. WYPER corroborated the interview. On completion of the interview the subject was served an IS151A as a S.10 Overstayer. Service of papers was authorised by CIO Stephen Roarty.

I then questioned Milan SHARMA about his employment at the Port and Harbour Hotel.

- Q1. How long have you been working at the Port and Harbour Hotel?
 A. 5 or 6 months
- Q2. Who gave you the job?
 A. "AHMED" the owner.
- Q3. Were you asked if you had leave in the United Kingdom?
 A. Yes, I showed him my visa.
- Q4. Was AHMED aware your visa expired 29.9.2011?
 A. Yes, he knew.
- Q5. Did he continue to employ you despite knowing your visa had expired?
 A. Yes.
- Q6. Did you tell him you had made an application to stay in the UK?
 A. Yes ma'am I told him that.



Q7. When was the last time you worked at the Port and Harbour Hotel?

A. Last night. I can work between 48-60 hours per week, I get paid £150 per week in cash and I get to stay above the restaurant and I get food.

Q8. Have you ever paid tax or National Insurance on the money you get paid?

A. No, have never paid any tax.

Q9. Has there ever been an agreed contract between you and AHMED re employment?

A. No

Q10. When I spoke to Mr AHMED today he told me you hadn't worked there since your visa expired?

A. I do still work there. I used to work 40 – 60 hours, its less now.

Q11. What is it you do there?

A. Chef

Q12. He (AHMED) also said you had bought a ticket to go home (to India) and that was why he let you stay?

A. Yes ma'am, since my visa expired, I just get food and accommodation, I help out now. I helped last night to wrap up bacon for breakfast.

The interview was concluded at 15:35hrs, on Friday 25th November 2011.

Mr Zulfiqar AHMED has been instructed to attend Festival Court on three occasions in order to be interviewed in relation to the employment of the three persons arrested during the visit that took place on 25th November 2011. Mr AHMED has failed to attend as requested.

A Notice of Potential Liability no 10609 has been served by post on 9.1.12.

Ann McKay
Immigration Officer 6475



Scotland and Northern Ireland Region
Glasgow Enforcement and Compliance Unit
Festival Court 2
200 Brand Street
Govan
Glasgow
G51 1DH

Name: Kerry McVey

[REDACTED]

[REDACTED]

Occupation: Immigration Officer

Business Telephone Number: 0141 555 1338/07971706345

Email address: [REDACTED]

Statement of Kerry McVey on Sunday 04th December 2011 at 1429 hours at Festival Court 2, 200 Brand Street, Glasgow, G511DH.

On Friday 25th November 2011 at 0800 hours I reported for duty to Festival Court 2, 200 Brand Street, Glasgow, G511DH.

At 0930 hours I attended a briefing at Paisley Mill Street Police Station in relation to EV502CT11048, Operation Nasa, joint operation led by Strathclyde Police. I was allocated a role in a team visiting the Wemyss Bay Hotel, Wemyss Bay with AIO O'Hara. Also in attendance from UKAB were officers Pears, McKay and Wyper who were in a team attending the Port & Harbour Hotel, Greenock.

At 1201 hours after clearing persons encountered within Wemyss Bay Hotel myself and O'Hara proceeded to Greenock Police Station to assist Pears, McKay and Wyper who had arrested three males from the Port and Harbour Hotel.

At Greenock Police Station I conducted an interview under caution with a male named Shahid MEHMOOD [REDACTED]. After this interview MEHMOOD was served with an IS151A, Notice to a Person Liable to Removal as a verbal deceptive.

When I conducted interview I asked the following questions in relation to his being at the port and Harbour Hotel:

Q: How long lived at the Port and Harbour?

A: 1 1/2 months, I come and go.

Q: How long worked there?

A: I'm not working.

- Q: Are you sure about that?
A: Yes.
Q: Do yo help out at all?
A: Sometimes from time to time I go out with the boss.
Q: You go out with him?
A: I mean the owner, everyone calls him boss so I call him boss.
Q: Name?
A: I think Ahmed.
Q: How do it come about, you living at port and Harbour?
A: Because he is my friend.
Q: What friend?
A: He is not there today, he is away.
Q: Do yo share a room with this friend?
A: Yes.
Q: Why living here?
A: Because didn't have anywhere to stay.
Q: How do you know Baboo?
A: I met him in Glasgow and he had asked me if I live in Pakistan and that was it.
Q: Where meet?
A: Bus station.
Q: What do youy mean, 'that was it'?
A: We were sitting together waiting.
Q: How much do you pay?
A: No rent.
Q: I find it strange that you stay in a hotel room for free.
A: Because he is my friend.
Q: Who?
A: Baboo.
Q: Does Baboo work there?
A: Yes, here and other palces but don't know where.
Q: Does he pay rent for the room that you live in?
A: Ive never asked.
Q: Do you ever help boss out doing anything at hotel?
A: No, never.
Q: Why food stains on your clothes and shoes?
A: Because me and Baboo shares clothes and shoes.
Q: Stains on clothes and shoes seem fresh as if today.
A: No its not today.
Q: How do you suport yourself?
A: My friend gets meals inhotel and so do i.
Q: You get meals in hotel for free?
A: Yes because he is my friend.
Q: Who?
A: He is away from yesterday.
Q: Are you talking about Baboo?
A: Yes.
Q: Do you have to do anything in return for meals?
A: No, no.
Q: How do you support yourself?

A: They give food and we eat together.

Q: Who gives you food?

A: My friend Baboo does it all.

Q: Do you have bank account?

A: No.

Q: How do you pay for toiletries/clothes etc?

A: I had money when I came.

Q: Any left?

A: Yes.

Q: How much?

A: Cant remember, its in my wallet.

Kerry McVey

Immigration Officer 7997

04.12.2011 1435 hours



Scotland and Northern Ireland Region
Glasgow Enforcement and Compliance Unit
Festival Court 2
200 Brand Street
Govan
Glasgow
G51 1DH

Name: James O'Hara

[REDACTED]

[REDACTED]

Occupation: Assistant Immigration Officer

Business Telephone Number: 0141 555 1348

Email address: [REDACTED]

Statement of James O'Hara on Monday 9th January 2012 at 17:00 hours at Festival Court 2, 200 Brand Street, Glasgow, G51 1DH.

On Friday 25th November 2011 at 0800 hours I reported for duty to Festival Court 2, 200 Brand Street, Glasgow, G51 1DH.

At 0930 hours I attended a briefing at Paisley Mill Street Police Station in relation to EV502CT11048, Operation Nasa, joint operation led by Strathclyde Police. I was allocated a role in a team visiting the Wemyss Bay Hotel, Wemyss Bay with IO McVEY. Also in attendance from UKBA were officers Pears, McKay and Wyper who were in a team attending the Port & Harbour Hotel, Greenock.

At 1201 hours after clearing persons encountered within Wemyss Bay Hotel, McVEY and I, proceeded to Greenock Police Station to assist Pears, McKay and Wyper who had arrested three males from the Port and Harbour Hotel.

At Greenock Police Station I corroborated as McVEY conducted an interview under caution with a male named Shahid MEHMOOD [REDACTED]. After this interview MEHMOOD was served with an IS151A, Notice to a Person Liable to Removal as a verbal deceptive.

James O'Hara
Assistant Immigration Officer
09/01/2012 17:00hrs.

| | | |
|-------------------------|--|---------------------------------|
| Report To: | Inverclyde Licensing Board | Date: 26 January 2012 |
| Report By: | Clerk to the Board | Report No: LA/807/12 |
| Contact Officer: | Fiona Denver | Contact No: 01475 712109 |
| Subject: | Review of Premises Licence Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay | |

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Board considers a review of the Premises Licence for the premises known as Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay.

2.0 BACKGROUND

- 2.1 The Clerk to the Board received a letter from HM Revenue and Customs dated 19 October 2011 requesting the review of the premises licence for the premises known as Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay. A copy of the letter forms Appendix 1 to this report. **Appendix 1**
- 2.2 The Clerk to the Board also received a letter from the Chief Superintendent, Strathclyde Police dated 26 October 2011 requesting the review of the premises licence for the premises known as Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay. A copy of the letter forms Appendix 2 to this report. **Appendix 2**
- 2.3 The requests for the review of licence have been copied to the licence holder, Ahmed Trading (Glasgow) Ltd, and the designated premises manager who have been requested to appear at the meeting of the Board.
- 2.4 At the last meeting of the Board on 1 December 2011, Member's agreed to the review being continued to the next meeting following a written request from the licence holder's Solicitor.
- 2.5 The statutory grounds for review of a Premises Licence include any ground relevant to one or more of the licensing objectives. HM Revenue and Customs have referred to the following licensing objective:-

- Preventing Crime and Disorder

Strathclyde Police have made application for Review of the Premises on the following two points:-

- (i) One or more of the Premises Licence Conditions has been breached:-
- Alcohol is to be sold on the premises only in accordance with the Operating Plan contained in the licence.
- (ii) Failure to comply with one or more of the following licensing objectives:-
- Preventing Crime and Disorder
 - Preventing Public Nuisance
 - Protecting and Improving Public Health
 - Protecting Children from Harm

2.6 The powers available to the Licensing Board, if satisfied that a ground for review is established and the Board considers it necessary or appropriate for the purposes of any licensing objective, are:-

- To issue a written warning to the licence holder;
- To make a variation to the licence;
- To suspend the licence for such period as the Board may determine;
- To revoke the licence.

3.0 RECOMMENDATION

3.1 It is recommended that the Board considers the Review of the Premises Licence for the premises known as Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay and determines:-

- Whether or not a ground for review exists;
- If satisfied that a ground for review exists, what step the Board considers necessary or appropriate to take for the purpose of any of the licensing objectives.

Fiona Denver
Licensing Paralegal



**HM Revenue
& Customs**

AGENDA ITEM 6

APPENDIX 1



Clerk to the Licensing Board
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

HM Revenue & Customs
Inland Detection
Falcon House
Paisley
PA3 2RE

Tel 0141 555 3783

Fax 0141 555 3797

www.hmrc.gov.uk

Date 19th October 2011
Our Ref E2422154
Your Ref

Dear Sir

Application for a Licensing Board Review, Section 36(1) of the Licensing (Scotland) Act, 2005 in respect of Mr Ahmed Zulfiquar, Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay.

HM Revenue & Customs wish to apply for a Licensing Board Review as the above individual has breached the Licensing objective "Preventing Crime & Disorder."

Inland Detection Scotland has responsibility for detecting and seizing contraband cigarettes, tobacco and alcohol. We carry out regular visits to public houses and retail establishments selling cigarettes and alcohol. We have powers to inspect such premises under Section 112 of the Customs and Excise Management Act, 1979 because these shops sell goods which are subject to excise duties.

On 1st June 2011, Officers of HM Revenue and Customs, UK Border Agency and Strathclyde Police visited the Wemyss Bay Hotel. During this visit, Richard Mess of HM Revenue and Customs identified a quantity of suspect wine which he detained. Mr Zulfiquar was contacted by letter on 8th June 2011 and by telephone on 20th June 2011 regarding this wine. It had been our intention to interview him in order to establish the duty status but we received no response to correspondence or to a voicemail left on his mobile phone.

The goods in question have subsequently been seized by HM Revenue and Customs. It is our belief that these goods are non duty paid. Mr Zulfiquar has had sufficient opportunity to contact HM Revenue and Customs and provide an explanation but has chosen not to do so.

Information is available in large print, audio tape and Braille formats.
Type Talk service prefix number – 18001



INVESTOR IN PEOPLE



20.5 litres of wine were seized. The VAT and Duty evaded was £63.44. During a simultaneous visit at the Port and Harbour Hotel, a larger quantity of suspect alcohol was detected and seized.

Yours Faithfully

Simon Pettigrew
Officer of HM Revenue and Customs
Inland Detection Scotland

STRATHCLYDE
POLICE

CHIEF CONSTABLE
Stephen House QPM

DATE : 26 October 2011

REF : K176/HP

Clerk to the Licensing Board
Inverclyde Council
Municipal Buildings
Clyde Square
GREENOCK
PA15 1LY

LEGAL SERVICES

RECEIVED 31 OCT 2011

ACTION 3199
LIC

Licensing Department
'K' Division
Mill Street
PAISLEY
PA1 1JU

Tel No: 0141 532 5933

Fax No: 0141 532 5906

Dear Sir

LICENSING (SCOTLAND) ACT 2005, SECTION 36
PREMISES LICENCE REVIEW APPLICATION
PREMISES: WEMYSS BAY HOTEL, GREENOCK ROAD, WEMYSS BAY
PA18 6AY
PREMISES NUMBER: PREM/030
HOLDER OF LICENCE: AHMED TRADING (GLASGOW) LTD, 126 WEST
REGENT STREET, GLASGOW G2 2BH
DESIGNATED PREMISES MANAGER: ALISON DAISLEY, [REDACTED]
[REDACTED]

The Chief Constable, being a competent objector in terms of Section 36(1) of the Licensing (Scotland) Act 2005, hereby makes application to the Licensing Board in terms of Section 36(3) (a) & (b) of the Act, for a review of the premises licence in respect of the premises known as Wemyss Bay Hotel, Greenock Road, Wemyss Bay.

The Chief Constable makes application on the grounds that in terms of Section 36(3)(a) of the Act, that one or more of the conditions to which the premises licence is subject has been breached namely:

- Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence

The Chief Constable makes application on the ground that in terms of Section 36(3) (b) of the Act, the premises licence holder has failed to comply with one or more of the following of the licensing objectives, articulated at Section 4(1) of the 2005 Act, namely:

- preventing crime and disorder

- preventing public nuisance
- protecting and improving public health
- protecting children from harm

In support of this application the following information is provided for consideration:

In June 2010 an application was made to Inverclyde Council to transfer the Premises Licence to Ahmed Trading (Glasgow) Limited. Zulfiqar Ahmed is the sole director of this company.

On 23 September 2010 officers from UK Borders Agency attended at the premises and arrested four foreign nationals in terms of Immigration Act 1971 Section 28(a), all of whom were in the UK illegally. Muhammad Maqsood a Pakistani male stated he was employed by a male named Uddi as a dishwasher working 6 days per week. Majid Ali a Pakistani male stated he was employed also by a male named Uddi as a kitchen helper. Mututantrige Padmendra Manjula a Sri Lankan male stated he was looking after the hotel for his cousin Uddi. Sunethra Kumari Molligodi a Sri Lankan female stated she was not employed at the hotel and that she was the partner of Mututantrige Padmendra Manjula. Enquiries by UKBA showed that Uditha Cooray leased the hotel from Zulfiqar Ahmed who owned the building. A notice of Potential Liability was served on Uditha Cooray by UKBA. Subsequently the UKBA Illegal Working Unit fined Uditha Cooray £15000 although it is unknown if this fine has been paid.

Strathclyde Police Licensing records show that Uditha Cooray did not have any official involvement in the management of the premises. Inverclyde Council have also confirmed this is the position.

On 01 June 2011 HM Revenue and Customs attended at the premises and seized 20.5 litres of wine (due to non payment of duty). HM Revenue and Customs have submitted a review to the Licensing Board.

About 2125 hours on Wednesday 28 September 2011 police constables Boyland and Kay attended at the Wemyss Bay Hotel for a routine visit. William Laughlin was present and stated he was the Premises Licence Holder/Designated Premises Manager. On the afternoon of 30 September 2011 police constable Petrie contacted Alison Daisley, by phone as police records showed she was the Designated Premises Manager. She confirmed she had not been at the premises since the end of July and that she no longer had any involvement with the premises as there was a new premises licence holder.

About 1630 hours on Friday 30 September 2011 police constables Petrie and Scullion of the Licensing Department, Paisley Police Office attended at the Wemyss Bay Hotel, Greenock Road, Wemyss Bay for a routine visit. James Laughlin, Hotel Manager was present; he stated he was not involved in the serving of alcohol. Gourav Sarkar, bar person was present and confirmed he was serving alcohol. There were patrons within the bar drinking alcohol. The accused Sarkar is not a personal licence holder and was unable to produce his training records to prove that he could sell alcohol in accordance with the premises licence. The premises licence was not on display and could not be found on the premises. A section 110 notice was not

displayed on the premises. The Premises Licence Holder Zulfiqar Ahmed, sole Director of Ahmed Trading (Glasgow) Ltd was contacted and attended at the locus along with Alison Daisley. They brought with them and produced the premises licence and training records for the accused Sarkar which were in order. Zulfiqar Ahmed and Alison Daisley were unaware of their responsibilities in terms of displaying the S110 notice. Alison Daisley changed her position stating she was still the Designated Premises Manager and that the changes were in the process of being applied for. Inverclyde Council have confirmed that no such application has been received to date.

Zulfiqar Ahmed will be reported to the Procurator Fiscal for Contravention Licensing (Scotland) Act 2005 S52 (failing to display the premises licence) and S110 (fail to display notice regarding the sale/supply of alcohol to under 18 years). Alison Daisley will be reported to the Procurator Fiscal for Contravention Licensing (Scotland) Act 2005 S110 (fail to display notice regarding the sale/supply of alcohol to under 18 years). Alison Daisley and Gourav Sarkar will be reported to the Procurator Fiscal for Contravention Licensing (Scotland) Act 2005 S1 (failing to have training records on the premises to allow the sale of alcohol).

Alison Daisley is a personal licence holder issued by Inverclyde Licensing Board on 25 May 2010, reference number IC 409.

Your Honours may wish to consider the following information. As a result of intelligence received that Paul McNally a chef at the premises was leaving in possession of controlled drugs and was going to be selling them. About 0010 hours on Saturday 22 October 2011 at Greenock Road, Wemyss Bay near to the Wemyss Bay Hotel, Paul McNally was stopped by officers of Strathclyde Police having left the premises in his vehicle, he was the subject of a search in terms of the Misuse Drugs Act 1971 S23 and found to be in possession of a large quantity of class A drugs (23.7g and 1 tablet). He will be reported to the Procurator Fiscal for Contravention Misuse Drugs Act 1971 S5(3) – possession of a controlled drug with intent to supply and S5(2) – possession of a controlled drug. This case is sub judice. Whilst under caution Paul McNally stated that he uses class A drugs whilst working due to the long hours he works.

The Chief Constable requests, that the Licensing Board considers the aforementioned grounds for review and takes such steps as it considers necessary or appropriate, for the purposes of any of the Licensing Objectives, under the terms of Section 39(2) of the Act.

Yours faithfully

David Stewart
Chief Superintendent

| | | |
|-------------------------|--|---------------------------------|
| Report To: | Inverclyde Licensing Board | Date: 26 January 2012 |
| Report By: | Clerk to the Board | Report No: LA/808/12 |
| Contact Officer: | Fiona Denver | Contact No: 01475 712109 |
| Subject: | Review of Premises Licence Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay | |

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Board considers a review of the Premises Licence for the premises known as Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay.

2.0 BACKGROUND

- 2.1 The Clerk to the Board received a letter from the Chief Superintendent, Strathclyde Police dated 2 December 2011 requesting the review of the premises licence for the premises known as Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay. A copy of the letter forms Appendix 1 to this report. **Appendix 1**
- 2.2 The request for the review of licence has been copied to the licence holder, Ahmed Trading (Glasgow) Ltd, the designated premises manager and their Solicitor who have been requested to appear at the meeting of the Board.
- 2.3 Strathclyde Police provided additional information by letter dated 5 January 2012 and by e-mail on 13 January 2012. A copy of the letter dated 5 January 2012 forms Appendix 2 and a copy of the e-mail documentation forms Appendix 3 to this report. **Appendix 2**
Appendix 3
- 2.4 Strathclyde Police have made application for Review of the Premises on the following two points:-
- (i) One or more of the Premises Licence Conditions has been breached:-
 - Alcohol is to be sold on the premises only in accordance with the Operating Plan contained in the licence.
 - (ii) Failure to comply with one or more of the following licensing objectives:-
 - Preventing Crime and Disorder
 - Preventing Public Nuisance
 - Protecting and Improving Public Health
 - Protecting Children from Harm
- 2.5 The powers available to the Licensing Board, if satisfied that a ground for review is established and the Board considers it necessary or appropriate for the purposes of any licensing objective, are:-
- To issue a written warning to the licence holder;
 - To make a variation to the licence;
 - To suspend the licence for such period as the Board may determine;
 - To revoke the licence.

3.0 RECOMMENDATION

3.1 It is recommended that the Board considers the Review of the Premises Licence for the premises known as Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay and determines:-

- Whether or not a ground for review exists;
- If satisfied that a ground for review exists, what step the Board considers necessary or appropriate to take for the purpose of any of the licensing objectives.

Fiona Denver
Licensing Paralegal

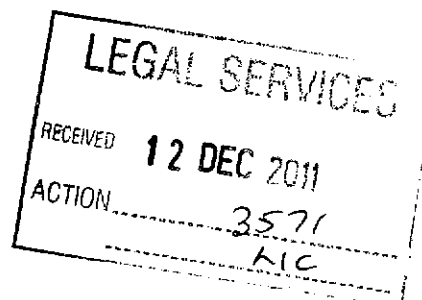

**STRATHCLYDE
POLICE**

DATE : 02 December 2011

REF : K176/HP

CHIEF CONSTABLE
Stephen House QPM

Clerk to the Licensing Board
Inverclyde Council
Municipal Buildings
Clyde Square
GREENOCK
PA15 1LY



Licensing Department
'K' Division
Mill Street
PAISLEY
PA1 1JU

Tel No: 0141 532 5933

Fax No: 0141 532 5906

Dear Sir

LICENSING (SCOTLAND) ACT 2005, SECTION 36
PREMISES LICENCE REVIEW APPLICATION
PREMISES: WEMYSS BAY HOTEL, GREENOCK ROAD, WEMYSS BAY PA18
6AY; PREMISES NUMBER: PREM/030
HOLDER OF LICENCE: AHMED TRADING (GLASGOW) LTD, 126 WEST
REGENT STREET, GLASGOW G2 2BH
DESIGNATED PREMISES MANAGER: ALISON DAISLEY, [REDACTED]
[REDACTED]

Further to our letter of 26 October 2011 the following is provided for consideration:

The Chief Constable, being a competent objector in terms of Section 36(1) of the Licensing (Scotland) Act 2005, hereby makes a further application to the Licensing Board in terms of Section 36(3) (a) & (b) of the Act, for a review of the premises licence in respect of the premises known as Wemyss Bay Hotel, Greenock Road, Wemyss Bay.

The Chief Constable makes application on the grounds that in terms of Section 36(3)(a) of the Act, that one or more of the conditions to which the premises licence is subject has been breached namely:

- Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence

The Chief Constable makes further application on the ground that in terms of Section 36(3) (b) of the Act, the premises licence holder has failed to comply with one or more of the following of the licensing objectives, articulated at Section 4(1) of the 2005 Act, namely:

- preventing crime and disorder
- preventing public nuisance

- protecting and improving public health
- protecting children from harm

In June 2010 the Premises Licence was transferred to Ahmed Trading (Glasgow) Limited. Zulfiqar Ahmed is the sole director of this company.

About 1100 hours on Friday 25 November 2011 a multi agency operation took place, involving officers from Strathclyde Police, the United Kingdom Border Agency (UKBA) and Television Licensing attending at these premises. On arrival, the premises were insecure; there was a painter and decorator working within and one member of the public who had stayed overnight at the premises. There were no members of staff within the building. A male who identified himself as William Laughlin later attended at the premises, informing police and other agencies again that he was allegedly the Premises Licence Holder and Designated Premises Manager. To date Inverclyde Council have not received any applications for William Laughlin to be either.

Strathclyde Police Licensing staff were in attendance and observed that the premises licence was not on display (later found in a cupboard behind the bar). A section 110 notice regarding the sale/supply of alcohol to persons under 18 years was not displayed on the premises. A representative from the Television Licensing Authority was in attendance. Enquiries revealed there was at least one television within the premises which was in full working order. The premises do not have a current TV Licence.

Zulfiqar Ahmed will be reported to the Procurator Fiscal for Contravention Licensing (Scotland) Act 2005 S52 (failing to display the premises licence) and S110 (fail to display notice regarding the sale/supply of alcohol to under 18 years) and Contravention Communications Act 2003 S363 (2, 4) – operating a television without a licence.

Alison Daisley, the DPM will be reported to the Procurator Fiscal for Contravention Licensing (Scotland) Act 2005 S110 (fail to display notice regarding the sale/supply of alcohol to under 18 years).

William Laughlin admitted to being the owner of a television found within the premises and to installing it, he will be reported to the Procurator Fiscal for Contravention Communications Act 2003 S363 (2, 4) – operating a television without a licence.

As these matters are now sub judice, I am unable to comment further.

The Chief Constable requests, that the Licensing Board considers the aforementioned grounds for further review and takes such steps as it considers necessary or appropriate, for the purposes of any of the Licensing Objectives, under the terms of Section 39(2) of the Act.

Yours faithfully

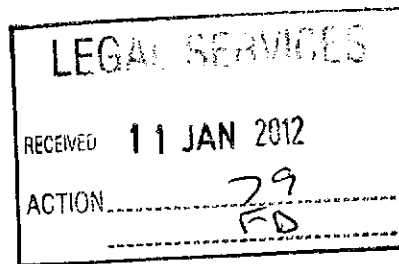
David Stewart
Chief Superintendent

STRATHCLYDE
POLICE

DATE : 05 January 2012

REF : K176/HP

Clerk to the Licensing Board
Inverclyde Council
Municipal Buildings
Clyde Square
GREENOCK
PA15 1LY



CHIEF CONSTABLE
Stephen House QPM

Licensing Department
'K' Division
Mill Street
PAISLEY
PA1 1JU

Tel No: 0141 532 5933

Fax No: 0141 532 5906

Dear Sir

**LICENSING (SCOTLAND) ACT 2005, SECTION 36
PREMISES LICENCE REVIEW APPLICATION
PREMISES: WEMYSS BAY HOTEL, GREENOCK ROAD, WEMYSS BAY PA18
6AY; PREMISES NUMBER: PREM/030
HOLDER OF LICENCE: AHMED TRADING (GLASGOW) LTD, 126 WEST
REGENT STREET, GLASGOW G2 2BH
DESIGNATED PREMISES MANAGER: TRACY MCLEAN, [REDACTED]
[REDACTED], GOUROCK PA19 1AA**

Further to our letters of 26 October 2011 and 02 December 2011 the following is provided for Your Honours consideration:

On 15 December 2011 application was made to Inverclyde Council to vary the Designated Premises Manager to Tracy McLean. This minor variation was granted by Inverclyde Council.

On 23 December 2011 Tracy McLean attended at Paisley Police Office and her position as Designated Premises Manager was discussed with Constable Petrie and Pamela Stevenson. She is currently employed as a bar person at the Horseshoe Bar, Kilblain Street, Greenock working Monday, Tuesday, Thursday and Saturday nights. She plans to work at the Wemyss Bay Hotel on a Wednesday and Sunday having Friday as a day off. She confirmed that James and William Laughlin have leased the premises from Zulfiqar Ahmed although he remains the Premises Licence Holder.

Tracy McLean confirmed she has no involvement in the purchasing of alcohol for the bar and all takings/cash are given to James Laughlin. There is no stock of alcohol held on the premises and items are purchased on a day to day basis.

Tracy McLean and the chef Paul McNally are paid in cash and do not receive payslips; she was unable to confirm if she pays tax and national insurance on these earnings.

Your Honours may also wish to be informed Tracy McLean is the partner of Paul McNally, the chef at the premises who was referred to in our letter of 26 October 2011. He has a pending case for Misuse Drugs Act 1971 Sections 5(3) and 5(2) having been found with a large quantity of Class A drugs. Paul McNally still works at the premises as a chef.

The Chief Constable has concerns with regards to Tracy McLean being named as Designated Premises Manager due to her working 4 days at another Licensed Premises and only 2 days at the Wemyss Bay Hotel. She admitted during police interview that she was not involved in the day to day management of the premises and in fact was unaware of the role and responsibilities of a Designated Premises Manager.

With a series of matters which have been brought to Your Honours attention, it is clear that these premises require robust management to ensure that the objectives of the Licensing (Scotland) Act 2005 are adhered to and that these premises act in a manner befitting the licence granted by Your Honours.

This information is provided for Your Honours attention and consideration and should be read in conjunction with our letters dated 26 October 2011 and 2 December 2011.

Yours faithfully

David Stewart
Chief Superintendent

UKBA have visited the Wemyss Bay Hotel on three separate occasions, the 01/02/2008, 23/09/2010 and 25/11/2011.

First visit on 01/02/2008, Four males were arrested.

1. Rana Faisal MAHMOOD
2. Shazad ISLAM
3. Muhammad TAHIR – No Immigration Paperwork was served and TAHIR was released from UKBA enquiries.
4. Rafi ULLAH

**No Notice of Potential Liability was served as it was not in force at the time of the Operation.
No available statements.**

Second visit on 23/09/2010, four persons were arrested, 3 male and 1 female.

1. Muhammad MAQSOOD [REDACTED] - admitted to working illegally. Served Immigration Paperwork stating that he was an Illegal Entrant to the UK in that he used verbal deception to enter the UK. MAQSOOD is still residing in the UK and UKBA are awaiting a travel document to facilitate his return to PAKISTAN.
2. Majid ALI [REDACTED] - admitted to working illegally. Served Immigration Paperwork stating that he was an Illegal Entrant to the UK in that he used verbal deception to enter the UK. ALI is listed with UKBA as an absconder.
3. Mututanrige Padmendra Manjula COORAY LKA [REDACTED] - admitted to working illegally. Served Immigration Paperwork stating that he was an Illegal Entrant to the UK in that he used verbal deception to enter the UK. COORAY is listed with UKBA as an absconder.
4. Sunethra Kumari MOLLIGODA [REDACTED] – COORAY' partner. Not working. MOLLIGODA is reporting to Kingston Police Station and is due to be detained on 13/01/2012 pending her removal from the UK on 18/01/2012.

**The Wemyss Bay Hotel were issued with a Penalty on 17/11/2010 for the sum of £15,000, however it was re-served on 30/11/2010 due to it being a limited company. An objection was received by the Civil Penalty Unit however the decision was upheld on 25/02/2011. There has been no instalment plan or any payments been received.
Copy of Statements in relation the above named persons.**

**Third visit was on 25/11/2011. No immigration offenders located.
No Notice of Potential Liability was served**

Leighsa Boyd
Immigration Officer 7916

Statement- Non Disclosable**33 Provenance**

- 34. Date: 30th September 2010
- 35. Time: 1137
- 36. Place: UKBA Glasgow enforcement unit
- 37. Taken by: IO 7171
- 38. Other persons present: UKBA GLE arrest team
- 39. Source: Operational Statement
- 40. Authentication: Verified by officer as own statement

Statement Disclosable

I am Stuart Thomas an Arrest trained Immigration officer (IO) based at Glasgow enforcement unit warrant number 7171; I have been employed by the UK Border Agency since May 2001.

On Thursday 23rd September I was part of an Operation Halla an arrest team illegal working visit to the Wemyss Bay Hotel.

At the briefing conducted by Officer in Charge Neill McNeil at Glasgow Enforcement office I was allocated the role of cover 3 officer to Arrest 3 officer Campbell Innes.

At approximately 0745hrs arrest team arrived at the target address Wemyss Bay hotel and took up positions around the hotel, IO Innes and myself were positioned at the rear to attempt to gain entry to the living quarters upstairs. Having failed to gain access through the front doors or any side doors I witnessed IO James Malcolm attempt to make entry through a open window on the upper floor at the rear of the premises with the assistance of IO Innes, IO MacInnes and myself using ladders.

At approximately 0750hrs IO Malcolm entered the Hotel via the open window followed by IO Innes and IO E Stewart and AIO Wyper. IO Lindsay and I were allowed access via the rear door by IO E Stewart.

I took up my cover position of IO Innes in bedroom 3 where 2 persons had been encountered, one male to who I know as Mututanrige Padmendra Manjula CORRAY [REDACTED] who identified himself as the person in charge of the hotel in the manager/ owners absence and his partner Sunethra Kumari MOLLIGODA [REDACTED]

COORAY stated to IO Innes that his passport was located in Room 6, as the female was in her room IO McVey arrived to assist IO Innes as IO Malcolm and I escorted COORAY to room 6 to locate his passport. COORAY opened the door using keys he had on his possession and I swept room before IO Malcolm escorted COORAY into the room. COORAY went to the bedside cabinet and opened top drawer and produced a Sri Lankan passport which had expired but was in the identity of COORAY.

Subject was escorted back to bedroom 3 and passport handed over to arrest officer Innes, IO Innes in turn hands passports for male and female over to IO Pears who escorts them to Premise search officer IO H Stewart.

At 0809hrs I corroborated IO Innes arresting MOLLIGODA as a suspected overstayer under section 28A of the Immigration act 1971 and handcuffs subject front stack. MOLLIGODA was then taken downstairs by IO Cameron and IO Pears to be taken to cell van.

At 0815hrs I corroborated IO Innes arrest COORAY as a suspected overstayer under section 28A of the IA71, Subject was searched by me and then handcuffed front stack by IO Innes. Subject was then escorted downstairs after securing bedroom 6 and 3 in subject's presence.

Subject taken to Cell van and placed in cell area and seatbelt fastened.

Arrest team departed Wemyss Bay Hotel at approximately 0830hrs and proceeded to Greenock police station to book all arrested persons into custody.

Having assisted in booking all 4 arrested persons into custody and attended a debrief in the police station I was the corroborating officer in the interview of Majid Ali who was interviewed by IO E Stewart in regards to his status in the UK and his role and job within the hotel.

Ali stated in interview that he was offered a position in the hotel by a man called UDDI by phone; Ali was paid £100 - £150 per week cash and offered free accommodation and food. Ali stated he last received payment about one week ago for working as a kitchen assistant. Ali admitted he was asked for passport when he started but informed UDDI he had none and was still given employment regardless.

Having finished this interview I then became lead interviewing officer in the case of Sunethra Kumari MOLLIGODA, Molligoda stated that she was the partner of COORAY and that he worked in the hotel as a favour to the owner who was in Canada. MOLLIGODA stated that she did not work in the hotel and was merely just a guest of COORAY.

IDENTIFICATION

I can identify the accused

COPY
ALI

RESTRICTED

AGENDA ITEM 7

APPENDIX 3

WITNESS STATEMENT

EV REF: 502CEQ1009

Case No.:

PF No.:

Disclosable Information

Section 1 – Personal Details

Surname: STEWART

Other of previous surname:

Forename: ELAINE

[REDACTED]

Occupation: Immigration Officer

Other:

Years service: 3

Police Station:

Disclosable Address:

UKBA, Festival Court, 200 Brand Street, Govan, Glasgow.

Post Code:

G51 1DH

Section 2 - Provenance (all mandatory fields)

Statement taken or compiled

Date and time: Monday 27 September 2010 @ 1328 hrs.

Place: Festival Court 2

By: Elaine Stewart

Other person(s) present: N/A

Source:

Authentication: Signed by officer making statement

Section 3 – Statement

I am an Immigration Officer within the United Kingdom Border Agency based at the address detailed above. I reported for duty to UKBA, FC2 on Thursday 23 September 2010 at 0600 hrs in relation to the scheduled enforcement visit.

At approx 0621 hrs I attended a briefing provided by the officer in charge named MCNEILL Neil. The briefing provided intelligence in relation to the locus of WEYMSS BAY HOTEL, GREENOCK ROAD, PA18 6AY. Intelligence alleged the locus was employing foreign nationals on an illegal basis including two named students who were issued visa's to study in the London area. Intelligence further alleged the locus was employing approx 7 un-named illegal workers. MCNEILL advised Section 28B warrants had been obtained to effect entry to the premises if required. CIO authorised the operation to proceed.

Other officers present at the briefing, and roles allocated were as follows: MCKAY Anne – arrest one officer (A1), JOHN Lian – arrest one cover officer (A1C), PEARS Ashleigh A2, CAMERON Margo – A2C, INNES Campbell A3, THOMAS Stuart A3C, MACINNES Donald – A4, WYPER Marlene- A4C, LINDSAY Sarah – A5, STEWART Elaine – A5C, MALCOLM James MOE/Containment, OHARA James MOE/CONTAINMENT, STEWART Iain – containment/cover, ROARTY Stephen – containment/cover, STEWART Helen – Premises search officer and GILLESPIE Brian- Field intelligence officer.

At approx 0657 hrs all officers as detailed above departed from UKBA office in Glasgow and travelled to the Wemyss bay hotel. All officers detailed arrived at the locus at approx 0744hrs. I proceeded to the stables area with officers MACINNES, LINDSAY and WYPER as instructed by the OIC. The area was swept to reveal no persons present within this area of the Wemyss bay hotel. At approx 0752 hrs I was at the rear area of the premises when an airwaves transmission message was received to the team from MALCOLM to advise he had located two males in an upstairs bedroom area. At approx 0753 hrs MACINNES and I entered the premises via

RESTRICTED

RESTRICTED**WITNESS STATEMENT**

ladder to the upstairs room where MALCOLM had located two males on the premises. WYPER entered the bedroom via same entry at approx 0754 hrs. Having entered the bedroom I witnessed MACINNES with two Asian males. At approx 0755 hrs I provided entry to officers THOMAS and LYNDSEY via the fire exit door at the rear of the premises. LINDSEY and I returned to the bedroom where MACINNES, WYPER and the two males were located. At approx 0755 hrs LINDSEY obtained details from one of the males present who provided his details as Majid ALI, [REDACTED]. ALI stated he had been in the UK for 4/5 years and had no passport, he further stated he helps out in the kitchen of the hotel and claimed he is not paid but gets food and a bed for doing so. MACINNES and WYPER at this point were in the same room and dealing with the second male encountered in the room.

At approx 0804 hrs I witnessed LINDSEY arrest, caution and handcuff the male named Majid ALI. At approx 0807 hrs I commenced a search of the bedroom area used by Majid ALI and a further search of ALI's clothes and belongings. During the search an original food hygiene certificate in the identity of Majid ALI dated 2009 – the certificate was passed to LINDSEY. Officer MALCOLM conducted a person search of ALI witnessed by LINDSEY and I.

At approx 0820 hrs I concluded the search of ALI's bedroom area, no documentation to assist identity or removal was obtained during the search. At approx 0822 hrs LINDSEY and I escorted the arrested male named Majid ALI to the arrest vehicle where a further two arrested persons (a male and female) were already situated. I secured ALI in the arrest vehicle.

At approx 0843 hrs all officers departed from the locus and proceeded to the police station with all four arrested persons. I was not aware of the identity of any arrested person other than Majid ALI.

Having arrived at the police station I was instructed by MCNEILL to interview the male named Majid ALI. I interviewed Majid ALI under caution in the presence of Immigration officer THOMAS, the interview was conducted with the assistance of official home office interpreter Pam Bamrah for translation purposes.

ALI was cautioned prior to interview and confirmed he understood the caution and the language of the interpreter. During interview ALI stated he had come to the UK approx 4 years ago claiming he held a genuine passport and visitor's visa to enter the United Kingdom.

ALI also admitted he intended to work in the United Kingdom whilst here to visit but confirmed he did not declare this information to either the entry clearance officer when applying for the visitors visa, nor did he declare his intention to work to the Immigration Officer when he entered the UK upon arrival. ALI confirmed his visa expired more than three years ago.

ALI stated he had come to Scotland two years ago and a friend had told him he would get a job at the Wemyss bay hotel. ALI stated he placed his telephone number in a shop in Allison Street, Glasgow and then received a phone call from a male named UDDI who told him to come to the hotel. ALI started work in the hotel as a kitchen helper and confirmed he works from 5pm-10pm and is paid £100-£150 cash in hand for doing so, along with food and accommodation at the hotel for doing so. ALI stated he was last paid for helping in the kitchen last weekend, paid by a male named MANJI as UDDI is now in Canada at this time.

ALI stated UDDI asked him for documentation before he began working, but ALI advised him he had none and was given employment regardless. ALI stated he told UDDI he had no passport or permission to work in the UK. Following the end of interview ALI was served form IS151A – Notice to a person liable to removal and granted temporary release with reporting conditions pending travel documentation issue to removal ALI from the UK.

I played no further part in the operation.

CID ref no: GLE/3723004 refers

IDENTIFICATION**RESTRICTED**

Provenance

- 34. Date: 10/05/10
- 35. Time: 1500
- 36. Place: UKBA, Festival Court
- 37. Taken by: Donald MacInnes
- 38. Other persons present: All officers on duty
- 39. Source: Operational Statement
- 40. Authentication: Verified by officer as own statement

Statement Disclosable

I am an arrest trained Immigration Officer employed by the UK Border Agency's Glasgow Enforcement Unit.

On Thursday 23 September 2010 I was present at a briefing given by immigration Officer Neil MCNEILL. Other immigration staff present at the briefing were: MCKAY, JOHN, PEARS, CAMERON, INNES, THOMAS, WYPER, LINDSAY, STEWART E., MALCOLM, O'HARA, STEWART H., GILLESPIE, and ROARTY.

The briefing detailed the planned enforcement visit to the WEMYSS BAY HOTEL, GREENOCK ROAD, WEMYSS BAY, PA18 6AY. Intelligence indicated that three suspected immigration offenders were employed on the premises (EV502CEQ1009 refers).

The suspected offenders were named as:

KRISHANTHAD ATHARALIYA WILEPERUMAGE [REDACTED]
ANUSH RANDITHA NADAGAMUWAGE – PERERA [REDACTED]
MOHAMAD MAQFOOD [REDACTED]

The enforcement visit had been designated as Operation Halla. Three Sheriff Court warrants had been obtained to facilitate the operation. I was allocated the role of Arrest 4 Officer, with WYPER my designated Cover Officer.

At 0743 hours the team arrived at the locus. As instructed during the briefing, I proceeded to the stable block at the rear of the main building. The stable block was derelict and no persons were encountered.

I was then directed to assist the officers dealing with the main building. At 0747 hours I entered the main building through a first floor window. I passed through one room into the next. There I encountered two males in separate beds. I now know these males to be:

Muhammad MAQSOOD [REDACTED] (GLE/3722985 refers)
Majid ALI [REDACTED] (GLE/3723004 refers)

I identified myself and began questioning MAQSOOD. I was not immediately satisfied as to his immigration status. At 0757 hours I arrested and cautioned MAQSOOD under the Immigration Act. The arrest was corroborated by WYPER.

The male was allowed to dress before I applied handcuffs in the front-stack formation. The handcuffs were applied in the interests of officer safety.



WYPER then conducted a search for documentation amongst the arrested person's belongings. She found a large quantity of cash in a locked suitcase. MAQSOOD had provided a key to open the suitcase.

The OIC was notified and he placed the money in the subject's pocket. This money was later returned to the subject after a failed prosecution under the Proceeds of Crime Act.

The other male in the room was arrested by LINDSAY. This arrest was corroborated by STEWART E. In total four persons were arrested on the premises. The details of all arrested persons are recorded in the Premises Search Book (PSB). All arrested persons were then transferred to Greenock police office for interview.

I conducted an interview under caution with MAQSOOD. The interview was conducted with the assistance of a qualified Home Office interpreter and recorded on tape. At the conclusion of the interview MAQSOOD confirmed he had understood all the questions put to him.

Q41. What doing at Wemyss Bay Hotel?

A. Dishwasher.

Q42. What days and hours you work?

A. 11am to 12pm, six days per week.

Q43. Earnings?

A. 200 pounds per week.

Q44. When paid?

A. On Sunday.

Q45. Who pays?

A. First it was 'Uddi' and now it is 'Manji'.

Q46. How long work there?

A. 7 - 8 months.

Q47. How get job?

A. A man in Glasgow told me about it. He was called Javed. He worked there but he has now gone back to Pakistan.

Q48. Who employed you?

A. Uddi - I asked him about work and he said I could work there. Mr AHMAD owns it but it is rented by Uddi and Manji. Because MR AHMAD had given me the job they kept me on.

Q49. When Uddi and Manji take you on?

A. Four months ago.

Q50. Show Mr AHMAD any paperwork to get job?

A. No. He never asked me and I never showed him.

Q51. Show Uddi or Manji any paperwork to show immigration status?

A. Nobody asked and I never showed anything.

Q52. Uddi and Manji know your immigration status?

A. Nobody asked.

Q53. Their full names?

A. Don't know. Uddi is away to Canada. You brought Manji with you.

Following interview MAQSOOD was served notification that he was a deceptive illegal entrant to the UK. As such he has never had permission to take employment in the UK. He was detained pending his documentation and subsequent removal to Pakistan.

Donald MacInnes
Immigration Officer 2729
1630 05/10/10

IDENTIFICATION

COPY

COORAY

RESTRICTED

AGENDA ITEM 7

APPENDIX 3

WITNESS STATEMENT

EV REF: EV502CEQ1009

Case No.:

PF No.:

Disclosable Information

Section 1 – Personal Details

Surname:

INNES

Forename:

CAMPBELL

Occupation: Immigration Officer

Years service: 12 MONTHS

Police Station: UKBA, Festival Court, 200 Brand Street, Glasgow G51 1DH

Disclosable Address: UKBA, Festival Court, 200 Brand Street, Govan, Glasgow.

Post Code:

G51 1DH

Section 2 - Provenance (all mandatory fields)

Statement taken or compiled

Date and time: 24th September 2010 09:10 Hrs

Place: Festival Court

By: Campbell Innes

Other person(s) present: OFFICERS ON ROSTERED SHIFT

Source: UKBA

Authentication: Signed by officer making statement

Section 3 – Statement

I am an Immigration Officer within the United Kingdom Border Agency based at the address detailed above. I reported for duty to UKBA, FC2 on 23rd SEPTEMBER 2010 in relation to the early enforcement operation which I was scheduled to attend as part of the arrest team.

At approximately 06:20 hrs, I attended a briefing given by the designated Officer in Charge McNEILL, N. Other officers present at the briefing were as follows:

McKAY, A: JOHN, L: PEARS, A: CAMERON, M: THOMAS, S: LINDSAY, S: MALCOLM, J: McVEY, K: STEWART, H: and assistant Immigration Officers O'HARA, J: and WYPER, M:

Chief Immigration Officers STEWART, I: ROARTY, S: and Field Intelligence Officer GILLESPIE, B: were also in attendance.

At the briefing I learned that the target locus for the scheduled operation was the "WEMYSS BAY HOTEL, GREENOCK ROAD, WEMYSS BAY PA18 6AY and that I had been allocated the role of Arrest 3 Officer. A Section 28B warrant had been obtained for this visit.

Following the briefing at approximately 07:00 hrs the team departed Festival Court and proceeded to the locus.

At approximately 07:45 the team arrived at the locus and I immediately took up position at the far side of the back of the hotel and tried to locate the entrance to the upper floor/ attic area which I had been asked to do. Officer THOMAS who had been allocated the role as my cover Officer, was with me.

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RESTRICTED**WITNESS STATEMENT**

I noticed the entrance to the upper floor at the top of a flight of concrete stairs and Officer THOMAS and I proceeded to the entrance. The entrance was locked however and repeated knocking on the door failed to gain a response.

Whilst I tried to gain entry I witnessed Officer MALCOLM climbing an aluminium ladder which had been left at the side of the hotel. Officer MALCOLM then managed to gain entry to the hotel through an upstairs window.

As I had not managed to gain entry by the door I proceeded down the concrete stairs and made my way to the ladder to gain entry through the same window as Officer MALCOLM.

As I climbed in the window, I realised I was in a bedroom of the hotel and I witnessed two Asian males still in bed. I asked both males to leave their beds and accompany Officer MALCOLM.

Officer THOMAS and I, who had by this time managed to gain entry through the door at the top of the stairs, accompanied me as I proceeded to the corridor and began knocking on all the other bedroom doors on the floor.

I witnessed other Officers ROARTY, REID, MCVEY and WYPER on the floor but at this time had no knowledge of how they gained entry.

One of the bedrooms, number 3, was opened by a male and Officer THOMAS and I entered to find he was sharing a room with a female. Both persons were still in their night clothes.

I began interviewing both persons whilst Officer THOMAS acted as my cover.

I now know these persons as:

MUTUTANTRIGE PADMENDRA MANJULA COORAY [REDACTED] and:
SUNETHRA KUMARI MOLLIGODA, [REDACTED]

The male COORAY advised that the female was his wife.

Both persons admitted that they had come to the UK as visitors some years previously and had overstayed since without making any attempt to regularise their stay.

Both persons admitted that they had their own passports in their possession.

At approximately 08:00 I contacted Officer in Charge McNEILL to ask that a female officer attend the room in order to assist with the female person. Officer McVEY duly arrived.

At this time, Officer THOMAS escorted the male COORAY to an adjoining room where COORAY produced his Sri Lankan passport before both returned to the main bedroom.

At approximately 08:05 both persons were asked to get dressed.

Officer McVEY remained in the room whilst the female MOLLIGODA got dressed in the en-suite bathroom.

Once both persons had dressed at approximately 08:07, I arrested the female MOLLIGODA as a suspected overstay. I cautioned her and hand cuffed her front stack. This arrest was corroborated by Officer THOMAS.

At approximately 08:13 hrs Officer McVEY escorted MOLLIGODA from the bedroom assisted by Officer CAMERON and conveyed her to the cell van outside the hotel.

At approximately 08:15 hrs I arrested COORAY, cautioned him and hand cuffed him front stack. This arrest was also corroborated by Officer THOMAS.

At this time COORAY showed me a carrier bag which contained his medication for various medical conditions he stated he suffered from.

His medication was therefore gathered by Officer THOMAS who had also found COORAY's wallet. Officer THOMAS proceeded to put COORAY's wallet in COORAY's pocket.

Officer THOMAS and I then escort COORAY from the bedroom to the awaiting cell van and secure him inside. I witnessed two other males had already been secured in the van, and had been arrested by other officers, but I was not aware of any of the details surrounding their arrest.

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RESTRICTED**WITNESS STATEMENT**

At approximately 08:40 hrs I departed the locus with Officers McVEY, THOMAS, and JOHN and proceeded to Greenock police station with the four arrested persons.

At approximately 09:10hrs, the four custodies were booked into custody and then conveyed to a cell to await interview.

COORAY had over £750 in cash on his person.

At approximately 10:10 hrs, I attended a de-brief given by OIC McNEILL in the police canteen. All other Officers in the arrest team had arrived at the police station by this time and were also in attendance.

Following the de-brief, at approximately 10:30 hrs COORAY was brought from his cell to an interview room where I proceeded to interview him under caution. The interview was corroborated by Officer GILLESPIE.

At interview, COORAY admitted that he arrived in the UK in 2005 with a valid visit visa in his own passport. His passport, which had been located at the hotel, [REDACTED] confirms this version of events.

He further admitted that it was his true intention however, to come to the UK to live and work. I asked him to sign my note book confirming this "significant statement" which he agreed to do.

He stated that he had come to Scotland 6 months ago to look after the hotel as his cousin, "Uday", who owned the lease of the hotel, was going to Canada.

I now know "Uday" as PATABENDIGE UDITHA ANURADHA COORAY, [REDACTED]

He stated that "Uday" was his paternal second cousin.

He stated that he did not get paid for "looking after" the hotel but was simply receiving lodgings and food.

I asked him where he had gotten the money he had with him if he wasn't receiving any payment and he stated that this was money from the bar takings.

I asked him if he was responsible for paying the staff and he stated that he paid the kitchen helper £130 per week and the barman £150 per week.

He stated that he paid them cash in hand.

He further stated that this was done on the instructions of Uday.

I asked him how he was providing for him and his wife if he was receiving no money and he stated that he took money from the till as and when he needed this.

He also stated that he paid £500 per week into the bank account of the lease holder of the hotel every week but that he did not know who the lease holder was except that he was a Pakistan national.

COORAY also admitted that the female he had been found with was not his wife but his girlfriend and that his wife and two children remain in Sri Lanka.

He stated that the only reason he could not return to Sri Lanka was that his girlfriend was also still married and that they both may face problems from their respective families if they returned.

At approximately 11:15 hrs I concluded the interview before referring the case to CIO ROARTY who authorised the service of papers as a verbal deceptive. CIO ROARTY also authorised the continued detention of COORAY pending his removal to Sri Lanka.

IDENTIFICATION

I CAN IDENTIFY MUTUTANTRIGE PADMENDRA MANJULA COORAY and SURETHRA KUMARI MOLLIGODA

CONFIDENTIAL MATERIAL – NOT TO BE DISCLOSED

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