

WITNESS STATEMENT

CJ Act 1967, s.9 MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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Statement of

[REDACTED]

Age if under 18 Over 18 (If over 18 insert "over 18")

Occupation: Immigration Officer

This statement (consisting of **three** pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature IO [REDACTED] Date: 30/04/2020

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)/

I am Immigration Officer [REDACTED] based at YORKSHIRE & HUMBERSIDE ICE TEAM, located at VULCAN HOUSE STEEL, SHEFFIELD S3 8NU. On 23/08/2019 I was acting as Officer in Charge as part of an Immigration Enforcement visit to:- SPICE OF LIFE, 8-12 WELLOWGATE, GRIMSBY DN32 0RA together with Immigration Officer (IO) [REDACTED], IO [REDACTED], IO [REDACTED], IO [REDACTED], IO [REDACTED] and Assistant Immigration Officer [REDACTED]. The purpose of the visit was to investigate intelligence that the business may be employing at least three illegal workers who work in the kitchens and live above the restaurant. The intelligence also stated that if Immigration visit the restaurant they had been instructed to hide. The power to enter the business and speak to the employees was under Section 179 of the Licensing Act 2003 (S.179).

Prior to the visit it was noted from Home Office records that Immigration Officers have conducted intelligence led visits to this restaurant in relation to similar information in 2008, 2012 and 2015 with arrests being made in 2012 and 2015 under the Immigration Act. It was also noted that the manager (owner's son) was verbally aggressive to officers during a visit in 2015.

At approx. 18:47hrs. I entered the restaurant via the front door with IOs [REDACTED] and [REDACTED]. The rest of the team had been deployed to stand at the rear in case anyone tried to exit as per the intelligence. Upon entry I saw a few male waiters and none of them displayed an adverse reaction to officer presence. I approached a male who I believed was a waiter as he was

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wearing a white shirt and black trousers and asked to speak to the boss and he said it was him. I now know this male to be Shahir HUSSAIN, GBR national. I showed my warrant card and served the form Notice to Occupier on him. I also explained that our power of entry was under S.179. He said to me he'd never heard of it so I began to provide further details of the entry power but he cut me off and said he was going to call his solicitor. He looked a bit shocked and walked away towards the rear of the restaurant. At this point IO [REDACTED] was in the kitchen and I could hear radio messages stating two males had been seen running out the kitchen towards the rear yard. Shortly afterwards radio communication stated someone was possibly on the roof, so I asked IO [REDACTED] to go and help. I was still at the front of the restaurant at this point, and I asked a female waitress the full name of the boss as I'd not gathered it earlier. She said he was called 'Shah' and his full name was Shahir HUSSAIN. She said he was the owner's son. She said it was a family business and he was the manager. Once I was aware via the radio that two males had been caught and arrested, and Mr HUSSAIN had not come back to see me, I decided to make my way to the back to help. It was at this point that I saw Mr HUSSAIN again and now he was in the kitchen. He said to me (aggressively) that he had checked with his solicitor and we had no power to be there as we had no warrant. I repeated that we did have a power and tried to explain again about S.179 but he just swore at me and argued that we should leave as we should not be there and had no power to do what we were doing. I said that we did and clearly we needed to stay now as two men had been arrested. He pretended to know nothing about that and said the men must have come from the flat above. He repeatedly swore at me loudly in the kitchens also calling officers names (swear words) and stating we should just f**k off. There was nothing I could say to him to calm him down. I asked him to stop swearing but I recall he just swore back at me. In the end I told him to stop speaking to me as he was just being rude and he clearly had nothing more to say to me and neither did I to him. He stomped around the kitchen and I saw him cooking at one point in the kitchen which I could only assume he was doing so as he'd lost two members of staff from the kitchen. I watched as IOs [REDACTED] and [REDACTED] were speaking to a male in the kitchen area and he interrupted a few times asking them what they were doing and to hurry up and move out the way. When they tried to speak to another chef he told them to wait and move out the way. It is in my opinion he was purposely being verbally aggressive to officers to intimidate them and prevent them from doing their job. Once the checks on the two chefs were complete, I decided to move officers out of the kitchen into the rear yard as I thought it was better to stay away from Mr HUSSAIN. I was now aware that IO [REDACTED] had arrested one male from [REDACTED] with no

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valid leave to remain the UK and no permission to work who ran out of the rear door, and IO [REDACTED] had arrested another male upstairs who had initially gone onto the roof. He was also from [REDACTED] and was illegally present in the UK. While questioning of the two males was being conducted, Mr HUSSAIN appeared a few times at the rear yard and was seen by myself appearing to try and close the rear doors. Once questioning of both males had been completed and I had obtained information from officers about what they had said about working at the restaurant, I asked IO [REDACTED] to come with me to speak to Mr HUSSAIN as I had to serve some more paperwork on him and I did not feel safe enough to do it alone. We located Mr HUSSAIN cooking again in the kitchen. He told us to move out the way and wait while he finished. We waited to the side and then he came over. I said I needed to take his details for our records as I believed he was the employer and he said he wouldn't give them to me. He said he wasn't answering any questions. I said I needed to ask him about the two males we had arrested and he said he would not answer anything. I asked him several questions relating to their alleged employment at the restaurant anyway and he replied 'no comment'. I served the paperwork on him and then all officers left the premises and he locked the back door behind us. When we were trying to reverse the cellular vehicle out the back yard, a male believed to be a delivery driver tried to block us in. I recognised the male as someone I had seen inside the kitchen earlier. He was in his own car and blocking the only exit out to the main road. IOs [REDACTED] and [REDACTED] asked him several times to move and after 5 minutes or so he eventually reversed his car very, very slowly and we left.

It is noted by myself that this restaurant has quite a large kitchen area at the rear of the building, with a few little store rooms off it. The kitchen leads directly out into the rear yard. There are two ways to get into the flats upstairs; some external wooden steps at one side and then some internal steps accessed through a door off the kitchen. I was advised that there are several (5 or 6) bedrooms with locks on the doors in the flats above. During our visit, there were approx. 4 waiting staff on and approx. 4 working in the kitchen (including our 2 arrests). There was at least 1 delivery driver. Both males we arrested stated they lived upstairs in the flats connected to the business.

Signature: Signature Witnessed by: