

Appendix 5

To whom it may concern.

On 21st August 2024 Durham Constabulary received an application for a review of the premises licence at Bambudda Ltd, 67 Gladstone Street, Darlington DL3 6JU which had been made by Home Office Immigration team.

On 03 July 2024, the Northeast, Yorkshire & Humber Immigration Compliance and Enforcement (ICE) team visited Bambudda Darlington, 67 Gladstone Street, Darlington, DL3 6JU, after receiving intelligence that the business is employing illegal workers. Entry to the premises was gained at approximately 18:09hrs under section 28CA of the Immigration Act 1971. The officers encountered five persons working at the premises of which three were identified as working illegally.

Following the arrests of several people a premises search was carried out at another premises TAO, 27-28 Blackwellgate Darlington. Benjamin WU is the Premises licence holder (PLH) and designated premises supervisor (DPS) of TAO Asian Street Food, 27 – 28 Blackwellgate, Darlington, DL1 5HX and this premises was subject to enforcement visit which was conducted simultaneously as the visit on Bambudda.

During the search it was found that two rooms were linked by keys held by [REDACTED] (male arrested at Bambudda for illegal entry into the uk) and [REDACTED] (male arrested at Bambudda for illegal entry into the UK) and a sum of over £10k was seized from the two rooms. A female was in a locked room with small child who was safeguarded and taken to a hotel.

Durham Constabulary licensing team were not in attendance at this visit however having read the grounds of the review we believe that it is evident that Mr Benjamin WU is not promoting the licensing objective of prevention of crime and disorder, as illegal workers have been identified at this premises and another premises where he is also the owner namely Tao Asian Street Food, where, during a simultaneous visit a further three illegal workers were found. Benjamin WU has shown complete disregard for UK immigration laws by employing illegal workers.

Although the Premises licence holder (PLH) is down as Bambudda Darlington limited it shows on Companies House with reference no 13254334 that the company was incorporated on 09 March 2021 and is still active with Benjamin Hin Ho WU appointed as the sole director on 09 March 2021. Benjamin WU is the designated premises supervisor (DPS) of Bambudda Darlington Limited.

As the sole director of the company of which is names as the PLH and DPS I would expect Mr Benjamin WU to have had better management of his employees and to have a full understanding of their right to work in the uk, or lack of it. It is reported that Benjamin WU was uncooperative and left abruptly whist being interviewed. His behaviour was reported as being disruptive and not fitting of a responsible license holder who should be cooperating with responsible authorities. Benjamin WU had copies of paperwork for the staff that were British nationals but no records for the illegal workers.

The revised guidance issued under section 182 of the Licensing Act 2003 (issued December 2023) states at section 11.27 and 11.28

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises for employing a person who is disqualified from that work by reason of their immigration status in the UK;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered

Durham Constabulary are therefore fully supportive of the outcome sought by the ICE team and feel that revocation of the premises license should be considered by sub licencing committee.

Following the review of the premise licence application submitted on 21st August 2024 by Immigration, Durham Constabulary received 2 applications on 11th September 2024, one to

the transfer premise license for Bambudda Darlington limited to DHADARLINGTON LTD and an application to vary the designated premise supervisor from Mr Benjamin Wu to Bich Thuy Nguyen. These applications were subsequently withdrawn by the applicant on 12th September 2024.

Companies house shows that DHADARLINGTON LTD was incorporated on 4th September 2024 with registered office of 74 Bristol Street, Birmingham, B5 7AH, this is the same address as TAO (DARLINGTON) LTD which Benjamin WU was PLH and DPS. The sole director of DHADARLINGTON LTD is not known to Durham Constabulary and has not previously been involved with the business.

Had the applications not been withdrawn, in relation to the application to transfer of premise license for Bambudda Darlington which was currently subject to review proceedings instigated by the Home Office Immigration Enforcement Team, Durham Constabulary would have objected to the transfer as it would have undermined the review process and the licensing objectives as there is a possibility that they would try to argue that DHADARLINGTON LTD was nothing to do with Bambudda and they should not be held responsible for the actions of another business.

Durham Constabulary would have also objected to Bich Thuy NGUYEN being the DPS at Bambudda Darlington and there would have been exceptional circumstances for an objection in relation of the appointment of Bich Thuy NGUYEN undermining the crime prevention objectives.

It is clear however from the information held on companies house that DHADARLINGTON LTD which was incorporated after the immigration visit and has the same registered office address as TAO(DARLINGTON) LTD, are linked. Both Premises have the same individuals named either on company's house/license applications and over the past few months have created new companies, changed directors , address of the businesses and also tried to change who is PLH and DPS at the premises which I suspect is to try and circumvent the licensing act 2003 and prevent the review of the premises license.

Thankyou

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