

To whom it may concern.

On 21st August 2024 Durham Constabulary received an application for a review of the premises licence at Bambudda Ltd T/A: TAO Asian Street Food, 27 – 28 Blackwellgate, Darlington, DL1 5HX which had been made by Home Office Immigration team.

On 03 July 2024, the Northeast, Yorkshire & Humber Immigration Compliance and Enforcement (ICE) team visited TAO Asian Street Food, 27 – 28 Blackwellgate, Darlington, DL1 5HX, after receiving intelligence that the business is employing illegal workers. Entry to the premises was gained at approximately 18:26hrs under section 28CA of the Immigration Act 1971. The officers encountered eight persons working at the premises of which three were identified as working illegally.

Following the arrests of a number of people at the premises a search was carried out at 27-28 Blackwellgate Darlington. 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 located 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 the Premises licence holder (PLH) who is also the designated premises supervisor (DPS) Mr Benjamin Wu is not promoting the licensing objective of prevention of crime and disorder, as illegal workers have been identified at this premises.

As the PLH of this company 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

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 28th August 2024, one to the transfer premise license for TAO ref no LAPREM00478 and which is currently held by Mr Benjamin Wu, to TAO Rock N Roll LTD and an application to vary the designated premise supervisor from Mr Benjamin Wu to Bich Thuy Nguyen.

Durham Constabulary objected to the transfers on the following grounds.

At the time of visit conducted by the ICE team Bich Thuy NGUYEN 03/09/1990 (the applicant for the VDPS) was on site and she stated she was the manager and owner of TAO Asian Street Food. On checking companies house TAO (DARLINGTON) LTD reference no 14445984 showed that the business was incorporated on 27 October 2022 with Bich Thuy NGUYEN as the sole director from 27 October 2022 to when she resigned on 12th July 2024 (After the immigration visit). The address of the registered office of TAO (DARLINGTON) LTD was changed from 27 Blackwellgate, Darlington on 26th July 2024 (After the immigration visit) to 74 Bristol Street, Birmingham, B5 7AH.

On further searching companies house under Bich Thuy NGUYEN 03/09/1990 she is now currently the sole director of TAO Rock N Roll Ltd (the company named on the transfer of premises license) ref no 15890652.

TAO Rock N Roll Ltd was incorporated on 12th August 2024 (After the immigration visit) and Bich Thuy NGUYEN was appointed on the same date. The registered office of team Bich Thuy NGUYEN is 74 Bristol Street, Birmingham, B5 7AH, the same as TAO (DARLINGTON) LTD .

Bich Thuy NGUYEN was questioned at the time of the visit on the 3rd July 2024 and asked what checks she does to ensure employees have a right to work, she stated that she checks the individual's passport and the biometric residence permit (BRP card) and from these documents she would check right to work and right to live in the UK. She stated that copies of employees' documents are stored on her phone, however when immigration officers requested to see the copies on her phone, she was unable to provide them stating 'They send it to me via WhatsApp but its broken'.

Durham Constabulary did not feel that Bich Thuy NGUYEN was a suitable person to be the designated premise supervisor of TAO Rock N Roll LTD as this company is in essence TAO (DARLINGTON) LTD, whereby she was the sole director, owner and manager at the premises when illegal workers were found at the premises. We felt there were exceptional circumstances in this case and the appointment of Bich Thuy NGUYEN would undermine the crime prevention objective.

In relation to the application to transfer of premise license, as the licence for TAO (DARLINGTON) LTD was currently subject to review proceedings instigated by the Home Office Immigration Enforcement Team. Durham Constabulary felt that the transfer would undermine the review process and the licensing objectives as should the transfer of Premise licence transfer be granted there is a possibility that they would try to argue that TAO Rock N Roll LTD was nothing to do with TAO (DARLINGTON) LTD and they should not be held responsible for the actions of another business.

It is clear however from the information held on companies house that TAO Rock N Roll LTD which was incorporated after the immigration visit and has the same sole director as TAO (DARLINGTON) LTD did at the time of the visit Bich Thuy NGUYEN and both businesses now have the same registered office address, I would argue they are one of

the same and by trying to transfer the premises license is a way to circumvent the licensing act 2003 and prevent the review of the premises license.

On receipt of Durham Constabulary's objection, the applications to vary the DPS and PLH were withdrawn.

Thankyou

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