



Home Office

Premises Licence Review

Tavan Restaurant
77 Lincoln Road
Peterborough
PE1 2SH

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Case Summary

On 18 May 2022, the East of England ICE team visited Tavan Restaurant, 77 Lincoln Road, Peterborough, PE12SH after intelligence was received that the business was employing illegal workers. Entry to the premises was gained under Section 179 of the Licensing Act 2003. One [REDACTED] male was arrested who had no legal basis to live or work in the UK. He was identified as [REDACTED], [REDACTED].

Further intelligence was received that Tavan Restaurant was employing illegal workers. On 23 November 2022, the same team conducted a re-visit to Tavan Restaurant using Section 179 power to gain entry. [REDACTED] was encountered working and was subsequently arrested for a second time.

A civil penalty of £15,000 was issued on 11 January 2023 to Burgas Sea Limited. An objection has been received and is being considered.

Licensed Premises History

The premises license number is 071160 and is held by:

Burgas Sea Limited
Ground Floor
77 Lincoln Road
Peterborough
PE1 2SH

The DPS is Mr Chavdar Zhelev, 22 St Michaels Gate, Parnwell, Peterborough, PE1 4YJ.

According to Companies House, Burgas Sea Limited was incorporated on 05 May 2021, it lists the manager to be Chavdar Georgiev Zhelev.

Chavdar Zhelev was questioned by Immigration Officers about his position within the company. He confirmed that he is the manager and business owner.

Enforcement Visit dated: 18 May 2022

Upon entering the premises, Immigration Officers spoke to Chavdar Zhelev and a female worker who had settled status in the UK. As officers conducted a sweep of the premises, a male was encountered leaving the kitchen and running towards the toilets. He was identified as [REDACTED].

[REDACTED]

[REDACTED] was questioned to why he was leaving the prep kitchen. He replied that he frequented the restaurant one or twice a week for a drink. He had lost his way while looking for the toilet as he had approached it from a different angle. He denied working at the restaurant. When asked where he worked he stated that he did odd jobs for cash in hand.

He admitted to entering the UK illegally in 2007 in the back of a lorry. At the time of the interview, he stated that he had claimed asylum and was rejected in 2008/9. [REDACTED] was served with immigration paperwork including a RED.0001 (notice as a person who is liable for removal) and a Bail201. [REDACTED] was arrested by Immigration Officers.

Home Office records show that [REDACTED] had managed to abscond since his arrival in the UK and had never made any applications. [REDACTED] made [REDACTED] claim on 14 June 2022.

Chavdar Zhelev

Chavdar Zhelev was questioned by Immigration Officer about his restaurant. He confirmed the Companies House registration number and that he employed 5 or 6 waiters/bar staff and 3 kitchen staff. He confirmed that he conducted status checks on all employees and keeps records of documents.

When asked about [REDACTED], Zhelev stated that he was a customer who comes in for drinks once a week. When asked why he was in the kitchen, Zhelev denied employing him and stated [REDACTED] made friends with Lucila in the kitchen.

At the time of the visit, Immigration Officers witnessed [REDACTED] hastily exiting the kitchen and he had admitted to being an illegal entrant. [REDACTED] was wearing civilian clothing and profusely denied working there. The owner/manager had demonstrated a sound knowledge and awareness of the right to work checks and assured officers that he kept records of the checks. On balance, Immigration Officers gave Zhelev the benefit of the doubt and did not refer him for a civil penalty.

Enforcement Visit dated: 23 November 2022

Immigration Officers re-visited Tavan Restaurant 27 weeks later following further intelligence of illegal working. The visit was accompanied by Darren Dolby (Peterborough Licencing Officer) and PC Paul Hawkins (Police Licencing Officer). Entry was made at approx. 19:16 and officers encountered [REDACTED] for a second time.

[REDACTED]

On this occasion, [REDACTED] was encountered in the kitchen working over a hot grill whilst wearing a chef's uniform. Upon seeing Immigration Officers, [REDACTED] removed his black chef's hat, scrunched it up in his left hand and attempted to conceal it in his left pocket.

Photograph below shows [REDACTED] wearing his chef's uniform:



[REDACTED] admitted that he gets called to work as a grill chef but wouldn't confirm the number of days per week. He confirmed that Zhelev, "the boss", asked him to work and stipulated when he should work. [REDACTED] admitted that Zhelev pays him "40 pounds sometimes maybe a little more", cash in hand. He did not pay income tax or have a national insurance number.

[REDACTED] admitted that his employer was aware of him having no right to work in the UK and the [REDACTED]. It is important to note that by the second visit, [REDACTED] had claimed asylum. However, this does not give him the right to work in the UK while his claim is being considered.

Chavdar Zhelev

Zhelev was present at both visits. On the second occasion he was questioned about [REDACTED] working at the restaurant. Zhelev claimed that [REDACTED] was once a customer,

however a couple of hours earlier (from 16:50) [REDACTED] had started working as a grill chef. Zhelev confirmed that [REDACTED] was the only chef in the kitchen and was working on the grill. Zhelev demonstrated a clear knowledge of the right to work checks and explained he had not conducted them today as [REDACTED] was there on a trial.

Zhelev claimed he was not aware of [REDACTED] circumstances from the previous visit (where he was arrested) and didn't know that he was working illegally.

On this occasion, it was clear that Zhelev was employing an illegal worker and a referral for a civil penalty was made.

It must be noted that Zhelev claimed that [REDACTED] was conveniently on a trial as a grill chef, on his own in the kitchen without the supervision of another trained chef. [REDACTED] later admitted to working upon Zhelev's request. It is clear that Zhelev had attempted to conceal his behaviour by attempting to mislead Immigration Officers.

Considering the evidence laid out above, it is clear that Chavdar Zhelev knows his responsibilities as an employer and license holder. It is clear that he was aware of [REDACTED] immigration status, whether this was known at the first visit is still unclear, however Zhelev was witness to [REDACTED] being arrested as an illegal entrant in May 2022. Knowing this, he still employed him as a grill chef.

Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

In this case, the business owner had demonstrated an awareness and understanding of the processes and responsibilities to conduct checks on the people they employ. The business owner was given the benefit of the doubt in May 2022 and should have taken the opportunity to prevent this type of crime and disorder from occurring. 27 weeks later, it was clear that the business had been employing the same illegal entrant who was encountered and arrested on the premises. Chavdar Zhelev has deliberately overlooked the rules and laws in place to prevent crime and disorder.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case. The license holder knew that ██████ did not hold any documentation that would enable him to work legally in the UK.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed an illegal worker and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded straight to review.

Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

Tavak under the control of Chavdar Zhelev has been found employing an illegal worker, 27 weeks after the premises was first visited and the same individual was arrested for being an illegal entrant. This business has clearly failed to meet the prevention of crime and disorder objective.

The license holder would have been aware of their responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application, ie. the right to work checks and keeping records for audit purposes.

A civil penalty of £15,000 was issued on 11 January 2023 to Burgas Sea Limited. An objection has been received and is being considered.

Immigration Enforcement has submitted that the license holder clearly knew the rules and responsibilities of employing people. Right to work checks and documents were kept for workers who had the right to work, however the license holder knowingly broke these rules to employ [REDACTED] and then attempted to mislead Immigration Officers. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from engaging in criminal activity by employing illegal workers and facilitating disqualified immigrants to work illegally. Immigration Enforcement asks that the premises licence is revoked.

This submission and appended documents provide the licensing subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.

Appendix A – Officer witness statements

Interview with employer Chavdar Zhelev – Visit 18-05-2022

Interview with employee [REDACTED] – Visit 18-05-2022

Interview with employer Chavdar Zhelev – Visit 23-11-2022

Interview with employee [REDACTED] – Visit 23-11-2022