

Press release: Seaford restaurateur disqualified for employing illegal workers

Mr Hussain has given an undertaking to the Secretary of State for Business, Energy & Industrial Strategy which prevents him from becoming directly or indirectly involved in the promotion, formation or management of a company for seven years from 18 July 2017.

Mr Hussain was the director of Hussain Bros Ltd trading as Bengal Palace, a restaurant, and on 13 December 2013, Home Office Immigration Enforcement Officers discovered that they were employing three workers who were not eligible to work in the UK.

The company went into liquidation on 5 November 2015 owing £821,733 to creditors, of which £15,000 was outstanding of the £15,000 penalty imposed by the Home Office Immigration and Enforcement for employing three illegal workers.

The unfit conduct that led to Mr Hussain giving the Undertaking was that he failed to ensure that Hussain Bros Ltd complied with its obligations as an employer under the Immigration, Asylum and Nationality Act 2006.

Commenting on the disqualification, Martin Gitner, Deputy Head of Investigations with the Insolvency Service said:

Illegal workers are not protected under employment law, and as well as cheating legitimate job seekers out of employment opportunities these employers defraud the tax payer and undercut honest competitors.

The Immigration, Asylum and Nationality Act 2006, makes employers responsible for preventing illegal workers in the UK. To comply with the law, a company must check and be able to prove documents have been checked prior to recruitment that show a person is entitled to work.

The public has a right to expect that those who break the law will face the consequences and this should serve as a warning to other directors tempted to take on illegal staff.

Notes to editors

Mr Mohammed Eleas Hussain's, date of birth is January 1959 and he resides in Seaford.

Hussain Bros Limited (CR0 No. 07371289) was incorporated on 9 September 2010. Its registered office was Church Street, Seaford, East Sussex. BN25 1LD. The company traded as Bengal Palace Restaurant.

Mr Hussain was a director from 9 September 2010 to Liquidation. The company went into creditors voluntary liquidation on 9 November 2015 with an estimated deficiency of £821,733.

On 27 June 2017, the Secretary of State accepted a Disqualification Undertaking from Mr Hussain, effective from 18 July 2017, for a period of 7 years.

The matters of unfitness, which Mr Hussain did not dispute in his Disqualification Undertaking, were that:

I failed to ensure that Hussain Bros Ltd trading as Bengal Palace ("HBL") complied with its statutory obligations under The Immigration, Asylum and Nationality Act 2006 to ensure that relevant immigration checks were completed and copy documents retained, resulting in the employment of at least three illegal workers.

On 13 December 2013, the Home Office attended the trading premises of HBL and it was found to be employing at least three illegal workers.

On 06 February 2014, the Home Office issued HBL with a Notification of Liability for a Civil Penalty of £15,000 in respect of these three illegal workers.

This penalty was not paid by the due date of 10 March 2014 and the Home Office is a creditor in the liquidation proceedings for £15,000.

Between 10 March 2014 and the date of liquidation 5 November 2015, no payments were made in respect of this penalty.

As the sole director of HBL, I was responsible for ensuring that

HBL complied with all relevant legislation, including legislation relating to the employment of persons eligible to work.

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings. Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy (BEIS), administers the insolvency regime, and aims to deliver and promote a range of investigation and enforcement activities both civil and criminal in nature, to support fair and open markets. We do this by effectively enforcing the statutory company and insolvency regimes, maintaining public confidence in those regimes and reducing the harm caused to victims of fraudulent activity and to the business community, including dealing with the disqualification of directors in corporate failures.

BEIS' mission is to build a dynamic and competitive UK economy that works for all, in particular by creating the conditions for business success and promoting an open global economy. The Criminal Investigations and Prosecutions team contributes to this aim by taking action to deter fraud and to regulate the market. They investigate and prosecute a range of offences, primarily relating to personal or company insolvencies. The agency also authorises and regulates the insolvency profession, assesses and pays statutory entitlement to redundancy payments when an employer cannot or will not pay employees, provides banking and investment services for bankruptcy and liquidation estate funds and advises ministers and other government departments on insolvency law and practice.

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