

# Restaurateurs disqualified after abusing Bounce Back Loans

Bounce Back Loans were government-backed loans designed to support businesses through the Covid pandemic. Under the rules of the scheme, companies were allowed to borrow up to 25% of their 2019 turnover, up to a maximum of a £50,000.

Malcolm Forbes, Avin Habash and Kamil Ozkan were directors of three separate companies that applied for Bounce Back Loans. But each caused their companies to abuse the covid support scheme, which was only uncovered after the companies entered into liquidation.

Malcolm Forbes, from Portsmouth, was the sole director of Nija Bite Limited, which operated as a takeaway called Iroko Lounge on Onslow Road in Southampton and a mobile food stand.

Enquiries uncovered that Malcolm Forbes received the maximum £50,000 Bounce Back Loan having submitted an application that declared a turnover of £225,000. However, Malcolm Forbes grossly exaggerated the company's turnover, which was closer to £24,000 and this would have only entitled Nija Bite Limited to a £6,000 loan.

Liverpool's Avin Habash, was the sole director of Hot Spot Liverpool Limited, which traded as Hot Spot, a takeaway in Liverpool city centre on Temple Court

Avin Habash caused the company to apply for a Bounce Back Loan and secured £50,000 claiming a turnover of £200,000. Investigators, however, found that Hot Spot Liverpool Limited's actual turnover was closer to £100,000, which should have only entitled the eatery to circa £26,000.

And Kamil Ozkan, from West Rainton, Houghton le Spring, was the sole director of Papa Peterlee Limited, trading as Martinos Italian Kitchen on York Road in Peterlee.

Investigators discovered that Papa Peterlee Limited successfully received a £50,000 Bounce Back Loan. But instead of using the loan for the economic benefit of the company, Kamil Ozkan caused the company to transfer up to £37,500 to his personal account.

The 3 restaurateurs are now banned from directly, or indirectly, becoming involved in the promotion, formation or management of a company, without the permission of the court.

Mike Smith, Chief Investigator for the Insolvency Service, said:

Covid support schemes provided a lifeline to businesses, protecting jobs and preserving businesses. However, Malcolm Forbes, Avin

Habash and Kamil Ozkan flagrantly abused that support when they either personally benefited from the loan or exaggerated turnover to secure more money than they were entitled to.

The three restaurateurs have now been removed from the corporate arena and creditors will be protected from any further harm. Their bans clearly demonstrate that we will not hesitate to take action against directors who have abused Covid-19 financial support like this.

### **Malcolm Forbes**

Malcolm Forbes is from Portsmouth and his date of birth is July 1963.

Papa Peterlee Limited (company number: 11187602)

Malcolm Forbes had his 10-year disqualification accepted by the Secretary of State 25 August 2022

### **Avin Habash**

Avin Habash is from Liverpool and her date of birth is January 1992

Hot Spot Liverpool Limited (Company number = 11617917)

Kamil Ozkan had her 10-year disqualification undertaking accepted by the Secretary of State on 16 September 2022.

### **Kamil Ozkan**

Kamil Ozkan is from West Rainton, Houghton le Spring and his date of birth is September 1986.

Nija Bite Limited (company number: 11959896)

Kamil Ozkan had his 6-year disqualification undertaking accepted by the Secretary of State on 6 September 2022.

### **About disqualifications**

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 restrictions](#).

[Further information about the work of the Insolvency Service, and how to complain about financial misconduct.](#)

You can also follow the Insolvency Service on:

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# HMRC and the Valuation Office Agency response to the Adjudicator's Office 2022 annual report

The [Adjudicator's Office Annual Report](#) was published in June 2022. The report highlights learning based on insight from investigated complaints and real-time tracking that was conducted in 2021 to 2022. This is the department's – HMRC and its executive agency, the Valuation Office Agency (VOA) – published response to the Adjudicator's Annual Report.

HMRC is pleased to note that the number of complaints escalated to the Adjudicator's Office in 2021 to 2022 decreased by 19% compared to 2020 to 2021. During that time, the department played a vital role in the government's economic response to the COVID-19 pandemic, in particular protecting millions of jobs and supporting its customers during unprecedented circumstances. HMRC had to make choices about the work it prioritised to protect its essential services and the livelihoods of customer groups who required support. These decisions meant that customer service levels in complaint handling fell below where the department wanted them to be for most of the year.

HMRC understands the frustrations and difficulties felt by customers and agents who have experienced delays in dealing with their individual enquiries. The department is pleased to report that effective recovery plans are in progress which will help return complaints handling to normal operating levels and improve customer experience.

## **Working together**

HMRC and the Adjudicator's Office continue to work closely together. The department values the Adjudicator's feedback and as acknowledged in the report, the two-way communication has been fundamental to improving HMRC's approach to learning from complaints. HMRC is now taking a more proactive approach to handling complaints by providing the Adjudicator's Office with early insight on issues and customer feedback. This closer working has strengthened the relationship between both organisations and encouraged a more transparent collaborative approach to improving HMRC's complaint handling.

HMRC's Complaints Insight Board continues to find the best ways to maximise learning from complaints by providing a forum for strategic discussion and collaborative challenge across the department's complaints community. The Adjudicator and her Head of Office remain influential members of the board encouraging transparency and providing the voice of the customer. The Adjudicator also continues to provide constructive feedback at HMRC's senior strategic forums including the Customer Experience Committee.

To further promote the importance of learning from complaints, HMRC and the

Adjudicator's Office have jointly delivered a series of workshops to senior leaders across the department. These sessions continue to build on the engagement at all levels and encourage a better understanding of how complaints insight can improve the customer experience.

The department is pleased to see the Adjudicator's Office new Corporate Aims and Business Plan and values the opportunity to provide feedback as part of their Annual Report, helping to shape and transform their Learning from Complaints offer. It has been a successful year for the Adjudicator and her office in terms of performance and building capability of its staff, which has been demonstrated through their improved People Survey results.

## Complaint handling

The Adjudicator continues to support HMRC to implement its strategic ambition to transform complaints handling through the delivery of its complaint strategy. During 2021 to 2022, HMRC has made advancements in the following areas of the strategy to drive forward improvements:

- progressing the delivery of a new complaints case management system to improve the department's efficiency of handling, learning from and reporting complaints
- revising the department's approach to Targets and Measures and moving towards Complaint Handling Principles which underpin [HMRC's Charter Standards](#) – this supports the Adjudicator's ambition to use the Charter as a driver for learning from complaints
- using learning from complaints to ensure the department is consistently meeting its Charter Standards

HMRC's complaints strategy is aligned with the recently launched Parliamentary and Health Service Ombudsman's UK Central Government Complaint Standards, which were developed in collaboration with Government departments. The standards also align with HMRC's Charter Standards and will deliver a consistent cross government approach to complaint handling. HMRC is leading the way as a trail blazer to embed the standards across government.

HMRC is supportive of a more consistent approach to complaints handling cross government and during 2021 to 2022 established a Director Level Cross Government Complaints Forum building on the existing cross government working level meetings. The forums were set up to raise standards in complaints handling, build capability at an operational level and share best practices, whilst encouraging departments to value and maximise the use of insight and learning from complaints

HMRC aims to improve complaint handling through the introduction of its new case management system, the Complaint Handling Analysis and Reporting Tool (CHART), which is a joint project with the Adjudicator and her office. Although the project has experienced delays due to various issues, the department is confident that the pace of work across business areas will result in the successful delivery of the new system in January 2023. The system will provide significant improvements to the complaint handling processes and enable better use of customer insight to support improvements

to customer experience.

## **Learning from complaints**

The Adjudicator's Annual Report noted HMRC's positive change in its approach to prioritising learning from complaints. HMRC understands the importance of bringing customer insight and feedback into the early stages of design, implementation and delivery of new and existing policy.

HMRC continues to respond to the recommendations in the Adjudicator's Policy Formulation Thematic Report. The working group established in December 2020 continues to build engagement and collaboration across the department to address the recommendations within the report. During 2021 to 2022 the working group have supported the following:

- highlighted the benefits of customer input into the design and delivery of new policy
- identified and promoted the importance of evaluation to address issues at the early stage of policy delivery
- promoted transparency and supported collaboration in the design and delivery of new policy
- encouraged and promoted learning from customer feedback to improve the implementation of new policy

Progress has been shared at HMRC's Complaints Insight Board, with the Adjudicator and with senior leaders in policy.

As part of HMRC's complaints strategy, Customer Compliance Group (CCG) have invested in their insight and learning teams and approach to better identify themes and facilitate opportunities to improve customer experience. CCG used customer feedback and complaints insight to review its handling of Self-Assessment repayments, where the department needed to verify claims to protect itself against potential fraud. HMRC improved this service based on complaints insight, reducing the time taken to check claims and making the process clearer. CCG worked with external representative groups to ensure customer concerns were addressed and sustainable solutions were found.

## **Customer focus**

The Adjudicator fully supports HMRC's Charter as this has the potential to drive radical change within the department and delivery of the Charter Standards is a key element of our strategy to build trust with customers. However, the Adjudicator notes that although they 'see evidence of understanding and implementation at senior levels, the cultural shift of the kind embodied by the Charter is not there yet across the whole of HMRC'.

HMRC is committed to improving its customer experience and the HMRC Charter defines the service and standard of behaviour that customers should expect when interacting with the department. HMRC remains committed to embedding the Standards of the Charter into its day-to-day activity for example by ensuring colleagues have the right skills to deliver the Charter Standards and by

improving operational processes and systems across HMRC. However, implementing the Charter Standards and ensuring they remain visible and embodied throughout HMRC, from decision making through to delivery and on the front line, will be a continuous priority for HMRC over many years to come.

HMRC welcomes the Adjudicator's support in providing insight of learning from complaints and the focus this gives on progress against the Charter and will continue to work with the Adjudicator's Office to develop mechanisms to feedback directly on delivery of services against all aspects of the Charter.

The Adjudicator's Annual Report highlighted the relatively high number of complaints escalated to the Adjudicator prematurely by customers who have either not entered or completed the department's internal complaints process. There were 930 instances of customers escalating their complaints prematurely during 2021 to 2022. HMRC are aware of the impact this has on its customers and has been working in collaboration with the Adjudicator's Office to support a reduction in these cases. A cross HMRC working group has been established to monitor progress and support resolution. Some of the key changes implemented to reduce premature escalations include:

- improved signposting on HMRC's complaint pages on GOV.UK
- use of SMS to acknowledge customer complaints, alert them to delay and keep them informed during the handling of their complaint
- advising customers where they are in HMRC's complaints process during the handling of their complaint

HMRC has agreed a process with the Adjudicator's Office to identify customers who need additional help and route them back to the department to ensure those customers receive the support required.

To improve customer experience, the First Point of Contact Resolution (FPOCR) was a proposed new operating model aimed at resolving customer enquiries at the first point of contact. Two trials took place which suggested that investing in front-line service delivered benefits for both advisers and customers but full roll-out was interrupted due to the COVID-19 pandemic.

HMRC remain committed to the operational ambition of resolving customer dissatisfaction at the first point of contact. The department will use learning from the trial in the design of service improvement initiatives including major transformation programmes. This will enable HMRC to design processes that support the FPOCR approach throughout the customer journey.

## **Performance**

The Adjudicator's Annual Report highlighted that the number of HMRC complaints escalated to the Adjudicator decreased in 2021 to 2022 compared to 2020 to 2021. In 2020 to 2021, the total number of complaints received were inflated by complaints relating to the COVID-19 support schemes and since then the number of complaints to HMRC have reduced. The upheld rate for COVID-19 related complaints was lower than average due to the clear eligibility conditions for the COVID-19 support schemes. It is worth noting that over 98% of complaints to HMRC continue to be resolved before escalation

to the Adjudicator's Office.

In total the number of VOA complaints escalated to the Adjudicator decreased to 33 in 2021 to 2022, 4.33% of total complaints compared to 6% in 2020 to 2021.

The VOA have made substantial progress on written communications with customers. Taking a resolution focussed approach and applying complaint handling principles has helped to drive improved customer service. Using plain English and reducing technical jargon has been well received by customers and is recognised by the Adjudicator's Office as a positive development. A recent review of the VOA's complaints handling structure has highlighted the need for greater flexibility and insight. Work on this is already underway and plans for the coming year are expected to continue to deliver improved outcomes for customers.

The VOA's relationship with HMRC and the Adjudicator's Office continues to be positive and proactive and their insight and recommendations for improvement is always welcome.

## **Future ambition**

HMRC is focused on making further progress to deliver a consistent service for its customers and improve customer experience. The department plans to prioritise the following areas in 2022 to 2023 to support its complaints ambition:

- embedding the PHSO UK Central Government Complaints Standards to promote a consistent approach to complaint handling across government
- focusing on building the capability of HMRC's complaint handlers and using insight from wider sources of dissatisfaction to deliver the department's complaints strategy

HMRC recently established an internal Customer Policy and Practice Board. The board will make decisions based on data and insight, to help resolve cross cutting HMRC issues that are impacting customer experience. The board will also encourage a customer focused culture to accelerate progress against HMRC's Charter Standards.

HMRC welcomes more detail on how the Adjudicator's Learning from Complaints offer will evolve going forward. The department is committed to using meaningful data and learning from the Adjudicator's Office to meet its Charter Standards.

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**Joint statement of intent from the for**

# Agile Nations Working Group on Cyber Security for Consumer Connected Products

News story

UK, Canada and Singapore agree to work together to promote and support cyber security measures for internet connected products.



The continued growth in network connectable (also known as Internet of Things, or 'IoT') products offers great benefits to citizens, and a revolution in connectivity. However, many of these products currently lack even basic cyber security provisions. The result is that consumers' security, privacy and safety are at risk, with the wider economy vulnerable to large-scale cyber-attacks that can be launched through insecure IoT.

The governments of Canada, Singapore and the United Kingdom are united in our belief that connected products offer tremendous economic and social benefits, and that appropriate cyber security requirements must be built into these products from the design stage, rather than placing this burden on consumers. Our approach supports growth and innovation, and allows citizens to benefit from the remarkable opportunities offered by this connected revolution.

To protect consumers across the globe requires coordinated efforts from like-minded governments, academia, and civil society. Our three governments are working together to promote and support the development of international standards and industry guidance, to foster innovation, and to encourage approaches that incorporate internationally recognised security requirements and avoid fragmentation. Through this global alignment we can reduce duplication of testing and similar assessments and the challenge for industry of needing to apply to multiple schemes underpinned by identical or very similar requirements.

We endorse the emerging baseline security requirements for these products, and encourage international recognition and alignment with them. We are united in our view that international standards can facilitate strong



security practices and we encourage the adoption of international standards to mitigate these cyber risks. We are committing to continue working closely together, and we will continue to promote global alignment on best practices and encourage the recognition of aligned schemes to reduce unnecessary barriers to trade and industry.

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## [New geospatial data projects to shape the future of land use](#)

The Geospatial Commission has launched a series of projects to explore key land use pressures, such as energy, housing and decarbonisation, and how innovative data analysis can support better decisions about land use change.

Through the National Land Data Programme, the Geospatial Commission is convening regional pilots, national roundtables and expert workshops to bring together stakeholders across local and national government, academia and industry.

### **Land is a finite resource**

Land faces increasing demands from a wide range of economic and environmental objectives, including housing, transport, energy, food production, flood protection, water security and decarbonisation. The scale of land use change required to meet these demands is significant. Taking just one element, it is estimated by the [Climate Change Committee](#) that 9% of UK agricultural land will need to be released for actions to reduce emissions and sequester carbon by 2035 – an area the size of Wales.

To ensure the UK can meet challenging net zero and biodiversity targets while also delivering infrastructure and economic growth, measures to manage tradeoffs and increase the sustainable productivity of land are required. Recognising this, the government has announced that a [land use framework for England](#) will be published in 2023.

### **National Land Data Programme**

Recent advances in spatial data science and the availability of new forms of data offer huge potential to underpin spatially targeted land use strategies. By combining data about current land use and constraints with satellite observations and remote sensing technology, it is possible to identify multifunctional land management opportunities, or model the future impact of different land use choices.

The Geospatial Commission's National Land Data Programme will demonstrate how spatial data can inform land use scenario planning. Through regional pilots and in dialogue with land use stakeholders, the programme will explore selected use cases and develop a blueprint of capability improvements to support land use decision making.

## **Land Use Dialogues**

At a national level, the Land Use Dialogues, a series of focussed roundtables and technical workshops, will bring together land use decision makers with modelling practitioners from government, academia and industry around core policy challenges.

The events will aim to explore how better use of spatial data and modelling tools could support strategic, joined-up decisions about some of the UK's most pressing land use challenges.

The policy priorities and issues surfaced at each roundtable will feed into a workshop

involving experts from academia and industry, analysts and officials. This will focus on the data and modelling tools that could help support decisions on how best to balance the land required for the UK's policy priorities.

The first roundtable, held on 1 November 2022, discussed options for the UK's long term energy security. Subsequent roundtables will look at other issues such as housing, infrastructure and the environment.

## **Regional pilots**

We are working with regional partners to develop an understanding of how spatial data can inform local and regional land use strategy.

In Devon and Cambridgeshire, we are working with the Food, Farming and Countryside Commission and the British Geological Survey to support the design and development of a local land use framework. We are investing in the design and prototyping of a spatial modelling decision support tool to help articulate the impacts of different land use change scenarios to local stakeholders. By improving how spatial data can be made accessible and visualised, local decision makers can more confidently appraise their land use choices.

In Northern Ireland, we are working with Ordnance Survey Northern Ireland to produce an authoritative land cover and land use map of Derry and Strabane District Council, which uses earth observation data to infill classification gaps. By improving our understanding of existing land use, we can make more informed decisions on how to better optimise land.

You can find out more information on the [land use dialogues website](#) or please get in touch with us via [NLDP@cabinetoffice.gov.uk](mailto:NLDP@cabinetoffice.gov.uk)

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## [106 increased sentences under the Unduly Lenient Scheme in 2021](#)

News story

The Attorney General's Office has published the annual Unduly Lenient Sentence (ULS) statistics for 2021



[New statistics for 2021](#) show that 106 offenders had their sentences increased after HM Law Officers challenged their sentences because they thought they were too low.

Under the Unduly Lenient Sentence (ULS) scheme, victims of crime, members of the public, and the Crown Prosecution Service can ask for certain Crown Court sentences to be reviewed if they believe they are too low.

In 2021, the Law Officers received applications for 678 sentences to be reviewed which met the necessary criteria to be considered under the Scheme. Of these, 151 were referred to the Court of Appeal. The Court agreed that 106 of these sentences were too low and increased the sentences as a result.

Other offenders who received increased sentences referred under the ULS scheme in 2021 include Frankie Smith for her role in the death of one-year-old Star Hobson, Ben John for domestic terrorism offences and Thomas Hughes for taking part in the abuse that led to the death of his son, six-year-old Arthur Labinjo-Hughes.

Commenting on the Scheme's performance, Rt Hon Attorney General Victoria Prentis MP said:

The ULS scheme allows anyone, including victims of crime, to ask for a review of certain sentences they believe are too low. In 2021, this meant that over 100 criminals had their sentences increased and many more victims and their families had a second

chance at justice, demonstrating the vital role of the Unduly Lenient Sentence scheme in the criminal justice system.

It must be remembered that in the vast majority of cases the correct sentence is imposed, but the scheme remains an important tool to ensure that cases can be reviewed where there may have been a gross error in the sentencing decision. It's not just about increasing sentences, the scheme also provides an important avenue for the Attorney General's Office to ask the Court of Appeal for guidance, to help shape the sentencing framework and ensure more consistent sentencing for complex cases.

## Notes and further information on the ULS scheme

- The ULS scheme came into force on 1st February 1989. It was introduced after public outcry over the lenient sentencing of the offenders involved in the 1986 rape of a 21-year-old. The victim was brutally raped by a gang of burglars at her father's vicarage.
- The first ever ULS hearing took place in July 1989 for a man who committed incest on his daughter and had his sentence doubled from 3 to 6 years.
- The scheme was extended in 2017 to include an additional 19 terror-related offences, and again in 2019 to cover more sexual offences as well as coercive control and stalking and harassment involving violence.
- Only one referral is required in order for it to be considered by the Attorney General's Office.
- More information on the ULS scheme, including how to refer a sentence and the types of offences covered can be found on [Gov.uk](#). ULS statistics can be found [here](#). Under the ULS scheme a case must be referred to the Court of Appeal within 28 days of the date of sentencing. The referral must be lodged with the Court no later than 5pm on the last business day of the 28 days. This deadline cannot be extended and in order to ensure we have time to properly consider a case we ask that referrals are made early in the process. It is very difficult to consider a case which is submitted late and it is not possible to do so outside of working hours.
- Of the 151 offenders who were referred to the Court of Appeal in 2021, these related to crimes in the following categories:
  - Child sex offences
  - Aggravated Burglary
  - Causing death by dangerous driving
  - Causing grievous bodily harm with intent
  - Distributing indecent images of children
  - Possession with intent to supply Class A drugs
  - Manslaughter
  - Murder
  - Rape
  - Robbery
  - Stalking
  - Wounding with intent

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