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## **KIRKLEES COUNCIL**

### **LICENSING PANEL**

**Wednesday 6th September 2017**

Present: Councillor Carole Pattison (Chair)  
Councillor Jim Dodds  
Councillor Linda Wilkinson

#### **1 Interests**

No interests were declared.

#### **2 Admission of the Public**

The Panel considered the exclusion of the public and determined that all agenda items be considered in public session.

#### **3 Deputations/Petitions**

No Deputations or Petitions were received.

#### **4 Application for the REVIEW of a Premises License - Star Pizza, 11 Low Lane, Batley**

The Panel considered an application made by West Yorkshire Policy to review the premises licence in respect of Start Pizza under the Licensing Act 2003.

The Members of the Licensing Panel which considered the application were Councillor Carole Pattison (Chair) and Councillors Jim Dodds and Linda Wilkinson. The Chair invited Rukhsana Javaid, Licensing Officer, Kirklees Council, to outline the application.

The Panel was informed that on 14<sup>th</sup> July 2017 immigration officials from the UK Border Agency visited Star Pizza, acting on targeted intelligence that illegal workers were being employed at the shop. West Yorkshire Police advised that when immigration officials entered the shop Mr Muhammad Jahangir was found to be rolling pizza dough in the basement of the shop. West Yorkshire Police informed the Panel that Mr Jahangir did not have right to work in the UK and was an illegal immigrant.

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The Panel was further advised that after consultation with the Home Office, West Yorkshire Police believed that despite Mr Khan's assertion that Mr Jahangir was not in paid employment, as he was performing work that would otherwise be done by a salaried employee, meaning that the business was liable for a Civic Penalty for employing an illegal worker. West Yorkshire Police therefore requested that the Panel give serious consideration to revoking the license for Star Pizza.

The Police Officer advised the Panel that Mr Khan was alleged to have committed an offence under Section 21 of the Immigration Asylum and Nationality Act 2006.

Mr Khan informed the Panel that Mr Jahangir was a relative who had legitimate status in the UK through marriage, and had previously been in an employed position at MyLahore Deli in Bradford. Mr Khan provided the Panel with a wage slip dated January 2015 which he informed the Panel belonged to Mr Jahangir and proved that he had at some time in the past been a legitimate worker. Mr Khan explained that Mr Jahangir suffered from depression following the breakdown of his marriage, and Mr Khan helped him out by spending time with him and teaching him the pizza trade. The Panel asked when Mr Jahangir's marriage had broken down, but Mr Khan was unable to provide the Panel with a date.

**RESOLVED:** That the License conditions be modified so that proof of the immigration and employment status of all employees be kept on the premises. This should be made available for inspection, including to the Licensing Department.

The Panel decided that the license in respect of Star Pizza would not be revoked, but would be modified to require the license holder undertake right to work checks on all staff employed at the premises, to retain a copy of any document checked as part of the right to work check at the premises and for these to be available for inspection by the Licensing Authority, Police and Home Office.

The Panel recognised that whilst it had a range of options it was satisfied that revocation of the license was not necessary or proportionate in that the conditions detailed above were proportionate in the circumstances of the case and were appropriate to promote the crime and disorder objective. The evidence did not indicate that Star Pizza systematically employed workers illegally and the allegation related only to one individual.

### **5 Application for the GRANT of a Premises License - Roosta King, Unit 1 Foundry Street, Ravensthorpe, Dewsbury**

The Panel considered an application made to grant a premises licence in respect of Roosta King under the Licensing Act 2003.

The Members of the Licensing Panel which considered the application were Councillor Carole Pattison (Chair) and Councillors Jim Dodds and Linda Wilkinson. The Chair invited Rukhsana Javaid, Licensing Officer, Kirklees Council, to outline the application. The Panel was advised that the application requested the licensing activities and timings as follows:-

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<b>Application</b>	<b>Late Night Refreshment</b>
Monday	23:00 – 03:00
Tuesday	23:00 – 03:00
Wednesday	23:00 – 03:00
Thursday	23:00 – 03:00
Friday	23:00 – 03:00
Saturday	23:00 – 03:00
Sunday	23:00 – 03:00

Ms Javaid confirmed that no representations had been received from any Responsible Authority.

Two Representations were received, one of which included a petition signed by 15 local residents. The objections stated that the licensing objective of the prevention of public nuisance would not be achieved if the licence was granted. The concern was that there could be high levels of noise produced by the premises and customers leaving their vehicles. The residents requested that the licensing times change from 03:00am to midnight. The residents did not attend the hearing to make further representation.

The Chair then invited the Applicant to make representation in support of the application. The Panel was informed that there was a car park with space for around 30 cars in front of the takeaway and meant that there was enough space for patrons to park without the need to park in residential streets. The Panel were provided with a number of photographs which showed the premises and the proximity of the residential properties from where representations had been received. The Panel were informed that the Applicant wanted to provide late night refreshments particularly to the taxi trade who worked throughout the night, as there was nowhere in the area that sold hot food at that time. The Applicant also explained to the Panel that they would install CCTV at the premises.

Following careful consideration of all the information presented the Panel:

**RESOLVED:** That the Licence be granted as requested.

In arriving at its decision, the Panel considered the written representations made by the objectors, the evidence presented at the hearing, the Council's Statement of Licensing Policy, the Licensing Act 2003, Regulations made there under; and the guidance issued by the Secretary of State under the Act.

The Panel was satisfied that granting the licence would not be inconsistent with the licensing objectives.