

Name of meeting: Licensing Panel

Date: Wednesday 6th November 2019, at 11:45am – Meeting Room 1, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Application for Review Hearing under S51 Licensing Act 2003: Dixy Chicken, 19 Cross Church Street, Huddersfield HD1 2PY

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Russell Williams – Group Leader Licensing (as agreed by Karl Battersby – Strategic Director – Economy and Infrastructure)
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member portfolio	Cllr Rob Walker

Electoral wards affected: Newsome

Ward councillors consulted: Not Applicable

Public or private: Public

GDPR Implications: GDPR has been considered and appropriate sections of the report have been amended.

1 Summary

- 1.1 This review application was initially presented the Licensing Panel on 15th October 2019. The decision was made to adjourn the matter to this hearing, pending a witness statement from someone present at the time of the visit to the premises. Statements from a Trading Standards Officer and a Licensing Officer can be found at **Appendix B** and **Appendix C**.
- 1.2 On 20 August 2019, West Yorkshire Police made an application for the review of the premises licence at Dixy Chicken, 19 Cross Church Street, Huddersfield, HD1 2PY under Section 51 of the Licensing Act 2003. The applicant believes that the licensing objective of the prevention of crime and disorder is not being achieved at the premises.
- 1.3 Full details of the grounds for the review are contained in the attached review application at **Appendix A**.

2 Information required to take a decision

2.1 Background

- 2.1.1 Dixy Chicken at 19 Cross Church Street, Huddersfield was visited during a joint partnership operation on Thursday 7th August 2019.
- 2.1.2 West Yorkshire Police, UK Border Agency and the local authority visited a number of shops in the course of this operation to ensure they were trading within the scope of their premise licence and that no illegal persons were employed in the premises.
- 2.1.3 One individual was found to be employed at Dixy Chicken who had an expired student visa and who's right to remain in the UK had also expired.
- 2.1.4 Full details of the review application can be found at **Appendix A**.
- 2.1.5 A statement from the Trading Standards Officer present on the night of the multi-agency visit is appended to this report at **Appendix B**.
- 2.1.6 A statement from the Licensing Officer present on the night of the multi-agency visit is appended to this report at **Appendix C**.
- 2.1.7 The current premises licence was first issued on 21 November 2005, under premises licence number PR(N)0110; a copy of the premises licence is attached at **Appendix D**.

2.2 Licensing Policy

Members considering the application should take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how Members should approach the application and representation:

1.0 – Executive Summary

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.0 – Purpose and Scope of the Licensing Policy

2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If no relevant representations are made in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought.

Licensing Objectives.

1. *Public Safety*
2. *Prevention of crime & disorder*
3. *Prevention of public nuisance*
4. *Protection of children from harm*

2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003, the relevant parts of which may be found at **Appendix E**.

3 Implications for the Council

3.1 Working with People

Residents of Kirklees need to be confident that persons holding licences under the Licensing Act 2003 are in a position to uphold the 4 licensing objectives. Taking appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003 will prevent harm to residents

3.2 Working with Partners

The Council's licensing team work closely with partnering agencies, classed as 'Responsible Authorities' under the Licensing Act 2003, these include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safe Guarding Children team.

3.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

3.4 Improving outcomes for children

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, have to have regard to this objective.

3.5 Other (e.g. Legal/Financial or Human Resources)

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court.

4 Consultees and their opinions

Consultation has taken place in accordance with the Act. There have been no matters arising from responsible authorities.

5 Next steps and timelines

5.1 When determining the review application Members, having had regard to the information in the application, may take any of the following steps as they consider appropriate:

- a) Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- b) Exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)
- c) Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence.

5.2 Findings on any issues of fact should be on the balance of probability.

5.3 In arriving at a decision Members must have regard to the relevant provisions of statutory guidance and the licensing policy statement and reasons must be given for any departure.

5.4 The decision should be based on the individual merits of the application.

6 Officer recommendations and reasons

Members of the Panel are requested to determine the application

7 Cabinet portfolio holder's recommendations

Not applicable

8 Contact officer

Beth Jennings, Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 71609
Email: beth.jennings@kirklees.gov.uk

9 Background Papers and History of Decisions

- 9.1 Appendix A – Review Application from West Yorkshire Police
- 9.2 Appendix B – Trading Standards Officer’s statement
- 9.3 Appendix C – Licensing Officer’s statement
- 9.4 Appendix D – Copy of Premises Licence PR(A)0110
- 9.5 Appendix E – Relevant sections of Secretary of State Guidance

10 Strategic Director responsible

Karl Battersby – Strategic Director Economy and Infrastructure
Tel: 01484 221000
Email: karl.battersby@kirklees.gov.uk



RESTRICTED

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

Please read the following instructions first

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, (insert name of applicant) **Richard Woodhead**

- **Apply for the review of a Premises Licence under Section 51**
- **Apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below**

Part 1 – Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

Dixy Chicken, 19 Cross church Street, Huddersfield.

Town/City: **Huddersfield**

Postcode: **HD1 2PY**

Name of premises licence holder or club holding club premises certificate (if known):

Number of premises licence or club premises certificate (if known): **PRN 0110**

Part 2 – Applicant details

Please 'check' appropriate box(es)

I am:

1. An interested party (please complete A or B below)
 - (a) a person living in the vicinity of the premises
 - (b) a body representing persons living in the vicinity of the premises
 - (c) a person involved in business in the vicinity of the premises
 - (d) a body representing persons involved in business in the vicinity of the premises
2. A responsible authority (please complete C below)
3. A member of the club to which this application relates (please complete A below)

A – Details of individual applicant

Mr

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

B – Details of other applicant

Surname:

Forename(s):

Address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

C – Details of responsible authority applicant

Other title, e.g. R Mr

Surname:

Woodhead

Forename(s):

Richard

Address:

West Yorkshire Police Licensing, Flint Steet

Town/City:

Huddersfield

Postcode: HD1 6LG

Daytime contact telephone number:



E-mail address (optional):

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

(a) The prevention of crime and disorder

(b) Public Safety

(c) The prevention of public nuisance

(d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

The owner of the shop has being found employing an illegal worker who has not got the right to employment in the UK.

Please provide as much information as possible to support the application (please read Guidance note 2)

A joint partnership operation was put in place on Thur. 7th Aug 2019. The partners involved were West Yorkshire police, U.K. Border agency, and the local authority, where a number of shops were visited to ensure they were trading within the scope of the premises licence. The checks were also to ensure no illegal persons were employed in licensed premises.

When the Dixie chicken restaurant was visited, one [REDACTED] was found to be an illegal employee. [REDACTED] On further checks with immigration service it became apparent [REDACTED] student visa had expired, as well as [REDACTED] right to remain the U.K. had expired and was arrested and held at Leeds.

[REDACTED] is now liable for deportation from the U.K.

The upstairs storage area had also been converted to living accommodation, which according to the visiting officers was a fire risk to anyone living above the shop. Checks were carried out with the local authority and no one had the right to live above the shop.

Home office statements to employing illegal workers

Illegal working often results in abusive and exploitative behaviour, tax evasion, undercutting legitimate business and adverse impacts on the employment of lawful workers. Home Office immigration enforcement officers frequently identify illegal migrants in premises involved in the sale of alcohol and late night refreshment. Government intervention is required to amend the licensing legislation to ensure illegal migrants cannot obtain alcohol and late night refreshment.

The Home office have an easy to use web page where employers can check their employee's employment status on line, so there is no excuse for employing illegal persons.

Just to clarify; from an illegal working perspective even an employee was not receiving some sort of remuneration (whether that is monetary i.e wages or payment in kind ie board and lodging/food etc.) the fact that he is performing work that would otherwise be done by a salaried employee means the business is liable for a Civil Penalty for employing an illegal worker.

West Yorkshire police feel that this restaurant is impacting on UK immigration law as illegal member of staff were found to be working.

The Home office states that there is no excuse for employing illegal persons, and in all cases linked to licence premises revocation should be seriously considered. Therefore West Yorkshire police request the panel consider revocation as the best method of getting the message across that such actions will not be tolerated in Kirklees.

RESTRICTED

Have you made an application for review relating to this premises before? NO

If 'YES', please state the date of that application:

If you have made representations before relating to this premises, please state what they were and when you made them:

Please 'check' appropriate box(es)

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements, my application will be rejected

It is an offence, liable on conviction to a fine up to Level 5 on the standard scale, under Section 158 of the Licensing Act 2003, to make a false statement in, or in connection with this application

Part 3 – Signatures (please read Guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:

Signature

[Redacted Signature]

Date:

Capacity:

20th Aug 19 - Police licensing officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname:

Forename(s):

Address:

Town/City:

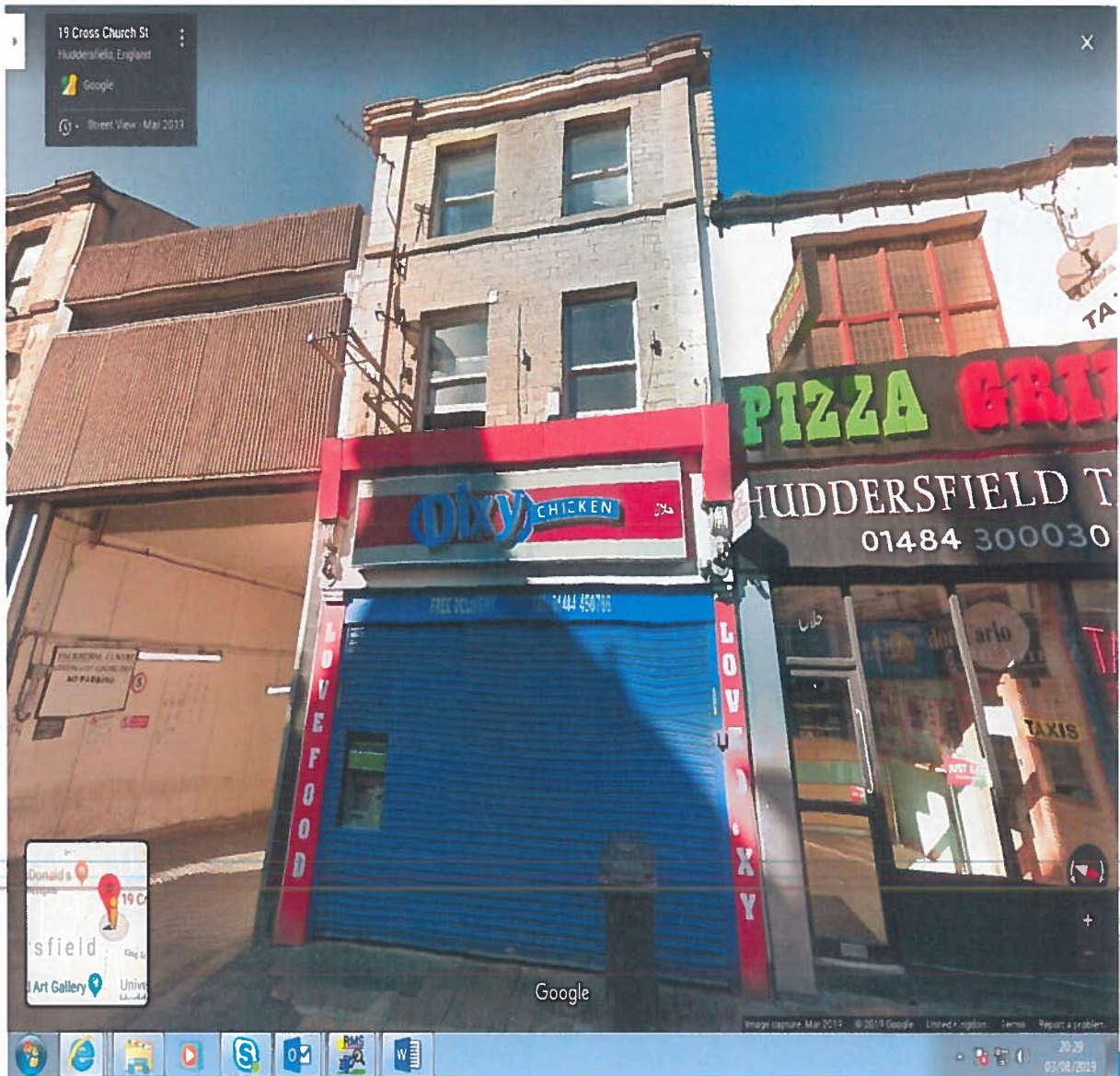
Postcode:

Telephone number (if any):

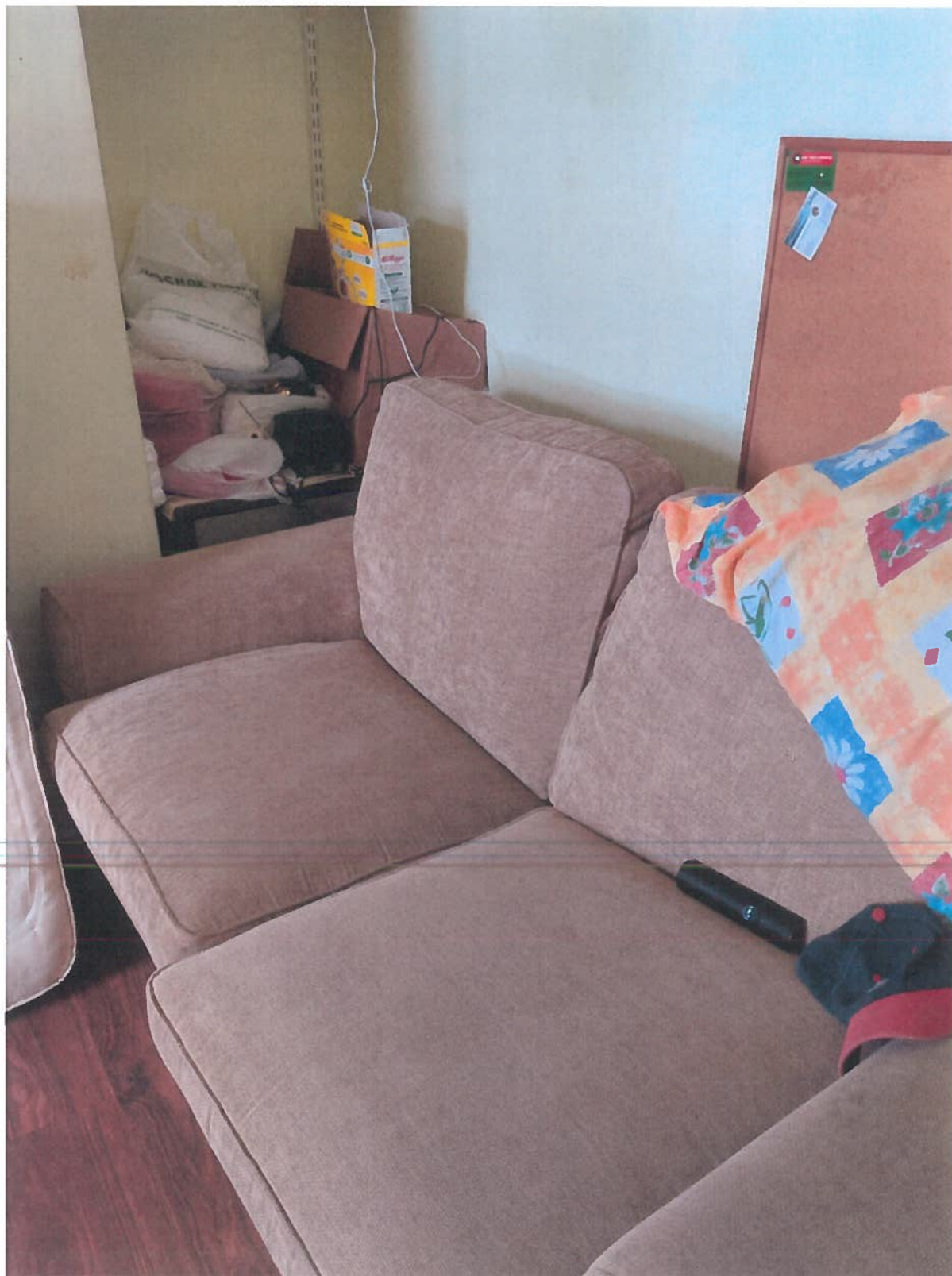
If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

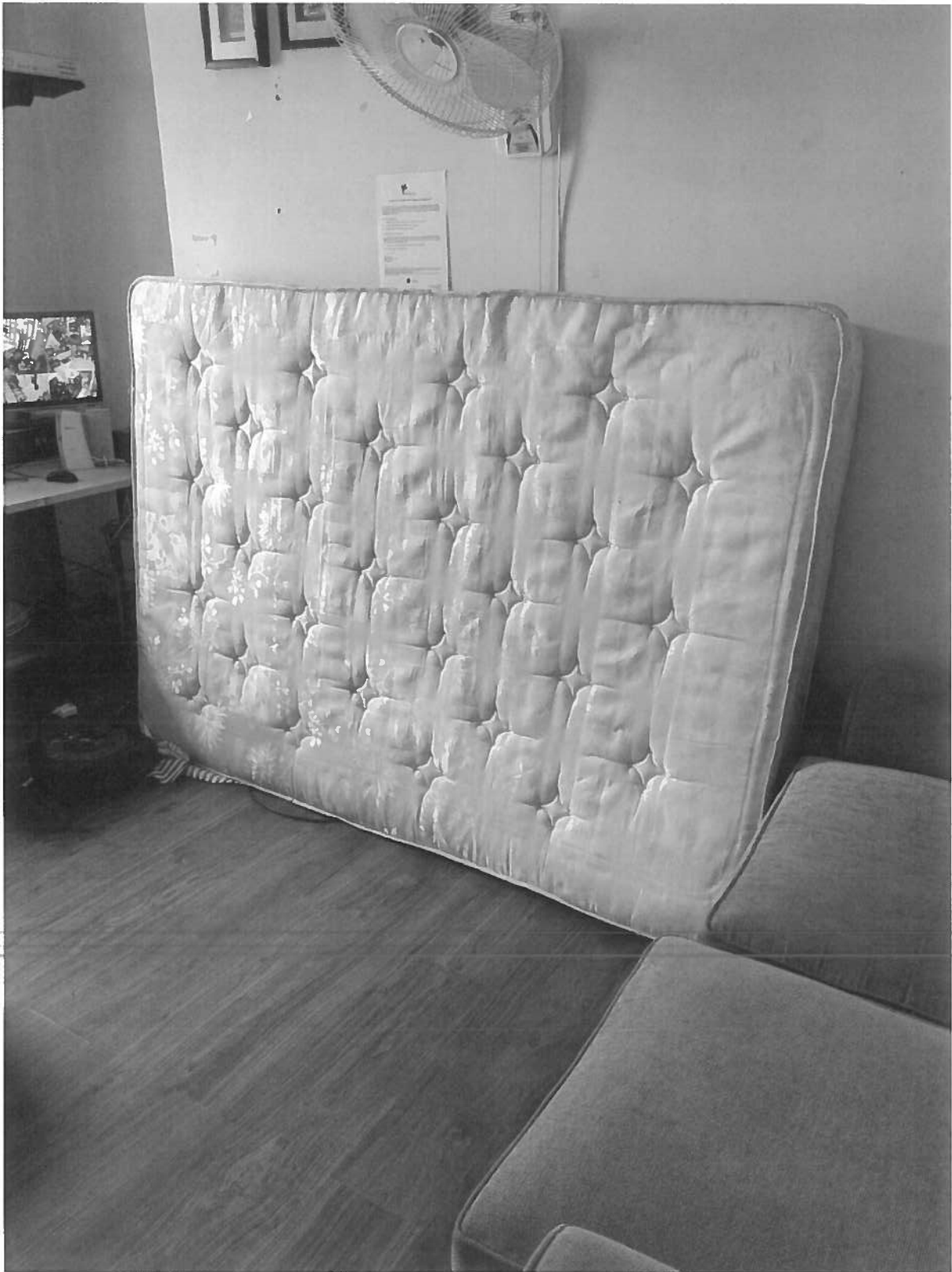
PREMISE TWO

19 CROSS CHURCH STREET



19 CROSS CHURCH STREET HUDDERSFIELD (DIXIE CHICKEN)





WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: LINDSEY COOPER

Age if under 18: (if over 18 insert 'over 18')

Occupation: IMMIGRATION OFFICER

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: _____ Date: 21ST October 2019

I am the above named. I am employed by the United Kingdom Immigration Service as an Arrest Trained Immigration Officer. Part of my duties include interviewing persons in order to establish facts regarding their Immigration status, identity and also further establish facts regarding allegations of illegal working.

On 07/08/2019 I was on duty with officers from SHEFFIELD ICE TEAM, WEST YORKSHIRE ICE TEAM AND POLICE OFFICERS at DIXIE CHICKEN, 19 CROSS CHURCH STREET, HUDDERSFIELD HD1 2PY.

I entered the premises at 1135HRS accompanying OFFICER IN CHARGE (OIC) CRAIG SHIPMAN and proceeded upstairs. I do not recall the layout of the first floor and cannot recall whether it was apparent that it was being used as a living area.

A few moments after entry I was asked to proceed downstairs and speak to a male who I now know to be _____.

I was informed he had been apprehended by police officers after attempting to flee the kitchen area. They had then handcuffed him. I cannot recall whether he was wearing a uniform.

Checks with Home Office records showed that _____ was an overstayer and unlawfully present in the UK.

I proceeded to speak to _____ in English:

How long have you been working here?

5 – 6 weeks

What is your job role?

Make food and serve on counter

What days/ hours do you work?

Depends. Sometimes 2 sometimes 3 days

Do you work the same hours and days every week?

They call me in when they need me

Who gave you this job?

The guy outside – [REDACTED] I think

Who tells you what hours/ days to work?

[REDACTED] or his [REDACTED]

Who tells you what duties to do each day?

I know these things

How are you paid – money/ accommodation/ food?

A bit of everything. No accommodation

How much money are you paid?

Depends. £120 over three days. Minimum wage

Who pays you?

[REDACTED]

Do you pay income tax or national insurance?

No. That's the problem, the Home Office have kept my passport. I wasn't allowed to work.

Who else works here?

Don't know. [REDACTED] but I don't know who else.

What docs did you provided to prove you could work?

I had a letter from court. He asked me for something, but I was waiting for something from a solicitor.

What is your current address?

[REDACTED].

I concluded the illegal working entry and clarified that [REDACTED] understood why he was being arrested.

I escorted him from the premises and took him to Normanton custody area.

Signature: [REDACTED] Signature witnessed by:

Witness contact details

Name of witness: Home address: Postcode:
Home telephone No: Work telephone No:
Mobile: E-mail address:
Preferred means of contact (*specify details*):
Best time to contact (*specify details*):
Gender: Date and place of birth:
Former name: Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the Home Office..." Yes No
- d) I consent to Home Office Immigration Enforcement having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A

I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A
'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by: Office / station: Time and place statement taken:

This tear off section to be completed and handed to the witness

The Home Office (Immigration Enforcement) – Contact Details

The officer dealing with your case/taking this statement is:

Officer: Rank & Number:

Office:

Telephone:

Contact E-Mail:

Reference No:

The officer dealing with your case can help but may not always be available.

Giving a witness statement to the Home Office– what happens next?

Thank you for coming forward. We value your help and we will do everything we can to help you.

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

Is there anything else I can do?

Yes. It is important to tell the Home Office:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact the officer dealing with your case to update this information as soon as it changes. It is needed when the trial date is set.

Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, the Home Office, the police and CPS are separate organisations.

Who will read my statement?

Everyone involved with the case will read your statement (e.g. Home Office, the police, CPS, defence and the magistrate or judge).

What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the Home Office in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately and inform the Home Office officer dealing with your case.

Will I be told what is happening in the case?

The Home Office and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact the Home Office at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare). Victims of crime are usually told:

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason.

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty' or
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent

- a letter telling you when and where to go
- an explanatory leaflet.

What will happen if I don't go to court?

If you have any problems or concerns about going to court, you must inform the officer dealing with your case as soon as possible. If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you. If you still fail to attend without good reason you may be found 'in contempt of court' and arrested.

Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible, a look around a court room so you know what to expect.

The officer dealing with your case will be able to provide you with contact details.

The Witness Service does not discuss evidence or give legal advice.

Extra Help is available to support vulnerable or intimidated witnesses. If the CPS lawyer thinks that a witness qualifies for this help, known as 'Special Measures', he/she will ask the court for permission to use them. The Witness Service, police or Home Office will tell you what is available and the police or CPS will be able to discuss your needs.

Victim Support and Witness Service

The Victim Support scheme operates from a number of locations across the UK, and their volunteers are specially trained to provide free and confidential information, support and advice.

All victim and witnesses will be offered support from Victim Support's Witness Service, which is **independent**, confidential and free. This support will include someone to talk to, a quiet place in which to wait and a chance to see the court before the day of the trial. Although the Witness Service volunteers will explain the court process to you, they cannot discuss the specific details of the case.

Victim Support Helpline
0845 30 30 900

The Witness Charter

The Home Office Immigration Enforcement is not a signatory of the Witness Charter but adheres to the spirit of charter which sets out the standards of service that witnesses can expect to receive at every stage of the Criminal Justice process from:

- The Home Office, if you are a witness to a crime or incident
- Other Criminal Justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence in a criminal court

The standards apply to all witnesses, regardless of whether you are also the victim. If you are a victim of a crime, you have rights that are set out in the Code of Practice for Victims of Crime.

Unlike the Victims Code of Practice, the Witness Charter is not set out in law, and there may be constraints which affect the ability of the Criminal Justice agencies to provide the service to all witnesses in all cases.

Being kept updated on progress during the investigation:

After you have given a statement, if the offence is of a **very serious nature** and the Home Office have told you that you are likely to be called to give evidence in court, the Home Office will seek to update you:

- at least once a month on the progress of the case until the point of closure of the investigation or
- at the point at which someone is charged, summoned, or dealt with out of court.

Being kept updated on progress after charge:

If you are a prosecution witness to any offence, the Home Office will seek to inform you:

- when the defendant has been charged
- whether the defendant has been released on bail to attend court, or held in custody until the first court appearance
- what relevant bail conditions apply.

Further information about being a witness can be downloaded from the Crown Prosecution Service website at www.cps.gov.uk/victims_witnesses

STATEMENT OF WITNESS

(Criminal Procedure Rules r.27.1(1); Criminal Justice Act 1967 s.9; Magistrates' Courts Act 1980 s.5B)

STATEMENT OF: Mike Skelton

Age of witness: Over 18
(if over 18, enter 'over 18')

Occupation of witness: Licensing Enforcement Officer
(please print your address on the reverse side of this form)

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the24th..... day ofOctober..... 2019.....

Signed Signature Witnessed by

I am the above named person and I am employed by Kirklees Council as a Licensing and Enforcement Officer. My duties include the licensing and enforcement of all licences relating to Licensing act 2003, Gambling Act 2005 and Taxi Licensing. Records of all these licences are maintained at the Council's Licensing Office. I am authorised by the Council as a Licensing and Enforcement Officer throughout the controlled district of Kirklees.

During the day of 7th August 2019, my colleague, MM and I were working on a pre-planned operation with included colleagues from West Yorkshire Police and UK immigration service. The operation was to visit three takeaways in Huddersfield town centre as the Police had received intelligence that there may be illegal workers working in them. Once such premises that we visited was called Dixy Chicken who are based at 19 Cross Church Street, Huddersfield, HD1 2PY.

When I attended the property, the Police and Immigration had already gained entry. I walked to the rear of the property and noticed at the bottom of a staircase a male sat down in hand cuffs with a Police officer standing by him. I believe as the Police entered the premises, the male tried to escape out of a rear door. There was a suggestion that this male was an illegal worker.

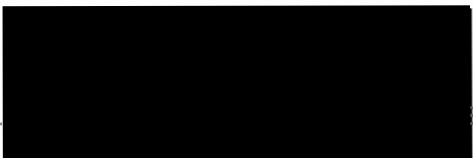
I went upstairs at the property to the third floor I believe. In the room I entered, I noticed a mattress that had been stuffed into a cupboard. The cupboard door was half open so the

Signed..... Signature Witnessed by.....

STATEMENT OF WITNESS

STATEMENT OF: Mike Skelton

Mattress could be easily visible. There were also washing facilities in the room, which comprised of a toilet and a small shower. In the shower cubicle, I noticed some toiletries, but I cannot remember what they were. I got the impression that someone could have been living there.



Signed Signature Witnessed by.....

PREMISES LICENCE

Licensing Act 2003

PR(N)0110**THIS LICENCE IS ISSUED BY**LICENSING
Flint Street Depot
Flint Street
Fartown
Huddersfield
HD1 6LGTel: 01484 456868
Email: licensing@kirklees.gov.uk**POSTAL ADDRESS OF PREMISES****Dixy Chicken**
Dixy Chicken
19 Cross Church Street
Huddersfield
HD1 2PY**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Late Night Refreshment** (Indoors)

Day(s)	From - To
Monday to Sunday	23:00 - 05:00 The Following Morning

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	11:00	05:15

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES**NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF THE PREMISES LICENCE HOLDER**

Email address

Mobile Number 0 [REDACTED]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

[REDACTED]

NAME, ADDRESS OF THE DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OR PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR (WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL)

PERSONAL LICENCE NUMBER:
LICENSING AUTHORITY:

ANNEXES**ANNEX 1 – MANDATORY CONDITIONS****ANNEX 2 – CONDITIONS CONSISTANT WITH THE OPERATING SCHEDULE****ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1. The premise uses CCTV systems both within and outside the premises, installed and operated under West Yorkshire Police Guidelines.
2. The premises benefit from being protected by a burglar alarm and shutters.
2. Management to report/liaise with West Yorkshire Police any relevant crime and disorder or any anti-social behaviour at the premises. Management to ensure any incident that occurs at the premises to be recorded in the incident register.
3. Management to ensure there are first aid trained staff with suitable equipment to provide first aid on the premises.
4. The Management uses a nominated taxi company/s to collect customers from the premises with instructions to vehicle drivers not to sound horns.
5. Clear and conspicuous notices shall be displayed at all entrances, exits and in outdoor areas requesting patrons to respect the needs of the local residents and to leave the premises and area quietly. All staff be trained in ensuring the quiet dispersal of patrons.
6. All odours and fumes produced from the cooking of foodstuffs shall be extracted from the premises via an air extraction system. This system shall be insured to the satisfaction of the Responsible Authority for Public Nuisance.

The extraction system shall be maintained and cleansed to ensure its effective operation. No alterations shall be made to the extract system without the approval of the Responsible Authority.
7. The external refuse and waste receptacles and surrounding storage areas shall be inspected daily, cleansed where necessary and cleansed on at least a weekly basis.
8. To prevent disturbance Management will only allow paying customers to wait whilst hot food is being prepared thus discouraging persons congregating or queuing outside the premises.
9. All litter emanating from the business to be cleared away from areas surrounding the premises on a daily basis
10. Where appropriate Management to refuse admission to persons who are drunk and/or disorderly.
11. Background music to be played at a level which does not cause disturbance to neighbouring residents.
12. Management to put in place measures to discourage the handling and distribution of stolen, counterfeit or other illegal goods.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**ANNEX 4 – PLANS OF PREMISE**

As outlined in the operating schedule and attached plan

Date Granted: 21 November 2005

Date Commences/Varied: 24 November 2005

A handwritten signature in black ink, appearing to read "J. Blakely". The signature is written in a cursive, slightly slanted style.

Head of Public Protection Service

PREMISES LICENCE SUMMARY

Licensing Act 2003

PR(N)0110

THIS LICENCE IS ISSUED BY



LICENSING
Flint Street Depot
Flint Street
Fartown
Huddersfield
HD1 6LG

Tel: 01484 456868
Email: licensing@kirklees.gov.uk

POSTAL ADDRESS OF PREMISES

Dixy Chicken
Dixy Chicken
19 Cross Church Street
Huddersfield
HD1 2PY

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Late Night Refreshment (Indoors)

Day(s)	From - To
Monday to Sunday	23:00 - 05:00 The Following Morning

THE OPENING HOURS OF THE PREMISES

DAY(S)	FROM	TO
Monday to Sunday	11:00	05:15

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

[Redacted Name and Address]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

██████████

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

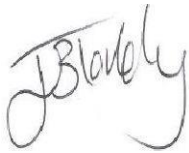
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

As per Licensing Act 2003

Any conditions applicable to these premises are attached to the licence

Date Granted: 21 November 2005

Date Commences/Varied: 24 November 2005



Head of Public Protection Service

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular

premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.