

LICENSING SUB-COMMITTEE

AGENDA



Thursday 28 July 2022

at 2.00 pm

**in Committee Room B,
Civic Centre, Hartlepool**

Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Wednesday 27 July and name and address details will be taken.

You should not attend the meeting if you are displaying any COVID-19 symptoms (such as a high temperature, new and persistent cough, or a loss of/change in sense of taste or smell), even if these symptoms are mild. If you, or anyone you live with, have one or more of these symptoms you should follow the [NHS guidance on testing](#).

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Prince (Chair), Clayton and Fleming

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for the Review of a Premises Licence – King Kaz, 98 York Road, Hartlepool – *Assistant Director, Regulatory Services*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

LICENSING ACT 2003

Procedure for Review Hearings



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. The Assistant Director (Regulatory Services) outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director (Regulatory Services).
4. Applicant for Review presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Licence/Club Certificate holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Parties may question and clarify issues raised with the consent of the Chair.
10. If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
11. If required, the Licence /Club Certificate holder to be given opportunity to sum up.
12. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
13. Members to go into closed session to deliberate.
14. Chair informs parties of their decision, with reasons.

Report of: Assistant Director, Regulatory Services

Subject: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – KING KAZ, 98 YORK ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of King Kaz, 98 York Road, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Hartlepool Borough Council Licensing Team
- 2.2 The current premises licence holder is: Mr Muhammad Umar Arshad
- 2.3 The current premises licence authorises the provision of late night refreshment until 0300 hours seven days a week. A copy of the licence is attached as Appendix 1.
- 2.4 A copy of the review application is attached as Appendix 2.
- 2.5 Google streetview images of the property are attached as Appendix 3.
- 2.6 The application for review refers to the following licensing objectives:
- Public Safety
 - Prevention of Crime & Disorder
 - Prevention of Public Nuisance

3. BACKGROUND

- 3.1 In 2021 Hartlepool Borough Council's Licensing Team began receiving complaints from the taxi trade that a silver Ford Mondeo was regularly providing lifts for members of the public, late at night, but was not licensed as either a hackney carriage or private hire vehicle.
- 3.2 The silver Mondeo was regularly seen at King Kaz takeaway, 98 York Road and was thought to be operating from the premises.
- 3.3 In addition to the above, the Licensing Team became aware that King Kaz was continuing to provide hot food after 2300 hours, despite its licence being suspended for non-payment of its licence annual fees.

- 3.4 On 10th January 2022, Ian Harrison, Trading Standards & Licensing Manager, wrote to the licence holder of King Kaz, stating the premises licence was currently suspended and that trading after 2300 hours must stop until the outstanding fees had been paid. He also informed the licence holder that he was aware of an illegal taxi driver operating from the premises.
- 3.5 The premises licence holder denied knowledge of the premises being open late and completely denied having any association with the unlicensed taxi driver – saying that he had been in the premises just once and had been immediately barred. The licence holder also paid the outstanding fees meaning that the premises could remain open until 0300 hours.
- 3.6 As Mr Harrison had reason to believe that the premises was trading after 0300 hours and that the illegal taxi was continuing to operate, he tasked Hartlepool Borough Council's CCTV Control Room to monitor the premises.
- 3.7 Mr Harrison has provided evidence, attached as Appendix 4, detailing the results of the CCTV monitoring.

4. ISSUES

- 4.1 An application for the review of a licence is made under Section 51 of the Licensing Act 2003.
- 4.2 The application must relate to at least one of the Act's 'licensing objectives' which are: -
- i) The prevention of crime and disorder;
 - ii) Public safety;
 - iii) The prevention of public nuisance; and
 - iv) The protection of children from harm
- 4.3 The application for review relates to allegations that the premises has traded beyond its licensed hours and has been the operating base for an unlicensed taxi driver.
- 4.4 Having considered the evidence detailed in this report and any further information provided, or representations made, at the licensing hearing, the steps available to the Licensing Sub-committee are: -
- To take no action;
 - To modify the conditions on the licence;
 - To remove or amend licensable activities currently authorised by the licence and/or the times that they may take place;
 - To suspend the licence for a period not exceeding three months;
 - To revoke the licence.

5. RECOMMENDATIONS

- 5.1 That Members consider the representations made and determine what action, if any, should be taken.

THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/271

Part 1 - Premises details**Postal address of premises or, if none, ordnance survey map reference, or description**King Kaz Pizzeria
98 York Road**Post Town**

Hartlepool

Post code

TS26 9DQ

Telephone number

01429 682376

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Late Night Refreshment

The time the licence authorises the carrying out of licensable activitiesLate Night Refreshment

Monday – Sunday

2300 – 0300

The opening hours of the premises

Monday – Sunday

1700 – 0300

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Muhammad Umar Arshad

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Date licence granted: 21st November 2019

ANNEX 1 – Mandatory Conditions

1. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.

ANNEX 2 – Conditions consistent with the Operating Schedule

1. The licensee shall take reasonable steps to ensure that groups do not congregate outside the premises.
2. A CCTV system to a standard approved by Cleveland Police shall be installed and maintained. Tapes shall be kept for a minimum of 28 days and made available upon request to Cleveland Police or Hartlepool Borough Council.
3. The licensee shall arrange for regular collections of litter from outside the premises.
4. Doorstaff shall be provided after 2300 on Fridays, Saturdays and Sundays preceding Bank Holidays. All doorstaff to be SIA registered.

ANNEX 3 – Conditions attached after a hearing by the Licensing Authority

None

ANNEX 4 - Plans

YOU ARE REMINDED THAT IT IS YOUR LEGAL OBLIGATION TO ATTACH THE CURRENT 'PLAN' TO THIS PREMISES LICENCE AND KEEP THIS LICENCE (OR A CERTIFIED COPY) IN A SECURE PLACE AT THE LICENSED PREMISES.

IT IS AN OFFENCE NOT TO PRODUCE YOUR PREMISES LICENCE (INCLUDING THE PLAN) UPON REQUEST BY A POLICE OFFICER, LOCAL AUTHORITY OFFICER OR AUTHORISED PERSON.

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 Ian Harrison on behalf of Hartlepool Borough Council Licensing Service

(Insert name of applicant)

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 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

King Kaz
98 York Road

Post town Hartlepool

Post code (if known) TS26 9DQ

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

Mr Muhammad Umar Arshad

Number of premises licence or club premises certificate (if known)

HART/PS/271

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

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 (fill in as applicable)

Please tick ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐Other title
(for example, Rev)**Surname****First names****I am 18 years old or over**

Please tick ✓ yes

☐**Current postal
address if
different from
premises
address****Post town****Post Code****Daytime contact telephone number****E-mail address
(optional)****(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Hartlepool Borough Council Licensing Service Hartlepool Borough Council Civic Centre Victoria Road Hartlepool TS24 8AY
Telephone number (if any) 01429 523354
E-mail address (optional) licensing@hartlepool.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

King Kaz pizzeria has a premises licence allowing the provision of late night refreshment until 0300 hours, seven days a week.

The premises has been observed trading until as late as 0500 hours on a number of occasions.

In addition, the premises licence holder has been advised by the Licensing Service that King Kaz pizzeria was being used as a base for an unlicensed taxi driver but despite this, the unlicensed driver has continued to operate from the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

The premises licence holder is aware of the licensed hours on the premises licence but it regularly trades much later.

There is a condition attached to the premises licence requiring CCTV to be used and for footage to be made available to the police or licensing service on request.

A request has been made for such footage and nothing has been provided.

There is a condition attached to the licence that doorstaff must be provided after 2300 hours at weekends. A request has been made for proof of this condition being complied with but nothing has been provided.

The licence holder has also been advised that someone suspected of acting as an unlicensed taxi driver has been operating from the premises. The licence holder denied this, and of knowing the driver in question, but evidence will be provided at the review hearing demonstrating that the driver is, without question, associated with the premises and is known to staff.

Hartlepool Borough Council has strict vetting policies for taxi drivers so that the general public can travel in safety – particularly late at night when they may be more vulnerable. Unlicensed taxi drivers have not been vetted and therefore may present a risk for the travelling public. As the unlicensed driver operates from King Kaz, the premises is not promoting the public safety licensing objective.

Statements, documents and CCTV footage will be provided as evidence prior to the licensing hearing.

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

Please tick ✓ yes

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 24th May 2022

.....

Capacity Trading Standards & Licensing Manager

.....

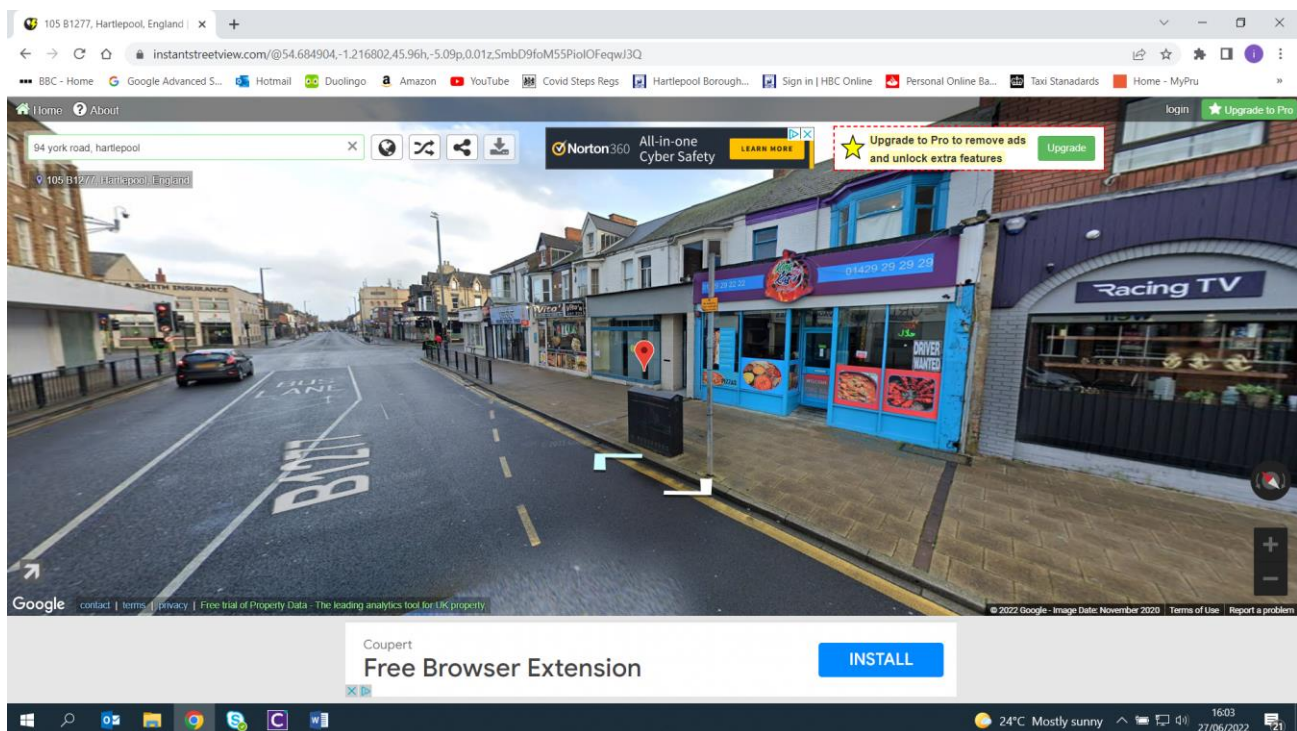
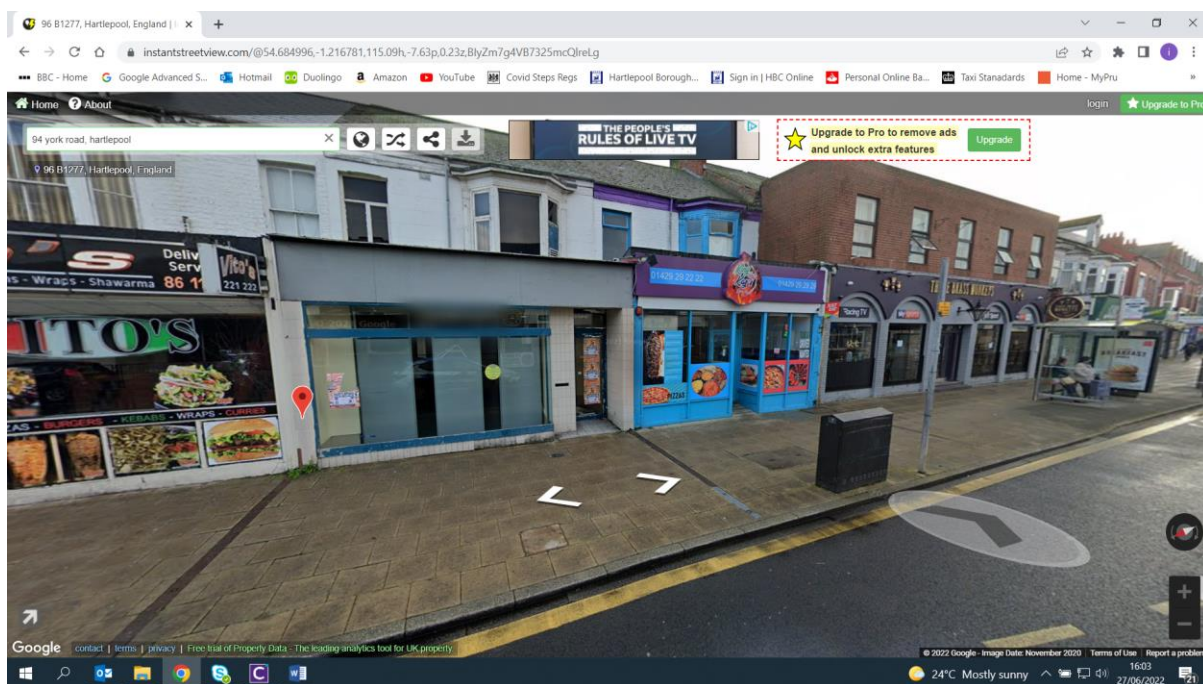
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**The Licensing Team
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY**

REV01



Statement of Ian Harrison

I am Ian Harrison and I am Hartlepool Borough Council's Trading Standards & Licensing Manager – a position I have held for 20 years.

The Licensing Act 2003 requires that premises that provide hot food or drink after 2300 must hold a *premises licence*.

In order to remain in force, an annual fee must be paid for every premises licence. Where the fee is not paid, the licence is suspended until such time that it is. While the licence is suspended, hot food cannot be supplied after 2300 hours.

On and before 10th January 2022 I received information that led me to believe that King Kaz takeaway, 98 York Road, Hartlepool was trading after 2300 hours despite its licence being suspended for non-payment of its annual fee. I also had reason to believe that King Kaz may have been the base for a silver Ford Mondeo, registration [redacted], which I suspected to be operating as an unlicensed taxi in Hartlepool.

On 10th January 2022 I e-mailed the premises licence holder, Mr Muhammad Umar Arshad, with a copy of a letter addressed to him, which stated that he must cease providing hot food from the premises until such time as the outstanding annual fees were paid. I also advised that I suspected one of his staff to be operating as an unlicensed taxi driver and that he had an obligation to ensure his staff were not breaking the law. The e-mail, and subsequent e-mails that were sent and received, are produced as Exhibit IH/1.

My letter also clearly explained that there was a Council CCTV camera located close to the premises and that it would be monitoring the shop's activity. I produce a copy of this letter as exhibit IH/2.

On 10th January, Mr Arshad replied immediately stating the following regarding the unlicensed taxi driver: -

This is not true. No such thing has ever happened as far as our shop is concerned. We sell food, and that's all. We do not work with any unlicensed taxi drivers, and none of my workers are helping any unlicensed taxi driver operate. This allegation is not true. We would like you to present evidence as far as this allegation is concerned.

We are responsible for what happens inside our property, and have no power over who stays around the shop or outside the shop. We cannot tell anyone anything as far as things outside our premises are concerned. We are not responsible for what goes on outside on the public roads, and do not accept any responsibility for anything that happens outside on public property.

At present, we feel targeted and vulnerable in hartlepool. I have reported several racist attacks to the police with no real conclusions or help, and have told the council of several issues we are having in the city.

Further e-mails were exchanged on the same day during which Mr Muhammad made the following statement when advised by me that the illegal taxi driver had been seen behind the counter of his shop: -

I will speak to the employees about why anyone was behind the reception but we do not have anyone here who is employed by me who does that and none of my employees support or help with that. I have told about this many times due to situations I heard about elsewhere and we do not promote they behavior here.

A number of further e-mails were exchanged in relation to the outstanding annual fees and these were ultimately settled on 31st January 2022.

On 7th February 2022 I received a photograph from a taxi driver showing the silver Mondeo parked at the rear of King Kaz and an allegation that the driver was behind the counter inside the shop.

I sent this to Mr Muhammad asking for an explanation. He replied, by e-mail, with the following comment: -

*Hi, this person came into the shop without permission. **We told him to leave the premises when he came. We have not employed him, have no links with the person and told him to leave when he came. He was told he isn't allowed to come into the shop, and was kindly told to stop annoying us.***

*He doesn't just come to our shop, he goes to various shops all around hartlepool from what we know. Like previously told, we are not responsible for anything which takes place outside of our shop. **No one from 98 York is telling the person to come here.** No one from 98 York is telling him to pick up anyone. We can't force him to stop being in the area, nor can we force him to stop whatever he is doing.*

We did our part by banning him from the shop, telling him to leave and informing him that his presence is causing issues for us and the council and police are looking for him.

If you see him anywhere, feel free to do whatever you want with him. You are free to arrest him, ban him or do whatever you feel like is appropriate. We do not know him personally like previously told, don't give him any work like previously told and do not take any responsibility for anything he does.

I replied to Mr Muhammad, asking whether he actually worked at the shop and received the following reply: -

Yes. I am usually at the shop with my father. Currently I tested positive for Covid so I'm not there. My father is there full time, and we talk everyday to see what's going on.

This person you are referring to, he isn't employed by us, nor is he someone we welcome to the shop.

In the above e-mail, Mr Muhammad refers to his father. His father's name is Arshad Chaudhry.

In April 2022 I tasked Hartlepool Borough Council's CCTV Control Room to monitor the late night activity at King Kaz and the silver Mondeo.

The following summarises what was subsequently recorded and is available for viewing. Mr Arshad Chaudhry (the licence holder's father) can be seen in the CCTV footage in many of the above incidents. Still photos taken from the CCTV footage are exhibited as IH/3 and a summary of the activities of the silver Mondeo are exhibited as IH/4: -

18th April 2022

04:23 Mondeo arrives

04:28 Mondeo driver goes into shop after watching fight between members of the public outside King Kaz

04:54 Shop still open

04:57 Mondeo gives someone a lift

05:04 Shop still open

05:09 People leaving with food

05:11 Mondeo returns

05:22 Shop lights out

2nd May 2022

3:24 – Mondeo arrives (driver goes into shop)

3:27 – Mondeo driver comes out of shop, on phone

3:29 – Member of staff talks to Mondeo driver and both go back into shop

3:32 – Mondeo driver leaves shop (and presumably drives away)

4:33 – Last customer leaves with food

4:40 – Mondeo arrives. Driver talks to staff and goes inside

4:46 – Staff place small suitcase in boot of Mondeo and it leaves

8th May 22

03:23 Silver Mondeo arrives

03:25 Silver Mondeo gives lift to 4 members of public

04:31 Food still being served

04:35 Food still being served

04:36 Food still being served

9th May 22

3:25 Two customers arrive at King Kaz and then one urinates on neighbouring premises

3:29 Customers come out with food

3:29 Customers arguing

3:35 Customers come out with food

3:37 Significant littering from customers

14th May 2022

Between 3:21 and 4:38 – The silver Mondeo is parked at King Kaz and the driver can be seen inside the shop, talking to members of the public and giving them lifts.

15th May 2022

4:25 – Mondeo arrives and blocks pavement at right angle to road

4:34 – Someone leaves with food

4:44 – Someone leaves with food

4:56, 4:57 and 4:58 – Staff member throws chips onto street

4:59 – People leave with food

16th May 2022

23:50 – Two men are seen leaving the rear of the neighbouring premises, *Three Brass Monkeys*. They walk passed the rear of King Kaz. Mr Chaudhry can be seen coming out of King Kaz and then talks to the men 'off camera'. Mr Chaudhry goes back into King Kaz and brings out the driver of the silver Mondeo and introduces him

to the two men. The four men talk and then the silver Mondeo gives the two men a lift.

20th May 2022

3:30 – Customer leave the shop

Mr Muhammad, the licence holder, is fully aware that his premises licence only authorises sales until 0300 hours as he, himself, sent me a copy of his licence on 28th January 2022 and this clearly shows the operating hours on it.

On 5th May 2022 I asked a licensing officer to begin a criminal investigation into Mr Muhammad's persistent breaches of his licence and she wrote to him on 5th May 2022 asking for him to provide evidence that he was complying with the conditions attached to the licence – specifically asking to see copies of CCTV footage from the CCTV cameras he is required to operate and for the names of the licensed doorstaff that are required to work at the premises at certain times. No response was or has been received to this request. I exhibit a copy of the letter as Exhibit IH/5.

27th June 2022