

Public Document Pack

SUPPLEMENTARY INFORMATION

LICENSING SUB COMMITTEE – 22ND JANUARY 2024

AGENDA ITEM 7 - Review of the Premises Licence for Krakus, 54 Harehills Road, Harehills, Leeds, LS8 5LE.

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Immigration Enforcement

Additional information in respect of immigration offences

Details of Premises:

Premises Licence Holder: Muzafar Piroti

Name and Address of Premises: Krakus, 54 Harehills Road

Post Town:	Leeds	Post Code:	LS8 5LE
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The Licensing Act 2003 outlines four objectives that are to be upheld, the Home Office (Immigration Enforcement) is concerned regarding the prevention of crime and disorder.

Home Office (Immigration Enforcement) considers that Muzafar PIROTI is not taking suitable measures to prevent crime and disorder. The business has employed illegal workers which is prohibited under the Licensing Act 2003 and the Immigration Act 1971 (as amended).

Employing illegal workers in the UK has the following impact on the community and society as a whole: -

- It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
- It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
- It encourages those without permission to work to seek similar employment.
- It allows a business to unfairly undercut other businesses by employing cheap labor.
- Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

Immigration Enforcement supports **Police Licensing** in bringing this review application for the above premises.

On 30 August 2023, Immigration Officers from Yorkshire & Humberside ICE team conducted a visit to Krakus, 54 HAREHILLS ROAD, LEEDS LS8 5LE. Entry was gained under fully informed consent.

Immigration Officers encountered the following illegal worker:

██████████ entered the United Kingdom illegally on 23/11/2021. He made an application to remain in the United Kingdom, which was under consideration at the time of the visit. He does not have permission to work in the United Kingdom.

A Civil Penalty Referral Notice was served to Muzafar Piroti and this is currently being considered by the Civil Penalties Compliance Team.

Whether by negligence or wilful blindness an illegal worker was engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working, and guidance can be found on the Gov.UK website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page.

In this case, the [REDACTED] had an outstanding claim. Claimants are issued with an Application Registration Card (ARC), this card clearly states the holder's employment restrictions. The license holder could have prevented breaking the law, a potential civil penalty, and scrutiny of his license if he has conducted a simple Right to Work check. [REDACTED] was issued an ARC and this would have clearly shown the license holder that work is not permitted.



(Above: Example of an ARC card where work is not permitted)

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.

Section 182 guidance of the Licensing Act 2003 at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that **it is expected that revocation of the licence – even in the first instance – should be seriously considered.**

Details of Responsible Authority

Name and Address:

Home Office Immigration Enforcement
The Alcohol and LNR Licensing Team
40 Wellesley Road
Croydon
CR9 2BY

Email address

IE.Alcoholreviews@homeoffice.gov.uk

Signatures**Signature of Responsible Authority****Home Office Immigration Enforcement****Date:****18 January 2024****Capacity:****Responsible
Authority**

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, r.27.2)

NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
Statement of:	Andrew Farrar		
Date of birth:	Over 18	Occupation:	Police Constable
This statement (consisting of: 2 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:	Andrew Farrar	Date:	18 th January 2024
Time and date statement taken: 16:00 hours on 18/01/2024			

Check box if witness evidence is visually recorded (supply witness details on rear)

I am providing this statement regarding an incident that occurred on Sunday 14th January 2024 which involved myself and PC [REDACTED] COLLETT having a small foot chase with a male who was caught with illicit cigarettes in his possession. The male involved in the incident is called:

[REDACTED]

I am PC [REDACTED] FARRAR and I am employed by West Yorkshire Police in the Neighbourhood Policing Team based out of KILLINGBECK FIRESTATION. I was in full police uniform and partnered with PC [REDACTED] COLLETT. I was wearing a police force issued body-worn video camera and I exhibit this footage as AF1.

Myself and PC [REDACTED] COLLETT were on high visibility patrols in the HAREHILLS area of LEEDS. The area of HAREHILLS has several issues which we police on day-to-day patrols, including drug dealing, street drinking and the sale of illicit cigarettes and alcohol. In the past year, I have been involved in several operations as part of the CLEAR, HOLD, BUILD initiative where multi-agency visits have taken place at multiple shops and off-licences, where a substantial amount of illicit alcohol and tobacco have been seized. Two of the shops that have been involved in the operations are BABA JAGA 1 and KRAKUS which are both located on HAREHILLS ROAD, and I am aware that both businesses have had such illicit items seized either by HMRC Trading Standards or police in the past year.

At approximately 10:10 hours on Sunday 14th January 2024, we were driving down CONWAY PLACE in HAREHILLS and saw a male who was rummaging through a small black plastic bag which was in a wheelie bin outside BABA JAGA 1. After the male saw police, he looked nervous and as soon as I started to get out of the car, the male started to run with the small black bag in his right hand. After a short foot chase, we eventually caught up with the male and he was detained for a search. As soon as I saw the males face, I recognised him as have seen him on numerous occasions due to him working in KRAKUS and I have

Signature: Andrew Farrar

Signature witnessed by:

NICHE Ref. No:		URN:	
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Continuation Statement of Andrew Farrar

spoken to him on several occasions. Within the bag that he was carrying, he had thirteen packets of illicit cigarettes which he stated which were for personal use. Illicit cigarettes are identified by having warnings which are not written in English, therefore Duty will not have been paid on these items. After further questioning, he could not provide a reasonable account of why he was storing the cigarettes in the bin. [REDACTED] stated that he works part time at KRAKUS three days a week and he also had £160 in cash on his person.

I suspected at the time that due to him working in the shop, that these cigarettes are been sold within KRAKUS, but could not prove this at the time. From previous experience, shops that sell illicit cigarettes either store the cigarettes in outdoor stores or vehicles outside the shop, or have hidden compartments within the shop. The revenue generated from the sale of these cigarettes is usually kept separate from the shops takings, therefore I suspected that this cash (£160) on his persons was from the sale of cigarettes this day. [REDACTED] was eligible for an out of court disposal, therefore this was served.

There are huge issues in HAREHILLS with the sale of illicit cigarettes and alcohol, which contribute to ongoing issues with anti-social behaviour and health issues associated with addiction to these items.

Signature: Andrew Farrar

Signature Witnessed by:

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