

LICENSING ACT 2003 SUB-COMMITTEE (B) - THURSDAY, 23 APRIL 2026

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 23 APRIL 2026 AT 10:00

Present Virtually

Councillor R Williams – Chairperson

H T Bennett

S Easterbrook

Officers:

Kirsty Evans

Samuel Pitchford

Stephen Griffiths

Nimi Chandrasena

Senior Licensing Officer

Lawyer - Litigation Team

Democratic Services Officer - Committees

Democratic Services Officer - Support

Applicant:

Gary Farnam

Immigration Enforcement, Home Office

Licence Holder:

Suleyman Yavuz

Licence holder - USA Chicken, Pizza & Kebabs, 25 Talbot Street, Maesteg, Bridgend,
CF34 9DW

Sham Uddin

Counsel for the licence holder

1. Apologies for Absence

Decision Made	There were no apologies for absence.
Date Decision Made	23 April 2026

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

2. Declarations of Interest

Decision Made	There were no declarations of interest.
Date Decision Made	23 April 2026

3. Review of Premises License for USA Chicken, Pizza & Kebabs, 25 Talbot Street, Maesteg, Bridgend, CF34 9DW

Decision Made	<p>The purpose of this report was to determine an application for a review of a premises license for USA Chicken, Pizza & Kebabs, 25 Talbot Street, Maesteg CF34 9DW. The licence authorises the provision of late-night refreshment and non-standard hours.</p> <p>The application for review was brought by the Home Office.</p> <p>Home Office's case</p> <ol style="list-style-type: none">1. The Home Office received intelligence that persons employed at the premises had no legal right to work there. On 24 May 2025, immigration compliance enforcement officers visited the premises and found two such persons: Mr Gunce and Mr Zorlu.2. A civil penalty of £80,000 was issued to Talbot Kebab Ltd on 16 June 2025. The penalty was upheld on reconsideration on 16 July 2025. No appeal was made to the County Court and the penalty remains outstanding.3. The Home Office argued that the license holder undermined the licensing objective, namely the 'prevention of crime and disorder' by employing persons illegally. Mr Farnan, for the Home Office, submitted that illegal working undermines legitimate businesses and forms a nexus with other illegal practices, such as breaches of taxation law, employment law, minimum wage requirements, and the exploitation of illegal workers themselves. This was therefore a serious issue, and the Home Office invited the committee to seriously consider revocation.
---------------	--

Application for recusal of Cllr Easterbrook

4. Mr Uddin, counsel for the licence holder, made an application for Cllr Easterbrook to recuse himself on the basis of predetermination, actual bias and apparent bias. He argued that Cllr Easterbrook's comment following the Home Office case, particularly the phrase 'it's very black and white' evinced a closed mind.
5. Cllr Easterbrook clarified that he was referring to what the Home Office had stated in respect of whether the application for review constituted a serious matter to be considered and not that he meant the decision was 'black and white.'
6. The hearing was previously adjourned upon an application from counsel to procure a Turkish translator. Counsel had submitted then that the application for review was a serious application as it may result in the licence being revoked. That was also the view of the committee then, of which Cllr Easterbrook was a member, which granted the adjournment request.
7. Consequently, Cllr Easterbrook did not recuse himself and the hearing continued.

Licence holder's case

8. Mr Uddin correctly submitted that the evidence put forward by the Home Office had not been tested in a judicial forum. The Home Office did not pursue a criminal prosecution. The licence holder sought a reconsideration of the civil penalty immediately, which is done administratively by the Home Office. He did not appeal that reconsideration to the County Court, because he was abroad for his sister's funeral and the deadline for doing so elapsed. Nonetheless, the lack of an appeal did not mean that the Home Office evidence should be accepted without scrutiny by the committee. Mr Uddin argued persuasively it was for this committee to test the evidence of illegal working.
9. On behalf of the licence holder, Mr Uddin submitted that the breach in respect of Mr Gunce was 'technical' and not deliberate. Mr Gunce has made a protection claim (i.e., asylum), and he has the right to work while that claim is outstanding. That right is restricted however to those occupations listed on the Immigration Salary List, of which cook is not one. Mr Gunce provided the licence holder with his Application Registration Card (ARC) issued by the Home Office to asylum seekers. The licence holder

assumed this gave Mr Gunce the right to work and was unaware of the restrictions. Mr Uddin accepted this was not a defence, but that it did make the licence holder less culpable. He also pointed to his client's limited English language ability, as a contributory factor.

10. During the hearing, the licence holder denied ever employing Mr Zorlu, stating that he was a guest in need to whom he had given accommodation and who sometimes used the premises to make his own food. Mr Uddin pointed to the correspondence dated 10 June 2025, which corroborated that statement.
11. Mr Uddin concluded his submissions by arguing that revocation would be unduly harsh given that the licence holder's breach was technical and not a blatant disregarding of the rules, and in the case of Mr Zorlu there was no admitted breach at all. There had been no reports of illegal working in the last 15 years; this was clearly a one-off. There were no reports of anti-social behaviour or other breaches of the licence. He submitted that revoking the licence would remove the premises from the jurisdiction of the licensing authority, whereas imposing conditions on the licence would allow it to exercise some control. He proposed that the committee adopt conditions such as requiring the licence holder to report regularly to the Home Office on the employees at the premises.

Deliberations

12. The committee retired to deliberate with the council solicitor. The committee found as a matter of fact that the licence holder had employed two persons unlawfully. The Home Office levied a civil penalty in respect of two persons. It was admitted that the licence holder employed Mr Gunce on a trial basis and that Mr Gunce could not legally work at the premises. That admission came both from counsel today and in correspondence dated 10 June 2025 from the licence holder to the Home Office.
13. In respect of Mr Zorlu, the licence holder requested reconsideration of the civil penalty, but the Home Office upheld its earlier decision. The licence holder did not pursue an appeal through the County Court and the deadline for doing so has passed. The committee looked at the photographic evidence and read the record of the enforcement visit. The committee was not persuaded that Mr Zorlu was merely a guest. Mr Zorlu admitted in his interview with the Home Office that he had been helping 'in return for accommodation', including washing up. It was more likely than not that he was employed, if not in exchange for a salary, then in exchange for accommodation.

	<p>14. The committee was concerned that the licence holder was unable to list the four licensing objectives when asked. He was also unsure of the rules around minimum wage and trial periods of work. Finally, it was troubled by his defence that Mr Zorlu was a guest and not employee: if the committee had accepted that defence, then why was a non-employee allowed to use the premises' kitchen to prepare his own food? This was especially troubling given that the licence holder was an experienced takeaway operator.</p> <p>15. The committee did have regard to the licence holder's clean record to date. However, while he had removed Mr Gunce and Mr Zorlu promptly, he was unable to explain precisely to the committee what improvements he had made to prevent a reoccurrence of illegal employment. The committee adopted the view of Mr Uddin that it was better, in the circumstances, for it to retain regulatory control over the premises and impose conditions to bring about these improvements. It ruled out revocation for that reason. Conditions alone, however, did not reflect the seriousness of the illegal working. The committee felt that a temporary suspension of the licence was called for.</p> <p>Decision</p> <p>16. The Committee decided to suspend the premises licence for 1 month and to impose permanent conditions on the licence. Those conditions are:</p> <ul style="list-style-type: none">a. The licence holder shall submit to the Home Office a list of persons employed at the premises every three months. The submission must include the names, national insurance numbers and position of the employees.b. All staff employed at the premises shall undertake training on employment and the immigration rules, food standards and safety, and licensing every year.c. The licence holder shall maintain a logbook of all training undertaken, including the training provider, the name of any course attended, and any qualifications obtained.d. The logbook must be made available for inspection by the Licensing Authority or the Home Office on request.
Date Decision Made	23 April 2026

LICENSING ACT 2003 SUB-COMMITTEE (B) - THURSDAY, 23 APRIL 2026

To observe further debate that took place on the above items, please click this link.

The meeting closed at 13:01.