

REPORT: Regulatory Committee

DATE: 14 January 2015

REPORTING OFFICER: Chief Executive

PORTFOLIO Resources

SUBJECT: Application to transfer Premises Licence
Carlo's Pizza 13 High Street Runcorn

WARDS: Mersey

1.0 PURPOSE OF REPORT

To hold a hearing to consider a notice from the Police under Section 42(6) Licensing Act 2003 made in response to an application to transfer the Premises Licence at Carlo's Pizza 13 High Street Runcorn. This application was adjourned on 17 December 2014 at the request of the applicant.

2.0 RECOMMENDATION: That the Committee considers the Section 42(6) notice.

3.0 SUPPORTING INFORMATION

- 3.1 An application has been made under section 42 Licensing Act 2003 ("the 2003 Act") for the transfer of Premises Licence in relation to the above property.
- 3.2 This hearing is held in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.3 The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 3.4 The hearing is solely concerned with the Section 42(6) notice.

4.0 THE APPLICATION

- 4.1 An application was received on 14 November 2014 from Murat Kuzu to transfer the Premises Licence at Carlo's Pizza 13 High Street Runcorn.
- 4.2 The application was to transfer the Premises Licence to Mr Kuzu with immediate effect.

5.0 REPRESENTATIONS

- 5.1 In accordance with the 2003 Act the Police are the only responsible body which can object to the application. The Police are satisfied that the

exceptional circumstances of the case are such that if granted the transfer would undermine the crime prevention objective.

- 5.2 By virtue of Section 44(5) of the Act where a Section 42(6) notice is given the licensing authority must hold a hearing to consider it unless the authority, the applicant and the chief officer of police who gave notice agree that a hearing is unnecessary and “having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
- 5.3 The notice received from the Police is set out at Appendix A to this agenda.
- 5.4 Additional information supplied by the Police in connection with the application will be provided to the Committee members prior to the hearing.

6.0 BACKGROUND INFORMATION

- 6.1 The Licensing Authority had also received an application from Cheshire Police to review the Premises Licence relating to Carlo’s Pizza 13 High Street Runcorn. The review hearing will be dealt with on 14 January 2015
- 6.2 On 17 December 2014 a hearing to consider the application was opened and adjourned. Prior to the hearing the Licensing Authority were notified by the applicant’s legal adviser Mr Williams of LR Law that they wished to adjourn the hearing so that it could be heard on the same date as the related review application. The request was granted and the hearing was adjourned to 14 January 2015.

7.0 OPTIONS

- 7.1 The Committee has the option to:
- Accept the application to transfer the Premises Licence
 - Reject the application.
- 7.2 The Committee must act with a view to promoting the licensing objectives, namely:
- (a) the prevention of crime and disorder
 - (b) public safety
 - (c) the prevention of public nuisance
 - (d) the protection of children from harm

The Committee must also have regard to:-

The Council’s Statement of Licensing Policy, and
The Statutory Guidance issued by the Secretary of State.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary

APPENDIX A

NOTICE OF OBJECTION TO AN APPLICATION TO TRANSFER A PREMISES LICENCE HOLDER

(LICENSING ACT 2003, SECTION 42 [6])

To: Mrs. Kay Cleary, Halton Council
(The Relevant Licensing Authority)

Mr. Murat KUZU, 449, Grasmere Avenue, Warrington, WA2 0LA
(Applicant)

I, Sarah Boycott, Chief Superintendent of Police, of the Cheshire Constabulary HEREBY GIVE NOTICE that I object to the Transfer of the Premises Licence of the premises known as Carlo's Pizza, 13, High Street, Runcorn, WA7 1AP.

The grounds on which I shall object are *inter alia* :-

1. Carlo's Pizza is presently subject of Review Proceedings. Any attempt to transfer this Premises Licence would be an artifice to try and circumvent the Review process and limit, or otherwise restrict, the powers of disposal of the Licensing Committee.
2. This application was submitted within just 24 hours of the police action which precipitated the Review of the Premises Licence, whilst the applicant has been associated with the site for some time. This application is an attempt to legitimize his presence.
3. The grounds for the Review are serious matters, employing illegal immigrants and having young vulnerable children staying on site, and it is believed that this Transfer will further facilitate one or both of these matters.

Should this Transfer Application be granted I believe that it will seriously undermine both the Crime and Disorder and Protection from Children from Harm Licensing Objectives of the Licensing Act 2003.

Dated : 27th of November 2014

Signed on behalf of Ch. Supt. Sarah Boycott.

Ian Seville, Licensing Officer