

**REPORT:** Regulatory Committee

**DATE:** 14 January 2015

**REPORTING OFFICER:** Chief Executive

**PORTFOLIO** Resources

**SUBJECT:** Application for the review of the premises licence relating to Carlo's Pizza 13 High Street Runcorn

**WARDS:** Mersey

## **1.0 PURPOSE OF REPORT**

To hold a hearing to consider an application for the review of a premises licence under Section 51 Licensing Act 2003. The Police have applied for the review which relates to the Prevention of Crime and Disorder licensing objective.

## **2.0 RECOMMENDATION: That the Committee considers the Section 51 application.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 An application has been made under section 51 Licensing Act 2003 ("the 2003 Act") to review the 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 51 application.

## **4.0 THE APPLICATION**

- 4.1 An application for the review of the premises licence was received on 20 November 2014 from Cheshire Constabulary. The application followed a visit to the premises on 13 November (see below).
- 4.2 The premises licence permits Late Night Refreshment between the hours of
  - 23.00 and 01.00 Monday to Wednesday,
  - 23.00 and 01.30 Thursday
  - 23.00 and 03.00 Friday and Saturday
  - 23.00 and 01.30 Sunday.

- 4.3 The Premises Licence holder was Khaled Asheba. On 14 November 2014 an application was received to transfer the premises licence to Murat Kuzu.
- 4.4 On 27 November 2014 Cheshire Police objected the transfer application from Murat Kuzu. Consequently, a hearing was scheduled to determine the application. The hearing was opened on 17 December. On considering a written request for an adjournment of the hearing from the solicitor acting for Mr. Kuzu the request was granted and the hearing was adjourned to 14 January 2015.
- 4.5 The review was requested by Cheshire Constabulary on the following grounds:-

At 6.15pm on Thursday, the 13<sup>th</sup> of November 2014, officers from Cheshire Police, in company with Officers from the Immigration Service visited the premises of Carlo's Pizza, 13, High Street, Runcorn.

During the course of this visit one male person was identified as an illegal immigrant of Turkish origin. A second immigrant was also identified who was a 14 year old male who, records state, should have been in the care of his uncle in London. His official status is now that he has Discretionary Leave to Remain until the 22<sup>nd</sup> of February 2016, after entering the country illegally. Further to this, a number of breaches of the Conditions on the Premises Licence were identified.

The 14 year old boy admitted to living in the upstairs of the premises which, when searched, revealed evidence of up to eight persons living there. It was also evident from their outward appearance that both persons had been working there.

The law on preventing illegal working is clearly set out in Sections 15 to 25 of the Immigration, Asylum and Nationality Act of 2006. These actions are in direct contravention of Section 21 of the above legislation but, with relevance to the Licensing Act of 2003, are clearly not supporting the Prevention of Crime and Disorder Licensing Objective. Further to the offence of employing illegal immigrants, there is a more disturbing element involving the presence of a 14 year boy who should not have been there. This is clearly not supporting the Protection of Children From Harm Licensing Objective.

**NOTE** – a full copy of the review application together with any further information received from the Premises Licence Holder or the Applicant - Cheshire Constabulary will be forwarded to the Committee members prior to the hearing.

## **5.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES**

- 5.1 No representations were made from any other responsible authority in response to the review application

## **6.0 REPRESENTATIONS RECEIVED FROM OTHER PERSONS**

6.1 No representations were made from other persons in response to the review application.

## **7.0 OPTIONS AVAILABLE TO THE COMMITTEE**

7.1 Section 52 of the Licensing Act 2003 states that the Council must, having regard to the application and any relevant representations, take such of the following steps (if any) as it considers necessary for the promotion of the Licensing Objectives.

7.2 The steps which are relevant to this type of application

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor (Not applicable in this matter)
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence.

Note that the above reference to modifying conditions includes any alteration, omission or the addition of any new condition.

**7.3** 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**

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