

**REPORT:** Regulatory Committee

**DATE:** 23 March 2009

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Application to Review Pizza de Action Unit 17  
Oldgate St Michaels Industrial Estate Widnes.

**WARDS:** Ditton

## **1. 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. RECOMMENDATION**

That the Committee considers the Section 51 application

## **3. 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 THE APPLICATION**

- 4.1** An application for the review of the premises licence was received on 6 February 2009 from Cheshire Constabulary.
- 4.2** The premises licence allows Late Night Refreshment at the premises between 23.00 and Midnight Sunday to Thursday and 23.00 to 01.00 Friday and Saturday
- 4.3** The Premises Licence holder is Muayed Saied.
- 4.4** The review was requested by Cheshire Constabulary on the following grounds:-

This application to Transfer the Premises Licence was submitted by Muayed SAIED on 27/10/2008 but contained few details on which to do a full check.

Subsequent enquiries were made, culminating with a check with the Immigration Services. Here it was found that SAIED was an illegal foreign national with no authority to work or, indeed, even remain in the United Kingdom.

Full checks were carried out by the Immigration Services and it was found that SAIED first entered this country as a Student in November 2005. Owing to

SAIED failing to attend college, this status expired and he was refused Leave to Remain on 17/10/2007. This decision was appealed but was refused on 18/2/2008. He is currently at a status of Appeal Rights Exhausted as from 26/2/2008 and therefore has no legal right to work or even remain in the United Kingdom.

Attempts have been made to re-contact SAIED to detain him for the Immigration Services but he has continued to fail to respond to all attempts to contact him.

A full C.J. witness statement is attached from Michelle LIVESEY of the Immigration Services to officially record SAIED's illegal status.

## CONCLUSIONS AND REPRESENTATIONS

From the evidence presented by Officer Livesey it is clear that SAIED should not be in this country, let alone conducting a business here.

In respect of an appropriate means of disposal, the Committee do not have a great deal of options here. There is no facility to simply remove Saied as the PLH and the imposition of suitable Conditions is not appropriate. Though I have no issues with the business itself, the only remaining option left open is the revocation the Premises Licence.

**[Note the witness statement from Michelle Livesey referred to above will be presented to members at the hearing]**

### 5.1 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

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

### 6.1 REPRESENTATIONS RECEIVED FROM INTERESTED PARTIES

No representations were made from interested parties 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 suspend the licence for a period not exceeding 3 months
- To revoke the licence.

### 8.0 POLICY IMPLICATIONS

8.1 None

### 9.0 OTHER IMPLICATIONS

9.1 None

## **10.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

- 10.1 Children and Young People in Halton**  
None
- 10.2 Employment Learning and Skills in Halton**  
N/A
- 10.3 A healthy Halton**  
N/A
- 10.4 A Safer Halton**  
None
- 10.5 Halton's Urban Renewal**  
N/A

## **11.0 RISK ANALYSIS**

N/A

## **12.0 EQUALITY AND DIVERSITY ISSUES**

N/A

## **13 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