



Regulatory Committee

**Wednesday, 14 January 2015 6.30 p.m.
Council Chamber, Runcorn Town Hall**



Chief Executive

COMMITTEE MEMBERSHIP

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| Councillor Kath Loftus (Chairman) |
| Councillor Pamela Wallace (Vice-Chairman) |
| Councillor Mike Fry |
| Councillor Pauline Hignett |
| Councillor Harry Howard |
| Councillor Darren Lea |
| Councillor Alan Lowe |
| Councillor Tony McDermott |
| Councillor Stef Nelson |
| Councillor Gareth Stockton |
| Councillor Andrea Wall |

*Please contact Gill Ferguson on 0151 511 8059 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Wednesday, 18 March 2015*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

| Item No. | Page No. |
|--|-----------------|
| 1. MINUTES | |
| 2. DECLARATION OF INTEREST | |
| Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item. | |
| 3. APPLICATION TO TRANSFER PREMISES LICENCE CARLO'S PIZZA 13 HIGH STREET RUNCORN | 1 - 4 |
| 4. APPLICATION FOR THE REVIEW OF THE PREMISES LICENCE RELATING TO CARLO'S PIZZA 13 HIGH STREET RUNCORN | 5 - 7 |

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

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| 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

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| 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 13th 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 22nd 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.

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