

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Wednesday, 14 January 2015 in the Council Chamber, Runcorn Town Hall

Present: Councillors K. Loftus (Chairman), Fry, P. Hignett, Howard, Lea, A. Lowe, McDermott, G. Stockton and A. Wall

Apologies for Absence: Councillors Wallace and Nelson

Absence declared on Council business: None

Officers present: G. Ferguson, K. Cleary and J. Tully

Also in attendance: 3 representatives from Cheshire Police, 1 representative from the UK Border Agency Immigration, B Seabury, 5 Members of the public.

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG8 MINUTES

The Minutes of the meeting held on 17th November 2014 having been circulated were signed as a correct record.

REG9 APPLICATION FOR THE REVIEW OF THE PREMISES LICENCE RELATING TO CARLO'S PIZZA 13 HIGH STREET RUNCORN

The Committee was advised that Cheshire Constabulary had submitted an application under section 51 Licensing Act 2003 to review the Premises Licence at Carlo's Pizza, 13 High Street, Runcorn. 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

The Premises Licence holder was Khaled Asheba. However, on 14th November 2014 an application was

Action

received to transfer the premise licence to Murat Kuzu who was in attendance. It was noted that on 27th November 2014 Cheshire Police objected to the transfer application and subsequently a hearing to determine the application was arranged for 17th December. However, at the request of the applicant the hearing was adjourned.

Following introduction by the Chairman, the Council's legal representative outlined the procedures to be followed. The Committee heard representations from:

1. The applicant who were represented by Ian Seville, Cheshire Police Licensing Officer.
2. Verbal statements from witnesses:
PC Chris Carney;
Chris Eccleshall – UK Border Agency Immigration Officer;
DC Sarah Evans.
3. Written statements from witnesses:
Muhammed Soyturk;
Muhammed Darioglu; and
Murat Kuzu.
4. Murat Kuzu, who was represented by Mr Douglas (Douglas Licensing) and June Clarke (JMC).

Written witness statements had also previously been circulated to the Committee members and the Premises Licence Holder.

Members were advised that the review was requested by Cheshire Constabulary due to:

- the 13th of November 2014, Officers from Cheshire Police, together 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 stated should have been in the care of his uncle in London. His official status was now that he had Discretionary Leave to Remain until the 22nd of February 2016, after entering the country illegally;
- further to this, a number of breaches of the Licensing Act 2003 and Conditions on the Premises Licence were identified; and

- the 14 year old boy admitted to staying at 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 relevant law relating to preventing illegal working was clearly set out in Sections 15 to 25 of the Immigration, Asylum and Nationality Act of 2006. Specific offences were set out in section 21 of the Act. The actions taken at the premises were in direct contravention of the above legislation and with regard to the Licensing Act 2003, were contrary to the Prevention of Crime and Disorder Licensing Objective. In addition the presence of a 14 year boy who should not have been there was not supporting the Protection of Children From Harm Licensing Objective.

At the conclusion of the hearing the Committee retired to consider the matter. Full details of the findings of the Committee would be set out in the statutory notice of determination.

The Committee considered that it was appropriate to take the following step in respect of the premises licence.

RESOLVED: That the Premises Licence be suspended for three months.

Strategic Director
Policy and
Resources

REG10 APPLICATION TO TRANSFER PREMISES LICENCE
CARLO'S PIZZA 13 HIGH STREET RUNCORN

Immediately following the previous hearing the Committee proceeded to the second hearing relating to the premises. The Committee was advised that Cheshire Constabulary had submitted a notice 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.

An application was received from Murat Kuzu on 14th November 2014 under section 42 Licensing Act 2003 for the transfer of Premises License in relation to the above property. The application was previously opened and adjourned at the request of the applicant by the Regulatory Sub Committee at its meeting on 17th December 2014.

In accordance with the 2003 Act the Police were the

only responsible body which could object to the application. The Police were satisfied that the exceptional circumstances of the case were such that if granted the transfer would undermine the crime prevention objective. The notice received by the Police which set out their grounds of objection for the transfer of the licence was included in the report. In addition, written witness statements on behalf of the applicant and representatives of Cheshire Police and the Immigration Service had previously been circulated to the Committee members and all parties.

Following introduction by the Chairman, the Council's legal representative outlined the procedures to be followed. The Committee heard representations from:

1. The applicant who was represented by Mr Douglas (Douglas Licensing) and Ms Clarke (JMC); and
2. Mr Saville representing Cheshire Police.

At the conclusion of the hearing the Committee retired to consider the matter. Full details of the findings of the Committee would be set out in the statutory notice of determination.

RESOLVED: That the application for the transfer of the Premises Licence be approved.

Strategic Director
Policy and
Resources

Meeting ended at 10.30 p.m.