

TRAFFORD COUNCIL

THE LICENSING SUB-COMMITTEE – 10th OCTOBER 2017

REPORT OF THE HEAD OF PUBLIC PROTECTION

REPORT REF. NO.

APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE – CANADA GRILL, 38 RAILWAY STREET, ALTRINCHAM, CHESHIRE, WA14 2RE

PURPOSE

To inform Members of an application for the transfer of a premises licence for Canada Grill, 38 Railway Street, Altrincham, Cheshire, WA14 2RE, which has attracted an objection from Greater Manchester Police under section 42(6) of the Licensing Act 2003.

RECOMMENDATIONS

That the application for the transfer of a Premises Licence be determined.

Iain Veitch
Head of Public Protection

Further Information From:

Name: Joanne Boyle
Licensing Team Leader

Extension: 4129

Proper Officer for the purposes of L.G.A 1972,S.100D
(background papers): Head of Public Protection

Background Papers:

Appendix A – Application to Transfer

Appendix B – Notice from Greater Manchester Police

Introduction

1. An application has been made to this Committee for the transfer of the premises licence currently held by Orang Parto for Canada Grill, 38 Ashley Road, Hale, Cheshire, WA14 2RE – to Mr Davood Mousavi, Flat 13, Suttan Manor, 552 Wilbraham Road, Manchester, M21 9RB **(Appendix A)**.

The Premises

2. Details of the premises are as follows:-
 - (a) Location: Canada Grill, 38 Ashley Road, Hale, Cheshire, WA14 2RE
 - (b) Description: Take away

Representations

3. Section 42(6) of the Act provides that where a chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice, within 14 days of receiving the application, stating the reasons why he is so satisfied. The Authority has received a notice from Greater Manchester Police within the specified period. **(Appendix B)**.

Secretary of State's Guidance

4. The following is an excerpt of points raised in the Secretary of State's Guidance. Copies of the full Guidance will be available at the hearing:

"Transfers of premises licences

8.97 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police, and the Home Office (Immigration Enforcement) if the licence authorises the sale of alcohol or provision of late night refreshment. Where it is made electronically via Business Link or the licensing authority's electronic facility, the licensing authority must notify the police no later than the first working day after the application is given. However, the responsibility to notify the -DPS remains with the applicant. Otherwise the general guidance on electronic applications set out in paragraphs 8.23 to 8.31 applies.

8.98 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police or the Home Office (Immigration Enforcement) raise no objection about the

application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

8.99 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder) or employing illegal workers.

8.100 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or Home Office (Immigration Enforcement).

Observations/recommendations

5. Where a notice is given under section 42(6) (and not withdrawn) the authority must consider the application and notice and either:
 - 5.1 grant the application; or
 - 5.2 reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
6. The Committee is advised that any findings on any issues of fact should be on the balance of probability and any decision should be based on the individual merits of the application.
7. The Committee is also advised that in arriving at its decision it must have regard to relevant provisions of national guidance and the licensing policy statement and that reasons should be given for any departure.

ATTACHED

Appendix A – Application to Transfer

Appendix B – Notice from Greater Manchester Police

LA0322/17 (00) 602
28/8

APPENDIX A



Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We DAVOOD, MOUSAVI

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PLN0107

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>38 RAILWAY STREET</u> <u>ALTRINCHAM, CHESHIRE</u> v	
Post town <u>ALTRINCHAM</u>	Post code <u>WA14 2RE</u>
Telephone number at premises (if any) <u>0161-2225670</u>	

Please give a brief description of the premises (see note 1)
FAST FOOD TAKEAWAY

Name of current premises licence holder ORANG PARTO

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick yes
- a) an individual or individuals* please complete section (A)
 - b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

~~Mr~~ Mousawi

Darood

Date of birth 16/2/1987 I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

Flat 13 Sutton Manor
552 Wilbraham Road

Post town

Manchester

Post code

M21 9RB

Daytime contact telephone number

07533059900

E-mail address (optional)

Darood0077@yahoo.com

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname **First names**

Date of birth **I am 18 years old or over** Please tick yes

Nationality
Current residential address if different from premises address

Post town **Post code**

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day			Month			Year		
±	±	±	±	±	±	±	±	±

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today



IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

X Signature

[Handwritten signature]

Date

14/12/17

X Capacity

owner

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



Consent of premises licence holder to transfer

I ORANG PARTO

[full name of premises licence holder(s)]

the premises licence holder of premises licence number

PLN0107

[insert premises licence number]

relating to

CANADA GRILL, 38 RAILWAY STREET, ALTRINCHAM

[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

PLN0107

[insert premises licence number]

to MR DAVOOD MOUSAVI

[full name of transferee].

signed

Orang Parto

name

(please print)

ORANG PARTO

dated

14.8.17

Boyle, Joanne

From: Neil.Parkin@gmp.police.uk
Sent: 23 August 2017 10:07
To: Boyle, Joanne
Subject: RE: Canada Grill, Railway Street, Altrincham

The premises are currently on an Action plan to close on time, during this time the proposed applicant has been in charge and I have at least 5 occasions where he has breached this action plan, I have on 2 occasion where he has failed to produce CCTV in relation to assaults within the premises, this is also on his action plan.

These feature in my objections.

Regards

Neil Parkin

PC 19281 PARKIN
Divisional Licensing Officer Trafford
Greater Manchester Police
Tele 0161 856 7869
Mob 07919 545 124

From: Boyle, Joanne [mailto:Joanne.Boyle@trafford.gov.uk]
Sent: 23 August 2017 09:29
To: Neil Parkin
Cc: Taylor1, Janet; Levy, Graeme; Doyle, Chelsea
Subject: RE: Canada Grill, Railway Street, Altrincham

Hi Neil

Thank you for your email. We will notify the applicant but he is entitled to know the crime and disorder grounds on which you base your objection. I appreciate that you are very busy but could you please expand a little on the reasons for your objection.

Many thanks

Joanne Boyle

Joanne Boyle
Licensing Team Leader
Trafford Council
Talbot Road
Stretford
M32 0TH
0161 912 4129

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From: Neil.Parkin@gmp.police.uk [mailto:Neil.Parkin@gmp.police.uk]
Sent: 23 August 2017 07:15
To: Taylor1, Janet; Rachel.Nutsey@gmp.police.uk
Cc: Boyle, Joanne; Doyle, Chelsea
Subject: RE: Canada Grill, Railway Street, Altrincham

Good morning All.

Please take this email as Greater Manchester Police declining to agree with the proposed license transfer. The reasons will be outlined when we attend an official hearing, but I feel this has only been submitted due to the premises being under review, I feel it better to deal with all matters together.

Kind Regards

Neil Parkin

PC 19281 PARKIN
Divisional Licensing Officer Trafford
Greater Manchester Police
Tele 0161 856 7869
Mob 07919 545 124

From: Taylor1, Janet [mailto:Janet.Taylor1@trafford.gov.uk]
Sent: 15 August 2017 10:57
To: Rachel Nutsey; Neil Parkin
Cc: Boyle, Joanne; Doyle, Chelsea
Subject: Canada Grill, Railway Street, Altrincham
Importance: High

Rachel,

Attached are two emails.

1. LATE Ten for Canada Grill for the bank holiday weekend. Please note, you have only five days to respond to accept or decline this application. If you decline, we will counter-notice it and the "event" will remain unauthorised.
2. Transfer application for the premises licence for Canada Grill. The proposed new licence holder is the person currently running the premises on behalf of Mr Orang Parto. Please can you confirm whether you are in agreement to the transfer and if so, what you wish to do with the current review application.

Can you please discuss the above with Joanne.

regards
Jan Taylor
Licensing Officer
Regulatory Services
Trafford Council
Licensing Section
Trafford Town Hall
Talbot Road
Stretford
Manchester
M32 0TH