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TRAFFORD
COUNCIL

AGENDA PAPERS FOR LICENSING SUB-COMMITTEE MEETING

Date: Thursday, 5 December 2024

Time: 6.30 pm

Place: Committee Room 2 and 3, Trafford Town Hall, Talbot Road, Stretford, M32 0TH.

To view the meeting please paste the following into your browser's address bar:
<https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg>

A G E N D A	PART I	Pages
1.	ATTENDANCES	
	To note attendances, including Officers and any apologies for absence.	
2.	APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT LINGUINE RESTAURANT, 20 NORTHENDEN ROAD, SALE M33 3BR	1 - 56
	To consider a report of the Head of Regulatory Services.	
3.	URGENT BUSINESS (IF ANY)	
	Any other item or items which by reason of special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.	

SARA TODD
Chief Executive

Membership of the Committee

Councillors E.L. Hirst, S. Taylor and M.J. Welton

Licensing Sub-Committee - Thursday, 5 December 2024

Further Information

For help, advice and information about this meeting please contact:

Miss Natalie Owen, Governance Officer

Tel: 0161 912 4221

Email: natalie.owen@trafford.gov.uk

This agenda was issued on **Wednesday, 27 November 2024** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, M32 0TH.

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1.

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 5th December 2024
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT LINGUINE RESTAURANT, 20 NORTHENDEN ROAD, SALE M33 3BR

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Linguine Restaurant, 20 Northenden Road, Sale M33 3BR having regard to representations received and the requirement to promote the four licensing objectives.

Recommendation(s)

The following options are open to the Licensing Sub-Committee;

- (i) To grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions.
- (ii) To grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
- (iii) To reject the application.

Contact person for access to background papers and further information:

Name: Ursula Smith - Licensing Officer.
Contact: Licensing@trafford.gov.uk

Appendices:

- A) Application for a New Premises Licence
- B) Photographs of Blue Notice & Copy of Newspaper Advert
- C) Review Committee Report for 17th September 2024
- D) Decision Notice from 17th September 2024
- E) Representations from Responsible Authorities

1.0 APPLICATION

1.1 A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- The sale of alcohol
- The supply of alcohol (in respect of a club)
- Regulated entertainment
- The provision of late-night refreshment

This application was submitted by: H J Sale Ltd in respect of Linguine Restaurant, 20 Northenden Road, Sale M33 3BR.

1.1 The applicant has applied for the following hours:

Supply of Alcohol - ON the premises:

Monday – Thursday: 16:00 – 22:00

Friday – Saturday: 16:00 – 22:30

Sunday: 12:30 – 21:00

Opening Hours:

Monday – Thursday: 16:00 – 22:00

Friday – Saturday: 16:00 – 22:30

Sunday: 12:30 – 21:00

1.2 The application has been properly made and has been attached as **Appendix A**. A copy of the blue notice and newspaper advertisement has been attached as **Appendix B**

The applicant has described the premises as: 'The premises is used as a restaurant. It has 12 tables and a small bar, drawing of the layout will be attached to the application. The kitchen and staff room are located at the back of the premises.'

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The premises was previously licenced as Valencia Spanish Restaurant on 24th November 2005. The licence was then transferred to Mr Nagmadin Zana on 24th July 2013, and the restaurant was renamed Linguine Italian Restaurant Ltd. Mr Zana remained the premises licence holder until 17th September 2024.

2.2 On 29th July 2024 the Licensing Authority received an application from the Home Office Immigration Enforcement team for a review of the premises licence PL000378 held by Mr Zana for the premises known as Linguine Italian Restaurant Ltd, 20 Northenden Road Sale M33 3BR.

2.3 On 17th September 2024, the review application was determined by the Licensing Sub-Committee. A copy of the report is attached as **Appendix C**.

2.4 The committee determined to revoke the premises licence with immediate effect. A copy of this decision notice is attached as **Appendix D**.

3.0 **OPERATING SCHEDULE-**

3.1 The operating schedule is completed by the applicant and contains additional measures to illustrate how they propose to promote the four licensing objectives as required by provision of the Licensing Act 2003. They are listed below and will be attached as conditions to any licence as may be granted:

1. Ensure that all times when the premises are open for any licensable activities, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the premises licence and for preventing crime and disorder.
2. The licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.
3. Any incidents of a criminal nature that may occur on the premises will be reported to the Police immediately. The Licensee will install CCTV coverage at the premises, and it is operated and maintained at the premises covering the entrance and exit doors.
4. Appropriate fire safety procedures are in place including fire extinguishers, Fire Blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see plan for details of locations).
5. All appliances are inspected annually.
6. All emergency exits shall be kept free from obstruction at all times.
7. All customers will be asked to leave quietly.
8. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
9. The Licensee and staff will ask any person who appears to be under the age of 25 for photographic ID such as proof of age cards, the Connexions card and Citizen card, photographic drivers licence or passport, and official identity card issued by HM Forces or by any EU country, bearing the photograph and date of birth of the bearer.
10. All staff will be trained in Underage Sales Prevention regularly.
11. A register of refused sales shall be kept and maintained on the premises.

3.2 The below additional conditions have been proposed by Environmental Protection and agreed with the applicant during the consultation period, and will be attached as conditions to any licence as may be granted:

12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

13. There shall be no noise or odour caused by any kitchen extraction equipment that gives rise to a nuisance.

14. No deliveries or collections relating to licensable activities at the premises will take place between the hours of 8pm and 0700am on any day.

15. No waste/glass bottles will be moved or deposited outdoors, between the hours of 8pm and 7am.

4.0 CONSULTATION

4.1 The responsible authorities included in the consultation are: Greater Manchester Police, Greater Manchester Fire & Rescue, Environmental Health & Pollution Control, Building Control, Health and Safety Team, Home Office Immigration Enforcement, Planning Department, Safeguarding Children Team, Trading Standards and Public Health.

4.2 Of those consultees identified in paragraph 4.1, representations have been received from Environmental Health, attached as **Appendix E1**, Greater Manchester Police, attached as **Appendix E2, and Licensing Enforcement, attached as Appendix E3.**

4.3 A copy of the report and the representations received have been sent to the applicant.

4.5 Those that have made a representation have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.

5.0 LEGAL CONSIDERATIONS

5.1 Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.

- 5.2** The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probabilities and any decision should be based on the individual merits of the application.
- 5.3** The Sub-Committee, in arriving at its decision; must have regard to relevant provisions of national guidance and its own statement of licensing policy and reasons should be given for any departure.
- 5.4** There is a right of appeal to the Magistrates Court within 21 days from the date the Applicant is notified of the decision of the Licensing Sub-Committee.

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Application for a 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 H J Sale LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Lingune Restaurant, 20 Northenden Road			
Post town	Sale	Postcode	M33 3BR

Telephone number at premises (if any)	0161 825 0336
Non-domestic rateable value of premises	£ 11750

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as appropriate**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	<input checked="" type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)		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)		a person 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 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 (by ticking yes to one box below):

- 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		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					

E-mail address (optional)	
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)	

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(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.

H J Sale Ltd

Address 20 Northenden Road Sale Manchester M33 3BR
Registered number (where applicable) 15757381
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company
Telephone number (if any) /0161 825 0336
E-mail address (optional) hevarhassan367@gmail.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	8	102024

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1) the premises used as a restaurant it has 12 tables and a small bar, drawing of the layout will be attached to the application. The kitchen and staffroom are located at the back of the premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
--------------------------------------------------------------------	----------------------------

a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	Yes

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon	-----	-----	Please give further details here (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	State any seasonal variations for performing plays (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	-----	-----		Please give further details here (please read guidance note 4)	
Tue	-----	-----			
Wed	-----	-----	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
Mon				Please give further details here (please read guidance note 4)		
Tue						
Wed						
Thur			State any seasonal variations for the performance of live music (please read guidance note 5)			
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	Outdoors
Mon	-----	-----	<input type="checkbox"/>	<input type="checkbox"/>
Tue	-----	-----	<input type="checkbox"/>	<input type="checkbox"/>
Wed	-----	-----	<input type="checkbox"/>	<input type="checkbox"/>
Thur	-----	-----	<input type="checkbox"/>	<input type="checkbox"/>
Fri	-----	-----	<input type="checkbox"/>	<input type="checkbox"/>
Sat	-----	-----	<input type="checkbox"/>	<input type="checkbox"/>
Sun	-----	-----	<input type="checkbox"/>	<input type="checkbox"/>

<u>Please give further details here</u> (please read guidance note 4)		
<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	Yes
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) NO		
Mon	16:00	22:00			
Tue	16:00	22:00			
Wed	16:00	22:00			
Thur	16:00	22:00			
Fri	16:00	22:30			
Sat	16:00	22:30			
Sun	12:30	21:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) NO		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Goran Rashid
Date of birth	12/02/1987
Address	23 Stockfield Mount Chadderton Oldham
Postcode	OL9 9AT
Personal licence number (if known)	PA3403
Issuing licensing authority (if known)	Oldham

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) None
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) None
Mon	16:00	22:00	
Tue	16:00	22:00	
Wed	16:00	22:00	
Thur	16:00	22:00	
Fri	16:00	22:30	
Sat	16:00	22:30	
Sun Day	12:30	21:00	
	Start	Finish	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police immediately. The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises covering the entrance and exit doors.

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers, fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
 All staff will be trained for UNDERAGE SALES PREVENTION regularly.
 A register of refused sales shall be kept and maintained on the premises

Checklist:

Please tick to indicate agreement

•	I have made or enclosed payment of the fee.	
•	I have enclosed the plan of the premises.	
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	
•	I understand that I must now advertise my application.	
•	I understand that if I do not comply with the above requirements my application will be rejected.	
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	


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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] 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
--------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	 On Behalf of the H J Sale LTD
Date	30/09/2024
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	Mamoon solicitors
Date	30/09/2024
Capacity	Solicitor

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Mamoon solicitors 1319 Ashton Old Road			
Post town	Manchester	Postcode	M11 1JS
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Info@mamoonsolicitors.co.uk			



Consent of individual to being specified as premises supervisor

I
Goran Rashid

of
23 Stockfield Mount
Chadderton
Oldham
OL9 9AT

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence

[type of application]

by
H J Sale LTD

[name of applicant]

relating to a premises licence *[number of existing licence, if any]*

for
Linguine Restaurant, 20 Northenden Road, Sale, Manchester, M333BR

[name and address of premises to which the application relates]
and any premises licence to be granted or varied in respect of this application made by

H J Sale LTD

[name of applicant]

concerning the supply of alcohol at

Linguine Restaurant , 20 Northenden Road, Sale, Manchester, M333BR

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PA3403

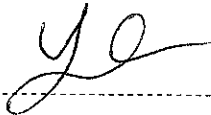
[insert personal licence number, if any]

Personal licence issuing authority

Oldham

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

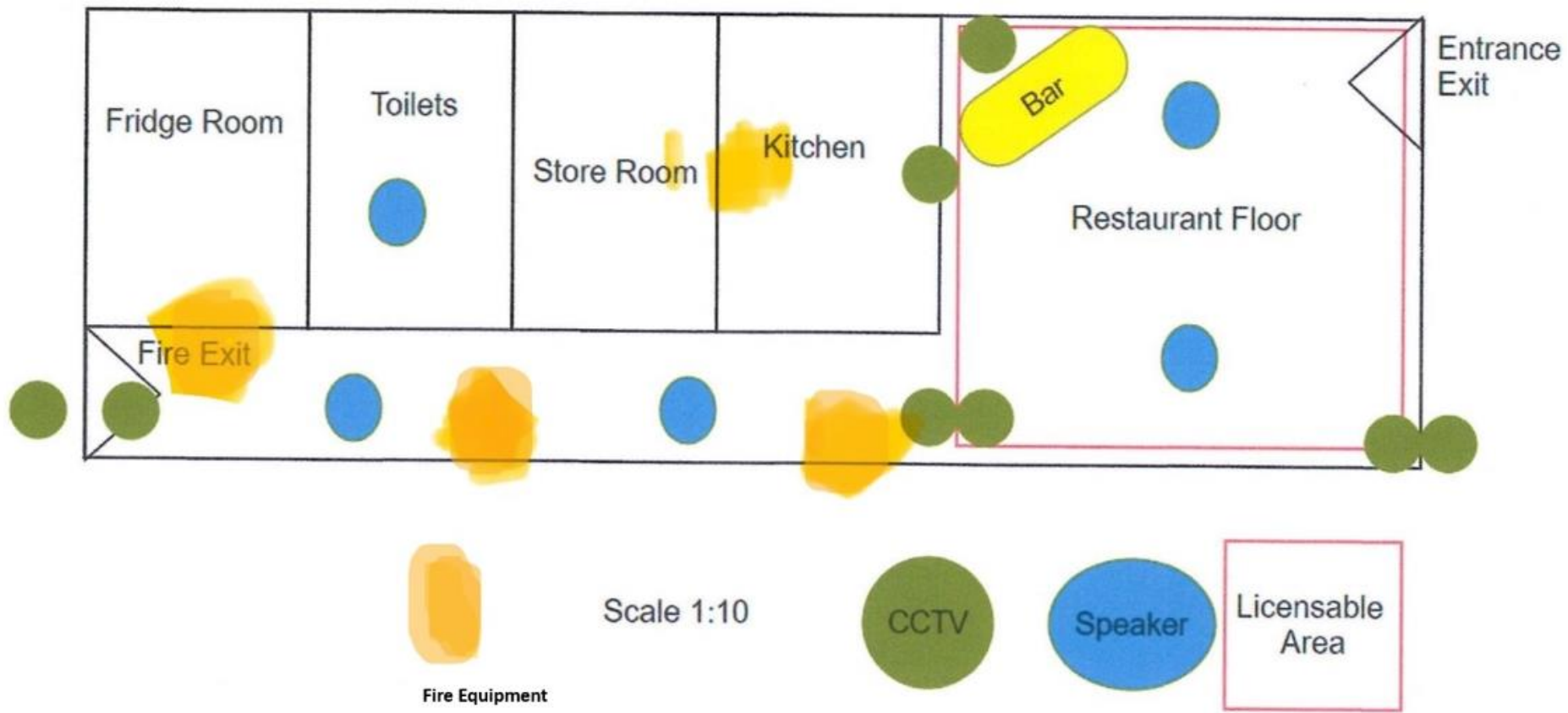


Name (please print)

Goran Rashid

Date

03/10/2024



Fire Equipment

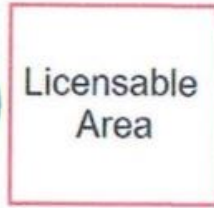
Scale 1:10



CCTV



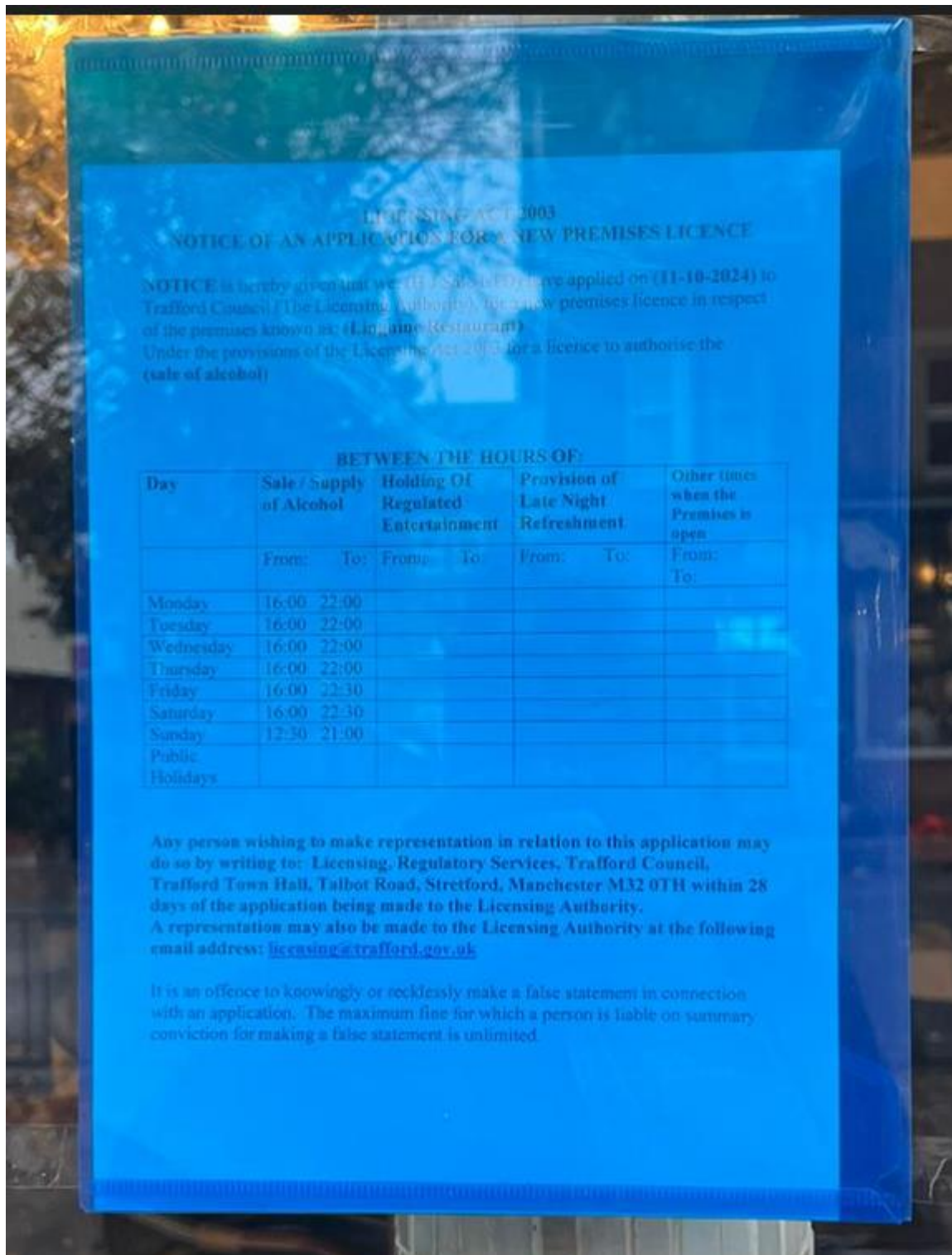
Speaker



Licensable Area

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Blue notice proof received:



Newspaper Advert proof received:

ase email: publicnoticesteam@reachplc.com

Alcohol & Licensing

LICENSING ACT 2003

NOTICE is hereby given that we, H J sale LTD applied on **11-10-2024** for a **NEW Premises Licence** to Trafford Council in respect of the premises known as:

Linguine Restaurant, 20 Northenden Road, Sale, Manchester, M33 3BR

under the provisions of the Licensing Act 2003 for a licence to provide:

Sale of Alcohol - On the Premises:
Monday to Thursday 16:00-22:00
Friday to Saturday 16:00-22:30
Sunday 12:30-21:00

Any person wishing to make representations in relation to this application may do so by writing to:

**THE LICENSING SECTION
TRAFFORD COUNCIL
TRAFFORD TOWN HALL
TALBOT ROAD
STRETFORD
MANCHESTER
M32 0TH**

Any representation must be submitted no later than 28 days from the date the application was accepted. A representation may also be made to the Licensing Section at the following email address: licensing@trafford.gov.uk

A copy of the application for the above licence is kept by The Licensing Section, at Trafford Council, and is available via email upon request during the 28 day consultation period.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is unlimited.

Traffic & Roads

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 17th September 2024
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR THE REVIEW OF A EXISTING PREMISES LICENCE AT LINGUNIE ITALIAN RESTAURANT, 20 NORTHENDEN ROAD, SALE, M33 3BR.

Summary

The Licensing Authority has received an application from the Home Office Immigration Enforcement requesting a review of the Premises licence held by Nagmadin Zana on the grounds of prevention of crime and disorder and ensuring public safety.

Recommendation(s)

The following options are open to the Licensing Sub-Committee;

- (i) To vary the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions.
- (ii) To vary the application , modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
- (iii) To reject the application.

Contact person for access to background papers and further information:

Name: Jade Pickup, Senior Licensing
Contact: Licensing@trafford.gov.uk

1.0 LEGAL IMPLICATIONS

- 1.1 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.2 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.
- 1.3 The licensing objectives are:
 - The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm
- 1.4 With effect from the 6th April 2017 the Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises its powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

2.0 BACKGROUND

- 2.1 Linguine Italian Restaurant is a restaurant operated by Mr Nagmadin Zana, who is both the premises licence holder and the Designated Premises Supervisor (DPS).
- 2.2 The Premises has been licensed under the Licensing Act 2003 since 24th November 2005 and Nagmadin Zana became the premises licence holder and DPS on 12th October 2013.
- 2.3 A copy of the current premises licence is attached as **Appendix A**.

3.0 APPLICATION

- 3.1 On the 29th July 2024 the Licensing Authority received an application from the Home Office Immigration Enforcement for a review of the Premises Licence PL000378 held by Nagmadin Zana for premises known as Linguine Italian Restaurant, 20 Northenden Road, Sale, M33 3BR.
- 3.2 The application stated that in accordance with the regulations, notice was also given to the premises licence holder and responsible authorities on the same date.

- 3.3 The ground for review relates to crime and disorder a copy of the application is attached at **Appendix B**. The applicant may expand on the written representation but may not add further grounds.
- 3.4 Following receipt of the application the Authority advertised the review by notice outside the premises and at the Council's Offices for 28 consecutive days.
- 3.5 During the consultation period it was noted that the blue notice was removed at the premises. A new notice was displayed on 20.08.2024.
- 3.6 On 20th August 2024 James Boles, Licensing Enforcement Officer visited the premises to display a new blue notice and hand deliver copies of documentation in relation to the hearing. A statement of the encounter is attached as **Appendix C**. At the time of writing the report the Licensing Authority has not received an application to transfer.
- 3.7 On 28th August 2024 a organised visit was carried out by Community Safety, Environmental Health, Licensing and Greater Manchester Police. A statement has been provided by the Licensing Enforcement Officer attached as **Appendix D**.

4.0 REPRESENTATIONS

- 4.1 The responsible authorities included in consultation are; Greater Manchester Police, Greater Manchester Fire & Rescue, Environmental Health & Pollution Control, Building Control, Health and Safety Team, Home Office Immigration Enforcement, Planning Department, Safeguarding Children Team, Trading Standards and Public Health.
- 4.2 On 21st August 2024 a representation was received from Graeme Dixon, Environmental Health Officer in relation to Public Safety attached as **Appendix E**.
- 4.3 On 23rd August 2024 a representation was received from PC John Lloyd, Greater Manchester Police in relation to Crime and Disorder, attached as **Appendix F**.
- 4.4 No representations were received from any other persons.
- 4.5 A copy of the report and the representations received has been sent to the applicant.
- 4.6 Those that have made a representation have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.

5.0 KEY ISSUES

- 5.1 On 29th July 2024 the Licensing Authority received a review application in relation to Linguine Italian Restaurant from the Home Office Immigration Enforcement.
- 5.2 On 23rd May 2024 entry was gained to the premises under section 179 of the Licensing Act 2003 where the officers encountered a illegal worker, this individual was arrested and later bailed.

- 5.3 On 21st June 2024 entry was gained to the premises where immigration officers executed a Schedule 2, Paragraph 17(2) Immigration Act 1971 warrant at the premises seeking illegal workers as a result of the visit conducted on 23rd May 2024. Upon entering officers encountered a further 2 illegal workers. Both individuals were interviewed, arrested and later bailed.
- 5.4 The premises is currently trading under a licence holder and DPS who is no longer associated with the premises.

6.0 OPTIONS

- 6.1 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 56 subsection 6 of the Licensing Act (if any) as it considers appropriate for the promotion of the licensing objectives.
- 6.2 The steps stated in Section 56 (6) are:
- a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 6.3 The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.
- 6.4 The Sub-Committee also have the option to leave the licence in its existing state and/or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

ATTACHED :

- Appendix A – Premises Licence
- Appendix B – Review application
- Appendix C – Statement of visit 20th August 2024
- Appendix D – Statement of visit 28th August 2024
- Appendix E – Representation from Environmental Health
- Appendix F – Representation from Greater Manchester Police

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub Committee

Members; Cllr S. Haughey (Chair)
Cllr E. Hirst
Cllr M. Welton

Application for the Review of a Premises Licence

Type of Licence: Premises Licence – Linguine Italian Restaurant, 20 Northenden Road, Sale, M33 3BR

Parties Present: Trafford Council
G. Dixon – Environmental Health Officer

Premises Licence Holder
Nagmadin Zana

Immigration Office
A. Sultana

Greater Manchester Police
J. Lloyd

Officers
James Parry – Locum Litigation Lawyer
Jade Pickup – Senior Licensing Officer
Harry Callaghan – Senior Democratic Support Officer

Date of Hearing: Tuesday 17th September

Time Commence: 10.00 a.m.

Time Terminated: 11:00 a.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee decided that the application by the Home Office Immigration Enforcement for a review is a valid application and relates to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Sub-Committee resolved to revoke the Premises Licence, number PL000378 held by Mr Nagmadin Zana in respect of the Linguine Italian Restaurant, 20 Northenden Road, Sale, M33 3BR pursuant to section 52(4)(e) of the Licensing Act 2003 for the reasons set out below.

SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

1. The Sub-Committee was required to determine an application for the review of premises licence held by Mr Nagmadin Zana in respect of the Linguine Italian Restaurant, 20 Northenden Road, Sale, M33 3BR on the application of the Secretary of State for the Home Department who was represented at the meeting by Ms. Sultana.
2. The Sub-Committee had the benefit of receiving:
 - a. A report from the licensing officer:
 - b. A copy of the premises licence:
 - c. The application for the review submitted on behalf of the Secretary of State on the 29th July 2024:
 - d. A statement of Graeme Dixon, an Environmental Health Officer employed by Trafford Council dated 21st August 2024:
 - e. Representations submitted by PC John Lloyd on behalf of the Chief Constable of Greater Manchester Police:
 - f. A statement of James Boles dated 29th August 2024.
3. The Sub-Committee was satisfied that all the procedural steps that are required by sections 51 to 53 of the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005 as amended had been complied with.
4. The Sub-Committee had the benefit from hearing from:
 - a. Ms. Sultana on behalf of the Secretary of State:
 - b. PC Lloyd on behalf of the Chief Constable
 - c. Graeme Dixon on behalf of Environmental Health
 - d. The Premises Licence Holder, Nagadim Zana.
5. Mr Nagmadin Zana told the Sub-Committee that he had not been responsible for the running of the premises since 2020, although he accepted that he remained the premises licence holder until the date of the meeting. Mr. Zana said that he had continued to work at the premises until five months ago, probably May 2024 when he found out about the employment of those without a right to work and left the premises.
6. Mr Zana told the Sub-Committee that he did not oppose the revocation of the premises licence as he is no longer associated with the premises.

7. The Sub-Committee made the following findings of fact:
- a. That the premises licence holder, Nagmadin Zana had been responsible for the employment of persons without a right to work in the United Kingdom, most likely from at least the 6th May 2023 when Mr Zana failed to disclose the names and addresses of those working at the premises when asked to do by Greater Manchester Police who were investigating an incident of violent behaviour by Mr. Zana. The Sub-Committee was satisfied that the reason Mr. Zana would not produce that information was because it would have demonstrated the employment of illegal workers by him.
 - b. That on the 13th May 2023, Greater Manchester Fire and Rescue Service (GMFRS) had responded to an emergency call to premises adjoining the licensed premises on account of a carbon monoxide alarm being triggered. GMFRS and Cadent, which maintains the nation gas supply network, traced the source of that carbon monoxide to poorly maintained and sited gas-powered equipment within the licensed premises.
 - c. The premises licence holder provided evidence that the gas installation had been made safe on the 13th May 2023 and the premises were allowed to re-open.
 - d. On the 16th May 2023, Graeme Dixon attended at the premises with a Gas Safe engineer and found that the premises boiler and a cooker were unsafe and that an extraction fan had been erected without the benefit of planning permission, which discharged extracted air into the environment. The investigation also revealed the deliberate bypassing of a thermos-couple which operates to shut of gas when there is no flame and that that was dangerous conduct creating a foreseeable risk of explosion. A prohibition notice, prohibiting the use of certain gas equipment within the licensed premises.
 - e. Although the defects within the equipment were subsequently remedied, two persons within the adjoining premises required emergency treatment within the accident and emergency department at Wythenshawe Hospital. The matter has been referred for consideration of prosecution and is schedule for hearing on the 18th October 2024 before Greater Manchester Magistrates' Court.
 - f. On the 23rd May 2024 the premises were visited by the Home Office Immigration Enforcement Unit. During the course of that visit one

person present was arrested attempting to flee the premises. A second person successfully fled the premises. The detained individual had no right to work in the United Kingdom and told officers she had been working at the premises earning £50 per shift for two to three months.

- g. On the 21st June 2024 a second visit took place. During that visit the Home Office discovered a further individual who had entered the country by small boat on the 11th August and who had no right to work in the United Kingdom.
- h. Two other illegal workers were present on the premises, one behind the bar who claimed to be getting a glass of water and another laying tables. Both were dressed in front of house clothing. Admissions of illegal working were made.
- i. On the 28th August 2024 James Boles a licensing enforcement officer visited the premises. He found a male dressed in front of house clothing setting tables. The male told Mr. Boles that he had come to the premises to buy a car. A female was also present dressed in front of house clothing who told Mr. Boles she was attending a training day. Mr. Boles did not believe those accounts.
- j. During the course of that visit Mr Shawana Zana presented himself to Mr. Boles and stated he was the owner of the premises and that Mr. Nadadim Zana had no connection to them.
- k. No application for the transfer of the premises licence has been made at any material before the date of our meeting.

8. We concluded that:

- a. The premises licence holder, Nagadim Zana has been engaged in employing illegal workers for his own financial gain from at least the 6th May 2023. Such conduct is not only illegal but it serves to exploit vulnerable persons by causing them to work for greatly reduced rates of pay, frequently and as in this case, in circumstances where the workers are exposed to unsafe and dangerous working practices. That conduct has established links with organised crime and encourages persons to make dangerous small boat crossings of the English Chanel, as was the case with one of the workers in this, exposing those vulnerable persons to established risks of death by drowning. The conduct also has an unfair impact on the Borough's lawful and responsible traders who lawfully employ persons at much higher rates of pay that meet the living and

minimum wage regulations. That conduct was inconsistent with the prevention of crime and disorder.

- b. We were satisfied that the release of carbon monoxide was the result of deliberate conduct in failing to maintain equipment properly. It was aggravated by the deliberate bypassing of safety systems, the breach of planning consent and by furnishing information that the installations were safe when it would have been obvious to any regulated and competent gas engineer that the equipment was generating excess quantities of carbon monoxide and posed a risk of explosion because safety mechanisms had been bypassed. That conduct was inconsistent with the prevention of crime and the promotion of public safety. The indiscriminate consequence of the release of carbon monoxide or an explosion also failed to promote public safety and protect children
 - c. In so far as it is relevant, we were not satisfied that the Premises Licence Holder had ceased to be in control of the premises at the material times. We found him to be evasive when asked questions during the meeting and found that his answers lacked any credibility.
9. For all those reasons we found that the premises licence holder had failed to promote any of the four licensing objectives.

10. In determining the application, we concluded that:

- a. No variation in the conditions of the licence would be capable of addressing deliberate criminal conduct by the premises licence holder in circumstances where he states he no longer controls the premises or would have any right to apply for a premises licence.
- b. Neither, given the inability of the premises licence holder to operate a business to which the premises licence applies and his underlying conduct would the removal of a licensable activity promote the licensing objectives.
- c. As the conduct is that of the Premises Licence Holder removing the Designated Premises Supervisor would also fail to provide a viable solution that would promote the licensing objectives, as the Premises Licence Holder would have overall control of the premises.
- d. Given that the criminal conduct undertaken by the Premises Licence Holder has taken place over at least a period of 16 months,

suspending the licence for a period of three months would serve no useful purpose.

11. We therefore resolved that **REVOCATION** of the premises licence was necessary and proportionate and the only effective mechanism by which to promote the licensing objectives in this case.

DIRECTION

12. During the course of the meeting we heard that there is a suggestion that a further application for a premises licence is to be made in respect of the premises by persons who employed or who were connected with Mr Zana and who had been operating the premises licence, if Mr Zana is to be believed, since 2020.
13. We direct that if such an application is received it be directed to a licensing sub-committee for determination.

RIGHT OF APPEAL

14. The:

- a. Premises licence holder, Mr Nagadim Zana, and:
- b. Any other person who made representations in respect of this application, namely:
 - i. The Secretary of State for the Home Department
 - ii. The Chief Constable of Greater Manchester Police
 - iii. The Environmental Health Department of Trafford Council

may appeal against this decision within 21 days from which this notice of the decision was received by them.

15. Any appeal must be made to:

Greater Manchester Magistrates' Court
Crown Square
Manchester
M60 1PR

Tel: 0161 830 4200
E mail: gmanmags@justice.gov.uk

17th September 2024

Before a Licensing Sub-Committee of Trafford Council

In the matter of:

Premises Licence Application by

H J Sale Limited, Linguine Restaurant, 20 Northenden Road, Sale

Statement of Graeme Dixon

1. I am Graeme Dixon
2. I am an Environmental Health Officer employed by Trafford Council. My duties include enforcement of legislation in relation to Food Hygiene, Public Health, Health and Safety at Work and Safety at Sports Grounds. As part of my role I am also consulted on premises license applications and reviews as Environmental Health are one of the responsible authorities.
3. I am providing this statement in relation to the premises licence application submitted by H J Sale Limited at Linguine Restaurant, 20 Northenden Road, Sale, M33 3BR.
4. On the 9th October 2024 a new food premises registration form was submitted by Hevar Hassan Abdulraheem on behalf of S J Sale Limited, 20 Northenden Road, Sale, M33 3BR (see exhibit GDI/HJS/1). A subsequent email was received to correct S J Sale Limited to H J Sale Limited. The food premises registration form identifies the trading date as 26 Aug 2024. As part of the information submitted under the heading 'Operator Details' an address of Flat 2, 28 Northenden Road, Sale, M33 3BS is provided. This address is the same home address for a previous operator of the business, Mr Shwana Zana, who is currently subject to legal proceedings due to a Carbon Monoxide poisoning incident which was referred to during the Licensing Sub-Committee hearing on the 17th September 2024. This raises concerns in relation to the potential involvement of persons involved in these proceedings having involvement in the day to day operation of the premises and the licensing objectives being upheld.
5. I would therefore invite the licensing sub-committee to consider these concerns in determining the application to ensure that the licensing objectives are upheld.

Statement of Truth

6. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Dated 7th November 2024



.....
Graeme Dixon

Before a Licensing Sub-Committee of Trafford Council

In the matter of:

Premises Licence Application by

H J Sale Limited, Linguine Restaurant, 20 Northenden Road, Sale

EXHIBIT GDI/HJS/1

I verify that this is the exhibit marked GD/HJS/1 in my statement.

Signed: 

Dated 7th November 2024

Dixon, Graeme

From: Food Registration Notifier <food.registration.notifier@notifications.service.gov.uk>
Sent: 09 October 2024 09:59
To: Environmental Health
Subject: Trafford Council: New food business registration received – S J SALE LTD R213890-1
Categories: Lewis

STOP! This email has originated from outside of Trafford Council, If you **DO NOT** recognise the sender or are not expecting this email, **DO NOT** click on links or attachments.

 **GOV.UK**

New Food Business Registration Received

Responsible Local Authority: Trafford Council

You have received a new food business registration. The registration details are included in this email, or you can view a PDF version of the document here:
<https://documents.service.gov.uk/d/yvS-8pbLSfu-URmHva3a9A/YgPXFj4cQvOuO1jJ9zV42g?key=GvjNc57lyc2QLcouVLZ3Bc2rp-W2zJtdv7OuxjVbS9M>.

The unique food business registration application reference is: J1F0JF-MJ1VX9-34NRJE

Registration details

Registration submitted on:
09 Oct 2024

Operator Details

Type of operator:

Sole trader

Name:

hevar hassan abdulraheem

Birthdate:

18 Jan 1994

Address:

Flat 2

28 Northenden Road

Sale

M33 3BS

Contact Details:

07379 108005

hevarhassan376@gmail.com

Establishment Details

Trading name:

S J SALE LTD

Address:

20 Northenden Road

Sale

M33 3BR

Email address:

linguine.restaurant.sale@gmail.com

Address type:

Mobile or moveable premises

Phone number:

0161 825 0336

Trading date:
26 Aug 2024

Activities

Business type:
Restaurant, cafe, canteen, or fast food restaurant

Business scale:
To local customers (who live or work in the local area)

Food type:
Raw unwrapped meat, fish and shellfish

Processing activities:
None of these

Water supply:
Public

Other details:
we got 6 employed
i only taking over but the restaurant been there for over 15 years

Opening days:
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Opening hours:
Monday:
16:00 to 22:00
Tuesday:
16:00 to 22:00
Wednesday:
16:00to 22:00
Thursday:

16:00 to 22:00

Friday:

16:00 to 22:00

Saturday:

16:00to22:30

Sunday:

12:30 to 21:00

Declaration

- I declare that the information I have given on this form is correct and complete to the best of my knowledge and belief.
- The operator will notify their local council of any significant changes to the business activity, including closure, within 28 days of the change happening.
- The operator understands they are legally responsible for the safety and authenticity of the food being produced or served at this establishment.

Guidance links provided:

Guidance for new food businesses: <https://www.food.gov.uk/register-a-food-business#support-for-new-food-businesses>

How to achieve a high food hygiene rating (FHRS score) :

<https://www.food.gov.uk/business-guidance/food-hygiene-ratings-for-businesses>

Information on the food safety management system safer food, better business:

<https://www.food.gov.uk/business-guidance/safer-food-better-business>

Food labelling and allergens guidance: <https://www.food.gov.uk/business-guidance/industry-specific-advice/labelling-and-allergens>

Business support & helpline: <https://www.gov.uk/business-support-helpline>

or contact the Business Support Helpline on 0800 998 1098

Licensing Enforcement Representation

Name	Ben Moran
Job Title	Licensing Enforcement Team Lead
Department	Licensing Enforcement
Address	Town Hall, Stretford, M32 0TH
Email Address	ben.moran@trafford.gov.uk
Telephone Number	0161 912 4242

Premises Details

Application Ref No	PL092122
Name of Premises	Linguine
Address	20 Northenden Road, Sale, M33 3BR

Representation

The Licensing Enforcement Team have assessed the likely impact of the granting of this application taking a number of factors, including the nature of the area in which the premises is located and the proximity to residential accommodation, the hours applied for and any potential risk that the granting of this application could lead to issues of public nuisance, the prevention of crime and disorder, protection of children from harm and public safety.

The premises is located on Northenden Road in a row of commercial premises including other licensed premises. However, the premises is in close proximity to a number of residential dwellings, with the closest being to the rear.

Due to the proximity of residential dwellings in the immediate area there is high likelihood that the applied for hours would have a detrimental impact on the residents' amenity and the quiet enjoyment of their properties. Section 4.4 of Trafford Council's Statement of Licensing Policy states that *applicants should have regard to the local area and this should be reflected in their operating schedule*. It is clear from this application that this has not been considered. Given the previous issues that surround this premises and lethal carbon monoxide poisoning those residents became victim to, requiring them to be rushed to hospital, the authority have received no reassurances that this, along with the addition of the provision to serve alcohol, has been adequately addressed in the application.

On 17th September 2024 the Premises Licence for Linguine, operated by Mr Nagmadin Zana, was reviewed by Trafford Council and the decision was made due to a number of offences, including the exploitation of illegal workers, to revoke the licence with immediate effect. During questioning Mr Zana explained that he had nothing to do with the business and had sold it, Mr Zana was explicit in this point and was a fundamental reason he said he did not want to contest the revocation.

However, I feel that it is pertinent to bring to committee's attention that the most recent immigration visits were on 23rd May 2024 and 21st June 2024 at the time Mr Zana claims that the business had already been sold; therefore the question must be answered as to when the current owners purchased the business and from who as, from reviewing the timeline and the admissions of Mr Zana, the immigration offences occurred during the current ownership.

Clearly this premises has a number of questions that hang over it as to who is actually operating the business, which is epitomised during a routine visit that was made in September following the revocation of their licence. When entering the premises and asking a female, who was setting tables, who was in charge she appeared evasive, when I asked who it was that she worked for she replied that she didn't know as it was 'her first day.' This is

concerning as, in my experience, staff employed at premises know who they work for and can articulate that clearly. This also follows a similar pattern during the visits that were made by Immigration Officers on both 23rd May 2024 and 21st June 2024.

In summing up my representation, when we look at this application in its own right, I would present that no appropriate conditions could be added to the application to ensure that the licensing objectives would not be undermined because we already have evidence that criminal activity has been taking place on the premises. Even with the conditions that have been proposed as part of the application; they fall short of what would be expected of a Premise Licence and show a lack of consideration to Trafford Council's Statement of Licensing Policy, the Licensing Objectives or the impact that their activity would have.

I reserve the right to submit further supporting evidence prior to the hearing.

Recommendation: Refuse application

The Licensing Act 2003

Responsible Authority Representation Form

FAO The Licensing Service, Licensing Section, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

Section 1 - Application Details	
<p>I wish to make a representation regarding the application for a new premises licence for the following premises:</p> <p>Premises name: Linguine Italian Restaurant</p> <p>Premises name and address: Linguine Italian Restaurant, 20 Northenden Road, Sale, M33 3BR.</p>	
<p>Type of Application: Application for a new Premises Licence</p>	
<p>Application Number (if known):</p>	

Section 2 – Responsible Authority’s Details																							
<p>Responsible Authority’s Details: Please tick appropriate box:</p> <table border="1"> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Chief Officer of Police</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Fire and Rescue Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Local Planning Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Health and Safety Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Environmental Health Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Bodies recognised as being responsible for protection of children from harm</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Local Authority Director of Public Health</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Local Weights and Measures Authority (Trading Standards)</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Licensing Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Home Office Immigration Enforcement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Other</td> </tr> </table>		<input checked="" type="checkbox"/>	Chief Officer of Police	<input type="checkbox"/>	Fire and Rescue Authority	<input type="checkbox"/>	Local Planning Authority	<input type="checkbox"/>	Health and Safety Authority	<input type="checkbox"/>	Environmental Health Authority	<input type="checkbox"/>	Bodies recognised as being responsible for protection of children from harm	<input type="checkbox"/>	Local Authority Director of Public Health	<input type="checkbox"/>	Local Weights and Measures Authority (Trading Standards)	<input type="checkbox"/>	Licensing Authority	<input type="checkbox"/>	Home Office Immigration Enforcement	<input type="checkbox"/>	Other
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<input type="checkbox"/>	Other																						
Full name:	John LLOYD																						
Job Title:	Police Officer																						
Tele number:	07391860064																						
Email:	john.lloyd@gmp.police.uk																						

Address:

GMP
Stretford Police Station,
Talbot Road, Stretford.
M32 0XB

Section 3 – Representations

In relation to the review of a premises licence, if the licensing committee are minded to modify the terms of the licence, either immediately or after a period of suspension, we would like to see the conditions outlined in section 3B included on the licence for the reasons outlined in section 3A.

Section 3A – The Licensing Objectives

To prevent
crime and
disorder

On the 11th October 2024 Trafford Local Authority received a new premise license application for a premises named Linguine at 20 Northenden Road, Sale, M33 3BR.

The final date for any consultation is Friday 8th November.

The premises has previously held an alcohol license PL000378 this was revoked by Trafford Councils Licensing Committee in September 2024.

As part of my evidence in the September hearing there had been an issue over the production of CCTV following an assault/damage which occurred inside.

This current application “The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises covering the entrance and exit”.

This proposed condition falls short of what I would expect in an application , especially one that’s been through a review and had their license revoked. See section 3B for my suggestions for appropriate set of CCTV conditions.

Training for staff is mentioned “all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to the drunkenness and underage persons” I would suggest some further more details and robust conditions to cover training, making sure this is done at initial employment and regular stages ongoing. See section 3B.

Challenge 25 is mentioned with some conditions I would suggest these are clarified and outlined as below in section 3B.

	<p>My final concern, in September 2024 their license was revoked over employment decisions made by supervisors/owners involved in the running of the business. This led to illegal workers being found over two separate occasions.</p> <p>A legitimate concern would be if anyone who had previously been involved in the business as an owner/manager or in a supervisor capacity is still involved with this application and has some input into the future running of the business.</p>
Public safety	<i>Please state your reasons:</i>
To prevent public nuisance	<i>Please state your reasons:</i>
The protection of children from harm	<i>Please state your reasons:</i>

Section 3B – Suggestions/Further information

Please give any suggested conditions that could be added to the licence to remedy the cause of your representations, or other considerations you would like the Licensing Sub-Committee to take into account.

Suggested additional conditions should the application be approved: -

The Premises Licence Holder must ensure that:

Digital CCTV recording system will be installed and maintained at the premises with a plan agreed with GMP and the Local Authority.

CCTV cameras located within the premises are in operation covering the areas permitted for Licensable activities, including entrances and exits whenever the premises is in use.

The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e password protected.

The CCTV system must be maintained in full working order to: -

- Operate on real time with correct time and date generation. Be capable of providing individual pictures.
- -Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
- -Stored for a minimum of 31 days and handed to the Police or Local Authority on request. Be able to copy footage to another medium with time and date integral image.
- During all periods of activity, someone on site must be trained in use of the CCTV system.
- Inspect the CCTV system weekly and ensure all equipment and cameras are in full working order.
- Have at least one camera at the entrance and exit. Have cameras on all areas where the sale of alcohol takes place; including bars and, all individuals must be identifiable. In the event of any failure of the system an engineer will be informed without delay and the failure reported to the licensing officer as soon as practicable.

The Premises Licence Holder shall operate a 'Challenge 25' Policy.

Challenge 25 posters to be clearly and prominently displayed.

Anyone who appears to be under the age of 25 and who is attempting to buy alcohol must be required to produce satisfactory "proof of age" that they are over the age of 18 such as a passport, photo card, driving license or citizen card before such a sale is made.

All staff will receive training in Drinks & Drunkenness, Underage Drinking (Challenge 25) , Drugs, General Crime Prevention, Dealing with Disorder and Fire & Evacuation procedures.

To provide training for all new staff on the sale of age restricted products in line with Challenge 25 framework and to provide training, at least every 12 months, to existing staff, on the law relating to underage sales of alcohol, including types of identification to look out for. Staff to sign and date records to confirm that the training has been received and understood by way of a maintained logbook.



I confirm that this representation may become a public document

Signed PC John LLOYD 18264 dated 08/11/2024

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with this representation. This is punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale.

Please return this form along with any additional sheets to: **The Licensing Service, Trafford Council; Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0HT** or email to licensing@trafford.gov.uk.

This form must be returned within the Statutory Period. Please check with the Licensing Section by emailing licensing@trafford.gov.uk