

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