

Public Document Pack



**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR LICENSING SUB-COMMITTEE MEETING

Date: Tuesday, 10 October 2017

Time: 6.00 pm

**Place: Committee Suite, Trafford Town Hall, Talbot Road, Stretford, Manchester,
M32 0TH**

AGENDA	PART I	Pages
1.	ATTENDANCES To note attendances, including Officers and any apologies for absence.	
2.	APPLICATIONS WITH ALL PARTY AGREEMENT (STANDING ITEM) To receive an update on applications where all parties have reached agreement and to decide, in each case, whether to: Agree that a hearing is not necessary and determine to grant the licence and attach the agreed conditions: or Agree that a hearing will be necessary with all the parties present.	
3.	APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE - CANADA GRILL, 38 RAILWAY STREET, ALTRINCHAM WA14 2RE To consider the attached report of the Head of Public Protection.	1 - 12
4.	APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE - CANADA GRILL, 38 RAILWAY STREET, ALTRINCHAM WA14 2RE To consider the attached report of the Head of Public Protection.	13 - 46

5. **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.

THERESA GRANT

Chief Executive

Membership of the Committee

Councillors M. Cornes (Chairman), M. Freeman and J. Holden.

Further Information

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

Mrs Ruth Worsley, Democratic & Scrutiny Officer

Tel: 0161 912 2798

Email: ruth.worsley@trafford.gov.uk

This agenda was issued on **Tuesday, 26th September 2017** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

Any person wishing to photograph, film or audio-record a public meeting is requested to inform Democratic Services in order that necessary arrangements can be made for the meeting.

Please contact the Democratic Services Officer 48 hours in advance of the meeting if you intend to do this or have any queries.

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	
38 RAILWAY STREET ALTRINCHAM, CHESHIRE 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) <u>FAST FOOD TAKEAWAY</u>

Name of current premises licence holder <u>ORANG PARTO</u>

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 

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

Trafford Council is a well-performing, low-cost council delivering excellent services to make Trafford a great place to live, learn, work and relax. You can find out more about us by visiting www.trafford.gov.uk

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

TRAFFORD COUNCIL

THE LICENSING SUB-COMMITTEE – 10th OCTOBER 2017

REPORT OF THE HEAD OF PUBLIC PROTECTION

REPORT REF. NO.

APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE – CANADA GRILL, 38 RAILWAY STREET, ALTRINCHAM, WA14 2RE

PURPOSE

To hear and consider the application and any relevant representations

RECOMMENDATIONS

The sub-committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.

The steps stated in Section 52(4) 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.

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.

The Sub-Committee also have the option to take no further action or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

Iain Veitch
Head of Public Protection

Further Information From:

Name: Joanne Boyle
Extension: 4129

Proper Officer for the purposes of L.G.A. 1972, s.100D
(background papers):
Licensing Act 2003
Guidance issued under section 182 of the Licensing Act 2003
Trafford Council's Licensing Policy

1. BACKGROUND

- 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

2. APPLICATION

- 2.1 On the 2nd August 2017 the Licensing Authority received an application from PC Neil Parkin (Divisional Licensing Officer) on behalf of the Chief Constable of Greater Manchester Police for a review of the Premises Licence PLN000107. The licence is held by Mr Orang Parto for premises known as Canada Grill, 38 Railway Street, Altrincham WA14 2RE. A copy of the current Premises Licence is attached at Appendix A.
- 2.2 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.
- 2.3 The ground for review relates to crime and disorder which has occurred, it is alleged, because the licence holder has failed to comply with the conditions of licence on a number of occasions. A copy of the application is attached at Appendix B. The applicant may expand on the written representation but may not add further grounds.
- 2.4 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.
- 2.6 The Authority has received no comments from any other responsible authority or interested party.

3. KEY ISSUES

- 3.1 The grounds for review and any representations must relate to one or more of the licensing objectives and must be relevant. Representations from interested parties may not be frivolous, vexatious or a repetition.
- 3.2 The Council will consider requests for a review of an existing premises licence if representations are made from the following:
 - A Responsible Authority such as the Police and Fire Authority; or

- Any other person
- 3.3 The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of these objectives are not being met.
- 3.4 The Sub-Committee should consider the relevance of the ground or grounds for review and any representations.
- 3.5 The Sub-Committee should consider whether or not any appropriate pre-review warnings have been given and/or any mediation taken place.

4. RECOMMENDATION

- 4.1 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.
- 4.2 The steps stated in Section 52(4) are:
- to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor;
 - to suspend the licence for a period not exceeding three months;
 - 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.

- 4.3 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.
- 4.4 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 PLN000107

Appendix B – Application for review from Greater Manchester Police

Appendix C – Copy of the Voluntary Action Plan

Appendix D – Police Witness Statement

Appendix E – Incident Reports (1) and (2)

Appendix F – S182 Guidance on the review process

Licensing Act 2003

Premises Licence

PLN000107

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Canada Grill

38 Railway Street, Altrincham, Cheshire, WA14 2RE.

Telephone 0161 928 6663

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Monday to Thursday	11:00pm	1:00am
	Friday to Saturday	11:00pm	3:00am
	Sunday	11:00pm	1:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	8:00am	1:00am
Friday to Saturday	8:00am	3:00am
Sunday	4:00pm	1:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Orang Parto

Canada Grill, 138 Ashley Road, Hale, Cheshire, WA14 2UN.
Telephone 0161 928 8000

Licensing Act 2003

Premises Licence

PLN000107

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No.

Issued by

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

None

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

No refuse shall be disposed of or collected from the premises between the hours of 7.30am - 1.00pm where such disposal or collection is likely to cause disturbance to local residents.

Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions.

No children to be served after 23.00 hours unless accompanied by an adult.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

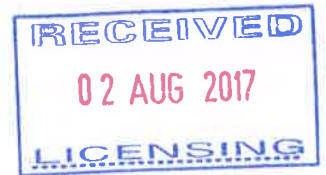
N/A

Signature of Authorised Officer



065504

APPENDIX B



[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate 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 PC 19281 Neil Parkin

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Canada Grill 38 Railway Street	
Post town Altrincham	Post code (if known) WA14 2RE

Name of premises licence holder or club holding club premises certificate (if known) Mr Orang Parto

Number of premises licence or club premises certificate (if known) PLN0107
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 19281 Neil Parkin C/O Stretford Police Talbot Road Stretford M32 0XB
Telephone number (if any) 0161 856 7869
E-mail address (optional) Neil.Parkin@GMP.police.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

As the Licensing Officer for GMP Trafford I would like to apply for a review of the premises licence Canada Grill – PLN0107 to either be considered as being revoked fully or for licensable activity hours to be amended for operation until 01:00 and 1 SIA doorman on a Friday and Saturday night until the end of licensable activities. The reasoning for this review application is due to the Premises Licence Holder not currently abiding by the current licensable activities timings and the licence conditions on a number of occasions.

On 4th May 2017, I issued the premises with an action plan stating they need to close the premises on time, since then they have continually breached the action plan on several occasions staying open passed 3am on a Friday and Saturday night. The current licensable activities timings are;

Late Night Refreshment – Indoors:
Sunday - 23:00 to 01:00
Friday to Saturday - 23:00 to 03:00
Monday to Thursday - 23:00 to 01:00

Also one of the Premises Licence conditions is currently not being abided by:

'Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions.'

This condition is extremely important due to the number of crime and disorder incidents there have been in the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

On 27-05-17 PC Brailsford was in Altrincham and observed that Canada Grill was open @ 03:20am the open sign was illuminated and there were customers inside.

@ 03:30am PC Brailsford Attended and informed the workers to shut the shop they were still serving food.

On 02-07-17 SGT Charvill attended at 03:25am and used his body camera to show the shop still open and full of customers with the open sign still illuminated.

Sunday 23rd July @ 03:30 am Text message from Local bar owner with picture of Canada Grill still open and serving food

Saturday 30th July 03:30am another text message from another Local Bar owner stating Canada Grill is open and there is rubbish all over the floor and there serving customers still.

There have been a total of 5 fights within the premises since may 4th 2017.

Every time I have visited the premises the Premises Licence Holder is not present and he is not returning mine or the councils phone calls. Although the current Premises Licence Holder has informed myself and the council that he is not the manager at the premises and requires to transfer the licence he is still not done this at present.



Have you made an application for review relating to the premises before

Please tick yes

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them



Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature *[Handwritten Signature]*

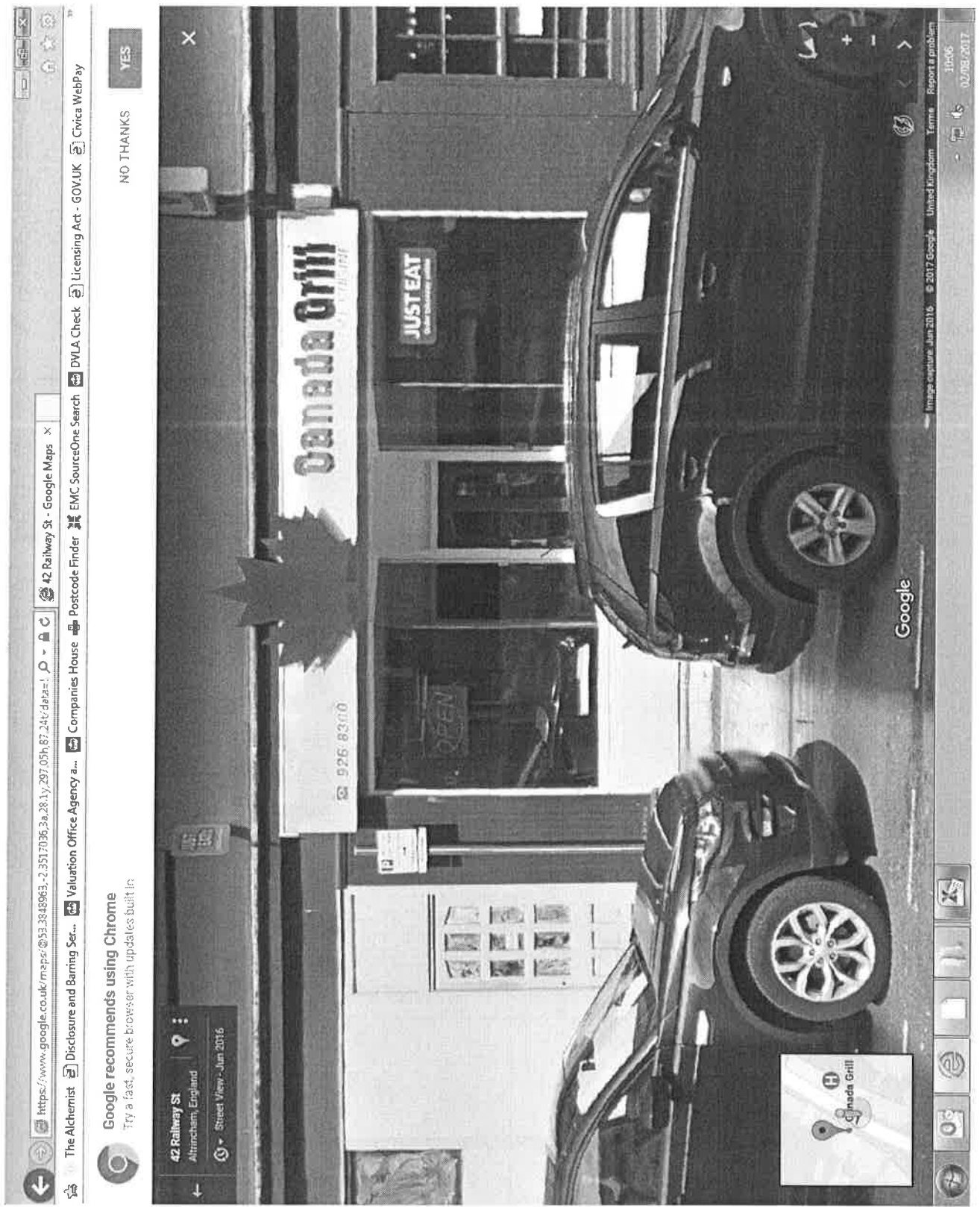
Date 2-8-17

Capacity LICENSING OFFICER GREATER MANCHESTER POLICE

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 using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.





TRAFFORD BOROUGH LICENSING PARTNERSHIP

Voluntary Action Plan

Plan date. 04TH MAY 2017

Review date. 05TH AUGUST 2017

Premises CANADA GRILL 38 RAILWAY STREET ALTRINCHAM

Premises Licence Number PLN 0107

DPS

Licence Holder

This action plan has been written to assist the DPS to achieve the "Licensing Objectives "

- The Prevention of Crime and Disorder.
- Ensuring Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

All conditions on the premises licence must be met. Should conditions be breached at anytime or Trafford Borough Partnership deems you are not adhering to the conditions and objectives, your licence will be reviewed with a view to consideration of formal closure and/or withdrawal of respective Licences.

The prevention of crime and disorder

- CCTV system to be fully operational at all times and access be given to the Police on demand.
- Clear notices to be displayed informing customers CCTV in operation.
- Staff will check toilet areas every hour for evidence of drug use, this will be documented.
- Any person suspected of using drugs must be reported to the Police.
- Any person who is involved in crime and disorder will be banned from the premises by the DPS. The length of the ban will be determined in consultation with the Police.
- An incident book will be kept and every incident will be recorded including alcohol sale refusals, incidents of disorder, complaints, and first aid, police visits. The book will be available to Police and Local Authority Enforcement Officers at all times for inspection.

Ensuring public safety

- Consider the provision of "First Aid" training for staff.
- Ensure a fully stocked "First Aid" box is kept on site and accessible to all staff.
- All fire exits kept clear and clearly marked.
- Policy to contact Emergency services is outlined to all staff and fully understood.
- Tables will be kept clear of empty food cartons
- General environment will be kept clean and tidy.

APPENDIX C

- Outside environment to be kept clean and tidy.
- Full risk assessment will be undertaken at the premises and records kept.

The prevention of public nuisance

- Customers shall be asked to be quiet whilst outside the premises and any bad language shall be challenge by staff.
- Notices will be displayed at the door asking all customers to be quiet whilst leaving the premise.
- You will shut the doors and stop serving food at 02:45am on Friday and Saturday trading hours

The protection of children from harm

- The DPS shall ensure that all children be supervised by an adult whilst on the premise.

I confirm that I am the Designated Premises Supervisor for the above premises and understand my responsibilities and also understand I must abide at all times to the conditions on the Premises Licence.
I agree to implement the above recommendations as agreed with. PC 19281 NEIL PARKIN

Signed:

PC 19281 NEIL PARKIN – Trafford Division Strategic Licensing Officer.



RESTRICTED (when complete)

MG11

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

--	--	--	--

Statement of: **Martyn Brallsford**

Age if under 18: over 21 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of one pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:  Date: 15th September, 2017

Check box if witness evidence is visually recorded (supply witness details on last page)

I am Pc 8058 Martyn Brallsford of Greater Manchester Police, currently stationed at Altrincham Police station on the Trafford Division.

In the early hours of 13th August, 2017, an altercation took place between a group of males inside of the Canada Grill takeaway, Railway street, Altrincham and as a result, two males were assaulted. Unfortunately, offenders managed to leave the scene prior to police attendance, however the incident was recorded and two crimes were submitted for S39 Assault.

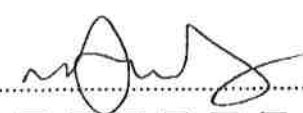
On returning to duty, having been allocated the crime reports i began my investigation. I immediately contacted the aggrieved parties, father and son, and was advised that they had on the night spoken to staff and been assured that the incident had been captured on their cctv system. They attempted to obtain a copy of it but were told it was unavailable.

As a result, I visited the Canada Grill takeaway in order to make conduct the cctv enquiry. I recall that I arrived at the premises on 15th August around 10pm. I spoke to staff members and was advised that they did not have access to the cctv system. Staff member David or Darwood suggested that I contact the owner of the business, Mr Orang, as he would be able to assist. Darwood provided a mobile number for Mr Orang of 07939 122020. On returning to the Police station, I contacted Mr Orang requesting his help. He told me that he had leased the business to staff working there and that he had no access or knowledge of how to work the cctv system.

The following evening, I again attended at the Canada Grill and spoke to Darwood. He repeated what he had said the previous day and was unable to give me access to the cctv system. I am therefore none the wiser as to whether or not the evidence actually exists.

I can confirm that the investigation, due to lack of evidence has since been closed as there were no lines of enquiry.



Signature:  Signature witnessed by:



Incident Report

170617/0013 Closed Immediate

Message: Males Fighting Outside...

PP/NPI Ref: N/A Crimes: -
Incident Date: 17-Jun-2017 00:04 Source: Radio
Beat: M2u2 Community: Mc02
Location: Cafe/restirt Key Holder Ref: 323682X
Address: The Canada Grill, 38, Railway Street, Altrincham, Wa14 2RE
Opening Incident Code: Other General Report (G15) Main Closing Code: Duplicate (L10)
Other Closing Codes: - Possible Duplicate: 0012
Investigating Officer: Constable 14507 John MP Mcgrath, C Relief, M2, Informant: Cctv
Trafford Division
Informant Status: Other Telephone Number: -
Alarm No/Protection: - / - Alarm Features: -
Visit Required: N NCRS Compliant: -
Comments: Pos 32
Markers: -
Input By: Civilian Staff 60712 Justin P Brown, X Relief, WX,
Administration & Technical

APPENDIX E (1)

Results

Type	PIN	Time	Text
History	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	0004	Previous Crimes Displaying 2 Of 5
	-		Date Name Crime No. T H.o.description
	-		220417 H Fowles 099879V/17 B Sec 39 Assault
	-		220417 S Bytheway 099851U/17 L Sec 39 Assault
Comment	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	0004	-
History	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	0004	Previous Incidents Displaying 5 Of 12
	-		Date Fwin Type Description
	-		220417 0349 C01 L15 Violence, Any Assault
	-		190217 0501 C05 Other Theft, Handling
	-		040217 0224 D92 L15 Rowdy Or Inconsiderate Behaviour
	-		291216 0841 C06 Criminal Damage 101216 0363 D92 Rowdy Or Inconsiderate Behaviour
Comment	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	0004	-
Keyholder List	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	0004	1.. Kh Last Updated Date:- 15/06/13

Type	PIN	Time	Text
Urn/note	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	0005	-
Comment	Civilian Staff 60902 Karen E Helsby, X Relief, WX, Administration & Technical	0005	L10
Comment	Civilian Staff 60902 Karen E Helsby, X Relief, WX, Administration & Technical	0005	14507
Resulted	Civilian Staff 60902 Karen E Helsby, X Relief, WX, Administration & Technical	0005	Log 12 Refers Close
Checked	Civilian Staff 60902 Karen E Helsby, X Relief, WX, Administration & Technical	0005	-
Closed	Temporary Sergeant 11103 Darren P Riley, X Relief, WX, Administration & Technical	0027	-

Resources

Date Allocated	Time Allocated	Officer	Rank	Function	Time Removed	Reason Removed	Call Sign	Location
17-Jun-2017	0004	Constable 14507 John MP Mcgrath, C Relief, M2, Trafford Division	Constable	Neighbourhood Police Team	0004	Resource Made Available	M2	M200
17-Jun-2017	0004	Constable 16190 Natalie Brine, D Relief, M2, Trafford Division	Constable	Neighbourhood Police Team	0005	Incident Resulted	K0M0	M200
	0004	Constable 15017 Christopher Clarke, C Relief, M2, Trafford Division	Constable	Neighbourhood Police Team	0005	Incident Resulted	N0L0P0	U2
	0004	Constable 13985 Benjamin S Norton, C Relief, M1, Trafford Division	Constable	Neighbourhood Police Team	0005	Incident Resulted	N0L0P0	U2

Incident Report

170617/0012 Closed Immediate

Message: 2X Males Fighting

PPI/NPI Ref: N/A Crimes: 152880T/17

Incident Date: 17-Jun-2017 00:04 Source: Radio

Beat: M2u2 Community: Mc02

Location: Cafe/restint Key Holder Ref: 323682X

Address: The Canada Grill, 38, Railway Street, Altrincham, Wa14 2RE

Opening Incident Code: Suspect Detained (P01) Main Closing Code: Suspicious Circumstances (G74)

Other Closing Codes: - Possible Duplicate: -

Investigating Officer: Constable 15017 Christopher Clarke, C Relief, M2, Trafford Division Informant: Cctv

Informant Status: Other Telephone Number: -

Alarm No/Protection: - / - Alarm Features: -

Visit Required: N NCRS Compliant: -

Comments: -

Markers: - Input By: Pcco 63325 Jessica Warburton, M Relief, F2, Salford Division

APPENDIX E(2)

Results

Type	PIN	Time	Text
			291216 0841 C06 Criminal Damage 101216 0363 D92 Rowdy Or Inconsiderate Behaviour
Comment	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	0004	-
Keyholder List	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	0004	1.. Kh Last Updated Date:- 15/06/13
History	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	0004	Previous Crimes Displaying 2 Of 5
			Date Name Crime No. T H.o.description
			220417 H Fowles 099879V/17 B Sec 39 Assault
			220417 S Bytheway 099851U/17 L Sec 39 Assault
Comment	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	0004	-
History	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	0004	Previous Incidents Displaying 5 Of 12
			Date Fwin Type Description
			220417 0349 C01 L15 Violence, Any Assault
			190217 0501 C05 Other Theft, Handling
			040217 0224 D92 L15 Rowdy Or Inconsiderate Behaviour

Type	PIN	Text	Time	Text
Um/note	Civilian Staff 60902 Karen E Helsby, X Relief, WX, Administration & Technical	-	0004	-
Comment	Civilian Staff 60902 Karen E Helsby, X Relief, WX, Administration & Technical	-	0005	-
Comment	Civilian Staff 60902 Karen E Helsby, X Relief, WX, Administration & Technical	Log 13 Also Refers	0005	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	-	0005	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	Call From Callum 01612225670 Calling From Canada Grill, Reporting 2 Males Fighting. One Is Now Outside One Is Inside. The Male Who Started It Is Outside, He Had Been Calling The Other Males Girlfriend A Prostitute.	0005	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	-	0005	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	No Weapons Seen	0005	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	-	0006	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	The Male Who Was Hit Has Scratches To His Neck.	0006	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	-	0006	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	No Amb Req	0006	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	-	0007	-
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	Desc Of Male - Bald, White Male, Wearing Black Coat. "Scruffy" Looking. This Male Started The Altercation	0007	-

Type	PIN	Text	Time	Text
Comment	Civilian Staff 68717 Gayle Mccann, X Relief, WX, Administration & Technical	Switched To M2r	0007	
Comment	Civilian Staff 60902 Karen E Helsby, X Relief, WX, Administration & Technical	-	0007	
Comment	Civilian Staff 60902 Karen E Helsby, X Relief, WX, Administration & Technical	Noted Patrols Advised	0007	
Comment	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	-	0008	
Comment	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	15017: Male >> Hospital/goose Green	0008	
Comment	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	-	0009	
Comment	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	Cctv: 1 X Male Beige Jumper Blue Jeans	0009	
Comment	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	-	0011	
Comment	Pcso 63325 Jessica Warburton, M Relief, F2, Salford Division	15017: No Trace Of Male Goose Green	0011	
Comment	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	-	0011	
Comment	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	15017 : Still No Trace Of The Males Staff Will Recall Should They Turn Up.	0011	
Comment	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	-	0012	
Comment	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical	15017 : No One Coming Forward To Report Any Offences.	0012	

Type	PIN	Type	Time	Text
Sit/rep	Constable 15017 Christopher Clarke, C Relief, M2, Trafford Division		0015	In The Area (Late Sit Rep).
Comment	-		0014	No Sit Rep
Comment	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical		0017	G74
Comment	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical		0017	15017
Resulted	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical		0017	15017 : No One Making Themselves Known. No Sighting Of Any Offenders. Log Closed.
Checked	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical		0017	-
Closed	Civilian Staff 60712 Justin P Brown, X Relief, WX, Administration & Technical		0017	-
Sequeled	Constable 14507 John MP Mcgrath, C Relief, M2, Trafford Division		0043	Crime No 152880T/17 Sec 47 Assault At 0004 Sat 170617 Location Railway Street (A538), Altrincham, Traf M2u2 Identity Of Ip. Not Known To Date A/p And Offender Attend Canada Grill; Whilst Outsideon
Sequeled	Constable 14507 John MP Mcgrath, C Relief, M2, Trafford Division		0043	E Male Appears To Hit The Other Causing Scratch To The Neck.offender Makes Off Towards Goose Green Area. Persons Involved :- Accused 00 Refer To Pnc 00 Eliminated 00NAMED Suspect00 Decision Pending 00 Unknown Details 01NOT Commented On By Crime Recording - Already Resulted

Resources									
Date Allocated	Time Allocated	Officer	Rank	Function	Time Removed	Reason Removed	Call Sign	Location	
17-Jun-2017	0004	Constable 15017 Christopher Clarke, C Relief, M2, Trafford Division	Constable	Neighbourhood Police Team	0004	Resource Has Been Allocated To Another Incident	NOL0P0	R1	
17-Jun-2017	0004	Constable 13985 Benjamin S Norton, C Relief, M1, Trafford Division	Constable	Neighbourhood Police Team	0004	Resource Has Been Allocated To Another Incident	NOL0P0	R1	
	0004	Constable 16190 Natalie Brine, D Relief, M2, Trafford Division	Constable	Neighbourhood Police Team	0004	Resource Has Been Allocated To Another Incident	K0M0	R1	
	0004	Constable 14507 John MP Mcgrath, C Relief, M2, Trafford Division	Constable	Neighbourhood Police Team	0016	Resource Set To Available State After Incident Situation Reported	M2	R1	
	0006	Constable 15017 Christopher Clarke, C Relief, M2, Trafford Division	Constable	Neighbourhood Police Team	0017	Incident Resulted	NOL0P0	N0	
	0006	Constable 13985 Benjamin S Norton, C Relief, M1, Trafford Division	Constable	Neighbourhood Police Team	0017	Incident Resulted	NOL0P0	N0	
	0006	Constable 16190 Natalie Brine, D Relief, M2, Trafford Division	Constable	Neighbourhood Police Team	0017	Incident Resulted	K0M0	K0	

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

This page is intentionally left blank

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

--	--	--	--

Statement of: **Stephen Charvill**

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of _____ pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: Date:

Check box if witness evidence is visually recorded (supply witness details on last page)

I am the above named officer and am currently based as a Response Sergeant at Altrincham Police station. On Saturday 1st July 2017 I was on a night duty between 2100hrs to 0700hrs on 02/07/17.

Whilst on duty, at approximately, 0320hrs I was on mobile patrol when I passed through Altrincham town centre. I have worked in the Altrincham area for a number of years and am aware of the ongoing issues around licensed premises and late night takeaway food retailers as these tend to be the locations where disorder breaks out. Over a number of months, when on duty, I have carried out checks on licensed premises to ensure that the licensing laws are being complied with and to prevent incidents of disorder from taking place.

As part of those ongoing checks it had come to my attention that the late night takeaway trading as Canada Grill at Railway street, Altrincham had licence conditions to cease trading at 0300hrs. This premises is the focus of people coming out of the local pubs.

At 0323hrs on 2/7/17 I was on duty when I passed through the town centre at Altrincham. I observed that the premises at Canada Grill was still open although the front lights were not illuminated. There were a number of people, in excess of 6, inside the shop at the counter and the front door was wide open. There were also people outside the shop.

I recorded the front of the shop, as I passed, on my body worn video and exhibit the footage as SC/1. At the time I recorded the time on my watch as 0324hrs. I reported my findings to the licensing officer PC 19281 Parkin.

Signature: Signature witnessed by:

URN

Witness contact details

Home address: c/o Altrincham police station , Barrington road. WA14 1HZ
 (include Postcode)
 Home telephone no.: Work telephone no: 0161 856 9163
 Mobile/Pager no: E-mail address: 16437@gmp.pnn.police.uk
 Preferred means of contact: Best time of contact (specify details):
 Male Female (tick as applicable) Date and place of birth: 30/12/66 Mansfield
 Former name: Height: Ethnicity code:
 Religion/Belief (specify):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing and likely to attend court? If 'No', include reason(s) on form MG6. Yes No
 b) What can be done to ensure attendance?
 c) Does the witness require Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit **MG2** with file. Yes No
 d) Does the witness have any particular needs? Yes No
 If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
 b) I have been given the Victim Personal Statement leaflet: Yes No
 c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?': Yes No
 d) I consent to police having access to my medical record(s) in relation to this matter: Yes No N/A
(obtained in accordance with local practice)
 e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
 f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable: Yes No N/A
 e.g. child care proceedings, CICA.
 g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support unless you ask them not to. Tick this box to **decline** their services:

Signature of witness: PRINT NAME:.....

Signature of parent/guardian/appropriate adult: PRINT NAME:.....

Address and telephone number if different from above:

Statement taken by (print name): self

Station: Altrincham

Time and place statement taken: