

APPLICATION TO TRANSFER A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003

Purpose of the Report

An application to transfer a premises licence has been received from Mr Mohammad Bashir for Flames, 221 Liverpool Road, Newcastle-under-Lyme, ST5 9HW.

A representation has been received from the Central Home Office Interventions and Sanctions Immigration Enforcement Team on the basis that to grant the application would undermine the licensing objective relating to Prevention of Crime and Disorder.

Recommendations

The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- a) To refuse to grant the application
- b) To grant the application

1. Details of Application

Date of Hearing	1 st November 2017
Applicant:	Mr Mohammad Bashir
Premises:	221 Liverpool Road, Newcastle-under-Lyme, ST5 9HW
Application for:	Transfer of a premises licence

Details of Application

For a transfer of premises licence application, the applicant is required to submit an application form, consent to transfer from the previous licence holder (if possible), proof of their right to work in the UK (if an individual) and pay a fee of £23.00. The application was received and accepted as complete on 29th September 2017. The Licensing Department forwarded a copy of the application to Staffordshire Police Licensing and the Central Home Office Interventions and Sanctions Immigration Enforcement Team on the same day.

A location plan for the site is attached as **Appendix A**.

2. Objections Received (Responsible Authorities)

An objection was received from the Central Home Office Interventions and Sanctions Immigration Enforcement Team on 12th October 2017. The objection refers to a recent visit carried out at the premises where one person was found to be working illegally, with the owner Mr Bashir being present at the time.

The objection is attached at **Appendix B**.

3. Options for Consideration

The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- a) To refuse to grant the transfer application
- b) To grant the transfer application

If the application is granted then Mr Bashir would become the premises licence holder for Flames, 221 Liverpool Road, Newcastle-under-Lyme, ST5 9HW. If the application is refused then the premises licence will revert back to the previous licence holder, Mr Mohammed Sardar.

Members of the Sub-Committee should be advised that all parties in relation to the application may appeal against the decision to the Magistrates' Court within 21 days of the date on which they were notified of that decision.

4. Standard of Decision Making

In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications where a relevant representation has been made and not withdrawn need to be determined by this Sub-Committee

When determining the application, the Sub-Committee should only consider issues which relate to the four licensing objectives. The licensing objectives are:

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

Members of the Sub-Committee must have regard to the statutory guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so. Copies of the Council's Statement of Licensing Policy and the Statutory Guidance will be available at the Sub-Committee meeting.