

Licensing Sub-Committee

5 January 2016

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 1 - 3rd Floor - Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Bishan Dass

Conservative

Cllr Patricia Patten

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact Linda Banbury, Democratic Support Officer
Tel/Email Tel: (01902) 555040 Email: linda.banbury@wolverhampton.gov.uk
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website www.wolverhampton.moderngov.co.uk1
Email democratic.support@wolverhampton.gov.uk
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Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Licensing Act 2003 - Application for transfer of a Premises Licence in respect of Caspian Kebab, 1 Broad Street (Pages 3 - 18) |
| 4 | Exclusion of press and public
To pass the following resolution:
That in accordance with section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of schedule 12A to the act relating to the business affairs of particular persons. |

PART II - PRESS AND PUBLIC EXCLUDED

- | | |
|---|---|
| 5 | Deliberations and decision |
| 6 | Re-admission of press and public |

PART I - ITEMS OPEN TO THE PRESS AND PUBLIC

- | | |
|---|---------------------------------|
| 7 | Announcement of decision |
|---|---------------------------------|

CITY OF
WOLVERHAMPTON
COUNCIL

Licensing Sub-Committee

5 January 2016

Report Title **Licensing Act 2003 – Application for transfer of a Premises Licence in respect of Caspian Kebab & Pizza, 1 Broad Street, Wolverhampton WV1 1JA**

Wards Affected	St Peters	
Accountable director	Tim Johnson - Place	
Originating service	Licensing Services	
Accountable employee(s)	Rob Edge	Section Leader (Licensing)
	Tel	01902 550106
	Email	rob.edge@wolverhampton.gov.uk

Recommendation for action or decision:

The Licensing Sub-Committee is requested to consider this application to transfer the premises licence for Caspian Kebab & Pizza.

1.0 Purpose of Report

- 1.1 To submit for consideration by the Sub-Committee an application to transfer the premises licence for Caspian Kebab & Pizza.

2.0 Background

- 2.1 An application was received from Mr Behnam Zarandi to transfer its premises licence to Caspian Kebab & Pizza Ltd.
- 2.2 The application was made on 30 November 2015 and received and accepted by Wolverhampton City Council as a properly made application. A copy of the application and consent is attached at Appendix 1.
- 2.3 The Police, have been consulted on this application as a responsible authority.
- 2.4 The Police have made relevant representations and are objecting to this application. A copy of their formal representations is attached at Appendix 2.
- 2.5 The premises are situated in St Peters ward and a location plan is attached at Appendix 3.
- 2.6 A copy of the premises licence for Caspian Kebab & Pizza is attached at Appendix 4
- 2.7 The applicant and West Midlands Police have been invited to attend the hearing.

3.0 Legal Implications

Section 42 of the Licensing Act 2003 provides that any person meeting the requirements under this section may apply to the licensing authority for transfer of a premises licence to him.

- 3.1 All applications shall be determined in accordance with the four licensing objectives namely:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.

An application made under s42 must be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.

The Chief Officer of the Police must be given notice of the application and where, following notice, the Chief Officer is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective he must give notice to the Licensing Authority stating the reasons he is so satisfied.

Section 44 of the 2003 Act provides that where notice is given to the Licensing Authority (and not withdrawn) the authority must hold a hearing and having regard to the notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective. Regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement. [JB/21122015/I]

4.0 **Financial Implications**

4.1 The Licensing Committee agreed fees and charges for this function on 21st January 2015. The fees are based on a cost recovery basis. The fee for the transfer of a licence is £23.00 and is non-refundable. [TK/09012015/H]

5.0 **Equalities Implications**

5.1 This report does not have any equality implications.

6.0 **Environmental Implications**

6.1 This report has no environmental implications.

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[Insert details including name and address of licensing authority and application reference if any]

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 Caspian Kebabs & Pizza LTD apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below
 (Insert name of applicant)

Premises licence number

WV/029432

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
1 Broad St.	
Post town	Post code
Wolverhampton	WV1 1JA.
Telephone number at premises (if any)	

Please give a brief description of the premises

Caspian Kebabs & Pizza Shop

Name of current premises licence holder

BEHNA M ZARANDI

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 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

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Postcode

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	CASPIAN PIZZA PIZZA & KEBAB LTD.
Address	1 BROAD ST.
Registered number (where applicable)	9877166
Description of applicant (for example partnership, company, unincorporated association etc)	
Telephone number, if any	01902 710923
E-mail (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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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.

licence

- 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 understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature [Redacted Signature]

Date 20-10-15

Capacity APPLICANT

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 4). 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 5)	
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/we BEHNAM ZARANDI
[full name of premises licence holder(s)]

the premises licence holder of premises licence number _____
[insert premises licence number]

relating to

Caspian Kebab & Pizza LTD
1 BROAD ST W'TON
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

_____ [insert premises licence number]

to

WV/029432

_____ [full name of transferee].

Caspian Kebab & Pizza LTD.

signed

name

(please print)

[Redacted Signature]

BEHNAM ZARANDI

dated

20.11.15

LILAMSOS

CASPIAN

Date received:	<u>30/11/15</u>
Amount:	<u>23.00</u>
Cash <input type="checkbox"/>	Cheque <input checked="" type="checkbox"/>
Cheque No.	_____
Receipt no:	<u>UC/35006250</u>
Initial:	<u>DC</u>
Receipt issued by:	<u>DC</u>

From: WV Licensing [mailto:wv_licensing@west-midlands.pnn.police.uk]
Sent: 14 December 2015 17:39
To: Donna Cope
Subject: Re: PRE519 - Caspian Kebab & Pizza, Broad Street - Transfer

Dear All

Police have received the application to transfer the above premises licence.

A Multi- Agency task force visited this premises on 26th September 2015.

At this visit it was found that the premises CCTV system (in place at the premises) was non-compliant to the licence.

The system currently records for 2-3 days instead of the stipulated 30 days as per the licence conditions.

The applicant in this matter is a Mr Ahmadei, who is the limited company 'Caspian Kebab and Pizza Limited'.

Mr Ahmadei attended Bilston Street Police Station on 10th December and confirmed he was overseeing the premises when the multi-agency visit had taken place, and further he had over seen the premises since the 20th October 2015.

Mr Ahmadei conceded that he knew nothing of the operation or the workings of the CCTV system. He further conceded he didn't accept he was or would be responsible for this aspect of the business, and he thought the landlord should be responsible.

Police requested footage from the venue for 10-11-15 to 10-12-15 (since the multi-agency visit) in order to establish that the concerns raised by the visiting officers on that date had been addressed.

Mr Ahmadei stated he would speak with CCTV engineers/other staff members to gain the footage for Police. No footage has been forthcoming to date.

Further, he requested the premises stay open later than the licence dictates and did not seem able to grasp the concept that the specified licence determines the operating hours.

It therefore seems apparent that to transfer the premise licence to Mr Ahmadei, 'Caspian Kebab and Pizza Limited' would undermine the licencing objective of prevention of crime. It is clear no footage could be achieved under the proposed applicant should it be required in matters of crime incidents and that there is little or no understanding of the responsibility which lies with a premise licence holder by the applicant and the requirements upon him to adhere to the premise licence times and conditions..

Police Licensing, Wolverhampton, object under section 42 (6) of the Licensing Act 2003.

Regards
Licensing Department.
Wolverhampton Central Police Station
Bilston Street
Wolverhampton
West Midlands
WV1 3AA

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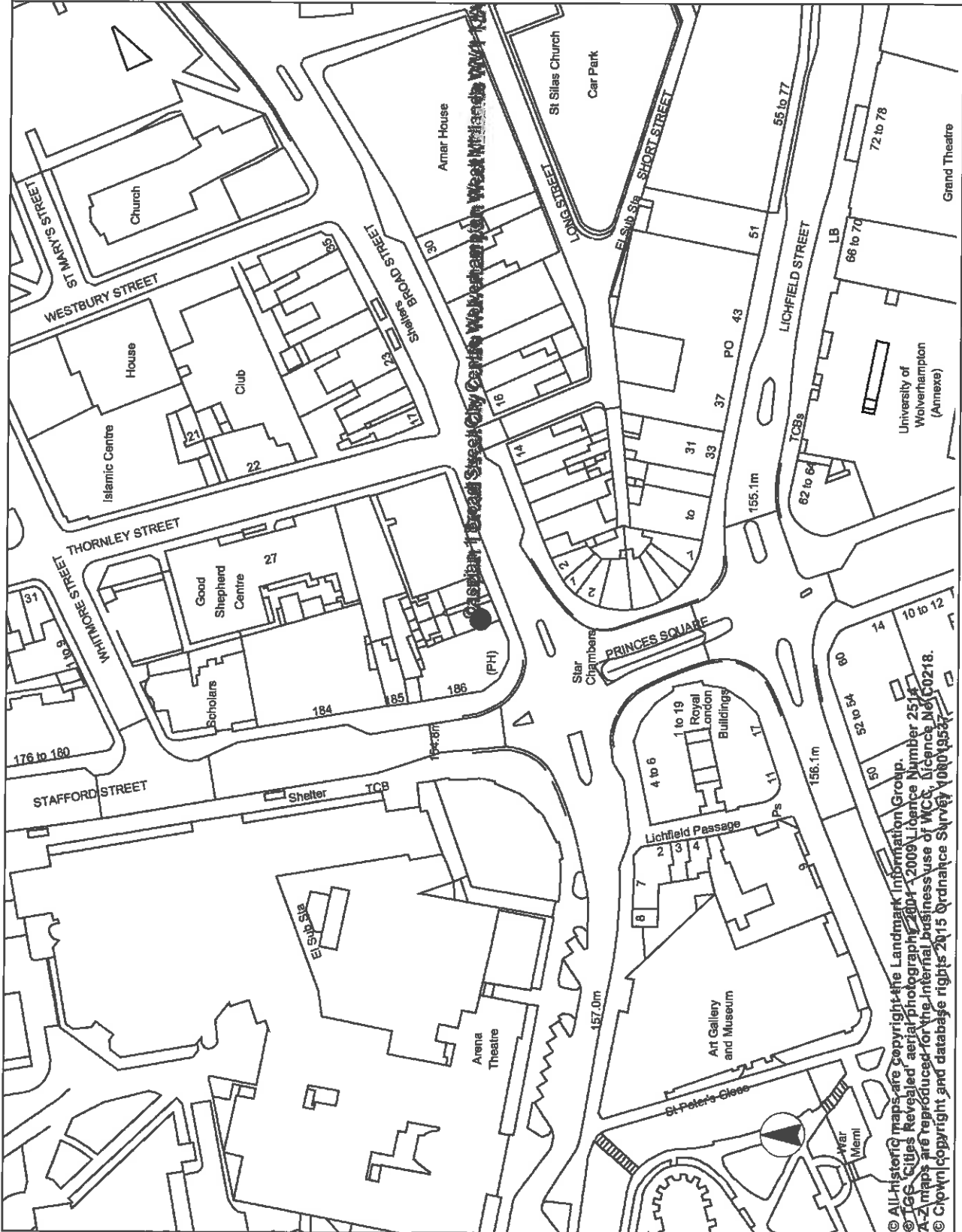


Caspian Kebab
Broad Street, WV1

Wolverhampton City Council
Asset Management
Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

Plan Produced
18.12.2015
Scale 1:1,250

IMAGINE - Powered by



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Premises Licence

Issued in accordance with The Licensing Act 2003

Name of Premises: Caspian Kebab & Pizza

Address of Premises: 1 Broad Street
WOLVERHAMPTON
WV1 1JA

Premises Licence Number: WN/029432 - Transfer of Premises Licence

Date Licence Granted: 18/11/2009

1. Opening hours of the premises

Normal Hours: Monday to Sunday 1700 to 0400 hours
Seasonal Variations: None
Non Standard Hours: None

2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

Activity: Late Night Refreshment
Normal Hours: Monday to Sunday 1700 to 0400 hours
Seasonal Variations: None
Non Standard Hours: None

3. Name of the designated premises supervisor if the sale of alcohol is involved

Not Applicable

4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003

5. Name, (registered) address of the holder of the premises licence

Behnam Zarandi
The Grange
Patshull Hall
Wolverhampton
WV6 7HY



N.P. Edwards

**Chief Regulatory Services Officer
On behalf of Wolverhampton City Council**

Conditions consistent with the Operating Schedule

The prevention of crime and disorder

- CCTV

Public safety

- CCTV is to be installed and maintained in good working order at the premises. CCTV footage (video tapes, CD or other digital data) should be retained for a period of 30 days and released to the police or other authorised officer on request.

The prevention of public nuisance

- Waste/rubbish regularly collected.
- Daily checks should be under taken to ensure no litter is allowed to accumulate at the frontage or rear of the premises.
- Sufficient litter bins should be provided at the premises to enable customers to deposit litter in a responsible manner.

Plans

As submitted with application dated 04/08/2005 and retained by Wolverhampton City Council.