

# Blackpool Council

23 June 2017

To: Councillors Humphreys, Hutton and M Scott

The above members are requested to attend the:

## LICENSING PANEL

Monday, 3 July 2017 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool

## A G E N D A

### 1 APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

### 2 DECLARATION OF INTEREST - LICENSING

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

### 3 PROCEDURE FOR THE MEETING

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (This includes a party and any person assisting or representing a party)

**4 APPLICATION FOR A PREMISES LICENCE- AL AMIR**

(Pages 1 - 36)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR A PREMISES LICENCE- Al Amir
- c. ANNOUNCEMENT OF THE DECISION FOR A PREMISES LICENCE- Al Amir

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail [lennox.beattie@blackpool.gov.uk](mailto:lennox.beattie@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	3 July 2017

## **APPLICATION FOR A PREMISES LICENCE – Al Amir, 37-39 Talbot Road**

### **1.0 Purpose of the report:**

1.1 To consider an application for a Premises Licence in respect of Al Amir, 37-39 Talbot Road.

### **2.0 Recommendation(s):**

2.1 The panel are requested to consider the application and determine whether the granting of this licence would adversely impact on the licensing objectives.

### **3.0 Reasons for recommendation(s):**

3.1 Representations have been received therefore there must be a hearing to determine the application.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, once representations have been received the application must be considered by the Licensing Panel.

#### 4.0 **Background Information**

4.1 On 4 May 2017, the Licensing Service received an application from Peter Ashcroft for the grant of a Premises Licence for Al Amir, 37-39 Talbot Road Blackpool.

4.2 The application requests a premise licence giving permission for live music 19.30 – 23.00, recorded music 00.00 – 0.00, the sale of alcohol for consumption on and off the premises 17.00- 03.00 hours daily and late night refreshment 23.00 – 03.00 hours daily. A copy of the application is attached at Appendix 4a.

4.3 Representations have been received from the Police and the Licensing Authority. Copies of the representations are attached at Appendices 4b and 4c.

#### 4.4 **Local policy considerations**

None

#### 4.5 **National policy considerations**

9.12 The licensing authority should accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.

9.42 – Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 – The authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 – Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder as well as the potential benefit in terms of promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside those parameters.

4.6 **Observations**

At the time of writing this report this premises had the benefit of a Premises Licence. This licence was revoked by following a review application submitted by health and safety on 8 December 2016. This decision is being appealed by the current licence holders and is due for hearing on 26 June 2017.

4.7 Does the information submitted include any exempt information? No

4.8 **List of Appendices:**

Appendix 4a: Application

Appendix 4b: Representation from Police

Appendix 4c: Representation from Licensing Authority

5.0 **Legal considerations:**

5.1 Please see local and national policy in the background information.

6.0 **Human Resources considerations:**

6.1 None.

7.0 **Equalities considerations:**

7.1 None.

8.0 **Financial considerations:**

8.1 None.

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\* required information

## Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	PDA/ALAMIR/23409.67	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant? <input type="radio"/> Yes <input checked="" type="radio"/> No		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

* First name	Mr Peter David	
* Family name	Ashcroft	
* E-mail	ashcroftlaw@gmail.com	
Main telephone number		Include country code.
Other telephone number		
<input checked="" type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader <input type="radio"/> Applying as an individual	A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.
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### Applicant Business

Is your business registered in the UK with Companies House?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Is your business registered outside the UK?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Business name	None	If your business is registered, use its registered name.
VAT number	-      None	Put "none" if you are not registered for VAT.
Legal status	Sole Trader	

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)



## Section 3 of 21

### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

### Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

## Section 4 of 21

### INDIVIDUAL APPLICANT DETAILS

#### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes  No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text" value="Blackpool"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text" value="lancashire"/>
Postcode	<input type="text" value="FY3"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="ashcroftlaw@gmail.com"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text" value="British"/>

[Documents that demonstrate entitlement to work in the UK](#)

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Town centre restaurant - waiter service food and drink at tables

Continued from previous page...

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

**Section 6 of 21**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>

WEDNESDAY

Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>

THURSDAY

Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>

FRIDAY

Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>

SATURDAY

Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>

SUNDAY

Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>
Start	<input type="text" value="19:30"/>	End	<input type="text" value="23:00"/>

Will the performance of live music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors                       Outdoors

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

*Continued from previous page...*

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes                       No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes                       No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End



*Continued from previous page...*

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth  /  /   
dd          mm          yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Continued from previous page...

Issuing licensing authority  
(if known)

Blackpool Council

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="17:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text" value="17:00"/>	End	<input type="text" value="03:00"/>

SATURDAY

Start	<input type="text" value="17:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text" value="17:00"/>	End	<input type="text" value="03:00"/>

SUNDAY

Start	<input type="text" value="17:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text" value="17:00"/>	End	<input type="text" value="03:00"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Low risk activities - service to seated customers at tables with sale of alcohol primarily ancillary to the supply of hot food. However, good practice measures will be deployed largely around the induction, training and continuous improvement of the team. Regular reviews of all operational procedures and policies. There will be particular focus on training on premises' specific policies around the sale of alcohol and late night refreshment relevant to the operation of the business. Liaison with Local Police and Council Licensing Officers and other responsible authorities as appropriate.

b) The prevention of crime and disorder

General steps apply. Specifically CCTV installed fully operational and images retained for evidential and training purposes (subject to Data Protection Act issues) Implementation and regular review of effective security policies. Staff awareness of drugs issues and the adoption of a zero tolerance policy to the use and possession of drugs on the premises. Regular policing by walkabout including toilet areas. No drinks discounting and enhanced duty of care policy to those consuming alcohol.

*Continued from previous page...*

c) Public safety

The premises will be fully risk assessed and the risk assessment will be dynamic and reviewed at least every 12 months. First aid equipment will be available on the premises with staff with at least some basic knowledge of the use of such. Staff will be encouraged to obtain a formal First Aid certificate. There will be operational procedures to deal with emergency incidents and such incidents will be documented as appropriate. A fire detection system, signed means of escape and other fire precaution equipment will be deployed along with a dynamic fire risk assessment. Regular checks of the premises will take place specifically to identify any suspicious articles which could potentially be IED's or similar and the premises evacuated in an orderly manner and relevant authorities will be notified

d) The prevention of public nuisance

A proportionate noise management policy will be devised and implemented. There are no real customer arrival and dispersal issues relating to this type of activity, however in the event of a large party attending consideration will be given to this issue. There are no real external litter issues and considerate approaches will be made in terms of deliveries of supplies and collection of waste and the third party suppliers/contractors will have to buy into such approach.

e) The protection of children from harm

The only issue relevant to the type of activity to be carried out from the premises is sales of alcohol to underage persons. A challenge 25 policy will be formulated and implemented using usual industry standard schemes. Particularity relevant to this type of operation is the accompanying of children with adults - tables will be observed on a regular basis to ensure that no underage supply is made by customers at the table or elsewhere.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

### **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

#### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Section 20 of 21

### NOTES ON REGULATED ENTERTAINMENT

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non&nbsp;domestic rateable&nbsp;value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**DECLARATION**



*Continued from previous page...*

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/blackpool/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

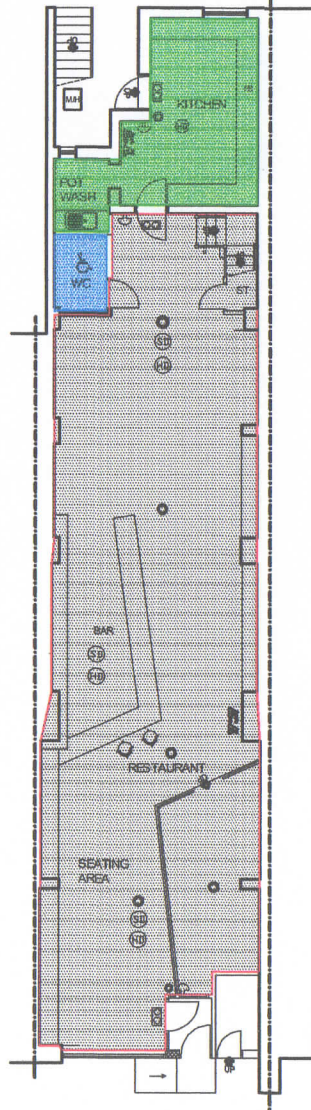
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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**

**OFFICE USE ONLY**

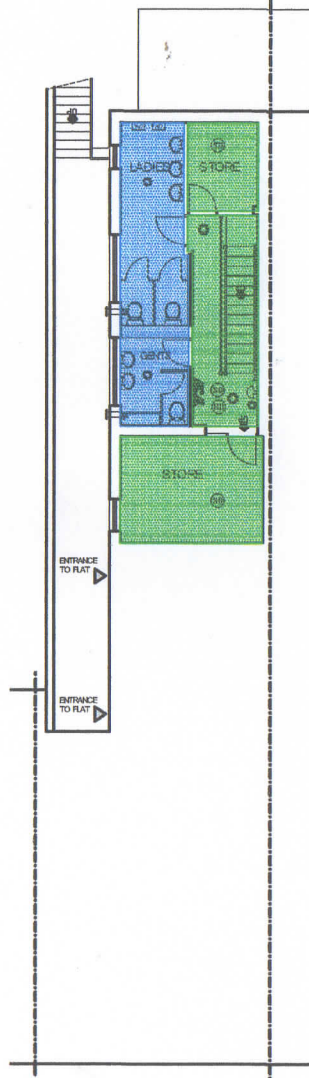
Applicant reference number	<input type="text" value="PDA/ALAMIR/23409.67"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[< Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

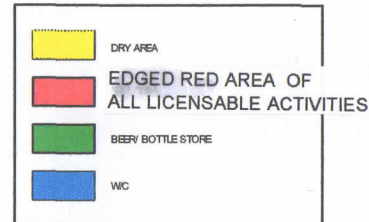
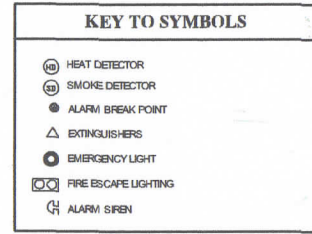
DO NOT SCALE FROM DRAWING



GROUND FLOOR LAYOUT



FIRST FLOOR LAYOUT



**ELECTRICAL & MECHANICAL DETAILS**

1. The electrical and mechanical works shown on this drawing are an representation of the clients requirements only and it is the responsibility of the specialist to design and provide details, drawings and provide instruction and maintenance manuals and records.
2. These items are to be fitted by a specialist contractor who is HSE approved and should refer to the specialist drawings for electrical wiring and mechanical ventilation and heating systems.
3. All light switches to be 2000mm above FFL max.
4. All plug sockets to be 2000mm above FFL except kitchen & utility areas which are 1200mm high.
5. Efficient low energy lighting is required to satisfy Approved Doc 6.
6. Extractor to be manually thermostatically controlled vent with heat recovery system.
7. All electrical work is to be completed or inspected by a registered competent persons registration scheme and an adequate certificate to be issued prior to completion.

**ELECTRICAL L2 SYSTEM**

The lighting system shall be M2 category in accordance with BS5266 part 1 1999 & is to be certified on completion by a qualified engineer. Exit box signs are to be illuminated & comply with BS4599 part 4 2000. Signs are to be placed centrally over doors signs are to be solid green background with white pictogram.

All external fire doors to be fitted with panic bolts no other form of locking systems are to be used whilst the building is in use.

All lighting to be energy efficient lighting max dist between switch & light 5m.

All internal doors leading to stairwells to be F30s 1/2 hr fire door fitted with self-closers and intumescent strip.

Kitchen window opening lights must not be adjacent flat outlook.

Escape window indicates escape window, opening light to be full operable with no obstruction less than 400mm clear and a minimum area of 0.33sqm (750x500 opening).

Heat detector to ground floor to be inter-linked to smoke detectors in flats & common areas.

Smoke and fire detection units to be wired to rings with battery back up. All alarms to be inter-linked, category L2 system to BS5829 part 1 2002.

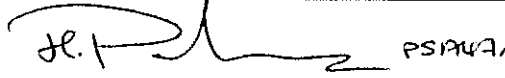
**NOTES**

1. ALL DIMENSIONS ARE IN MILLIMETRES.
2. DO NOT SCALE FROM THIS DRAWING.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELATED DRAWINGS AND DOCUMENTS.
4. THE USER SHOULD CONSULT THE DRAWING ISSUE REGISTER FOR DETAILS.
5. THE CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION WORKS.
6. THE ENGINEER/ARCHITECT SHOULD BE CONTACTED IMMEDIATELY IF THE ASSUMPTIONS USED IN THE DESIGN AND DRAWING PREPARATION DIFFER TO THAT FOUND ON SITE.

Rev.	Amendments	Date	By
<b>Keystone Design Associates Ltd.</b>			
Registered Office: Development House, 201 Church Street, PPT 3PA. Tel. No. 01253 648846, Fax No. 01253 705901, Email: info@keystonedesign.co.uk			
PROJECT ADDRESS			
AL AMIR INDIAN RESTAURANT 37-39 TALBOT ROAD, BLACKPOOL			
PROJECT TITLE			
ALTERATIONS TO INTERNAL LAYOUT & FRONT ELEVATION			
DRAWING TITLE			
LICENSING PLAN OPTION #1			
Client		Scale	
MR RASHAID		1:100 @A2	
Drawn	Checked	Date	
PB		02.10.12	
DRAWING No.			Revision
A012/164/P/02			
This drawing & contents are the property of Keystone Design Assoc Ltd. Unauthorised reproduction of the whole or any part thereof infringes Copyright and may lead to prosecution of civil proceedings.			
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# Appendix 4b

<b>Blackpool Council Licensing Service</b> <b>Representation made by a Responsible Authority</b> <b>to an application for the grant / variation of a Premises</b> <b>Licence / Club Premises Certificate</b>				
<b>Responsible Authority</b>				
Name of Responsible Authority	LANCASHIRE CONSTABULARY			
Name of Officer <i>(please print)</i>	PS1747 Helen Parkinson			
Signature of Officer				
Contact telephone number	01253 604074			
Date representation made	26	05	17	
Do you consider mediation to be appropriate			YES	<input type="checkbox"/>
<b>Premises Details</b>				
Premises Name	Al Amir			
Address	37-39 Talbot Road			
	Blackpool			
Post Code	FY1 1LL			
<b>Reasons for making representations</b>				
<p>I am in receipt of an application for a New Premises Licence for the above address.</p> <p>On behalf of the Chief Officer of Police, having reviewed the application the Police make formal objections on the following grounds:</p> <p>The Police base this objection on the fact that on 25<sup>th</sup> November 2016 following a joint visit with Police, Council Licensing and Immigration a suspected illegal worker fled the premises shortly after our arrival. Alongside this multiple licence breaches were found.</p> <p>Council Licensing and Police submitted an application to review the licence and at the subsequent hearing the Licensing Committee saw fit to revoke the licence. A copy of the decision notice can be found below:</p>				

Mr M Woosnam  
Roland Robinsons & Fentons  
85-89 Adelaide Street  
Blackpool  
FY1 4LX

The Blackpool Council being the licensing authority on the 8<sup>th</sup> December 2016 received an application from health and safety to review the premises licence issued in respect of Al Amir, 37-39 Talbot Road Blackpool. The panel at a hearing on 1<sup>st</sup> February 2017 determined to revoke the licence.

### **Reasons**

The panel have considered an application by health & safety to review the premises licence issued in respect of Al Amir. This review was submitted following a joint visit between licensing enforcement, the Police and Immigration Enforcement. The facts of the visit are documented in the review application, police representation and supporting evidence.

At the hearing Mr Marshall, on behalf of health & safety, explained to the panel that this review had been brought in the unusual situation where the cause for concern was so wide-ranging that the licence should be considered by the panel without first engaging with the licence holder. The panel's attention was directed to a number of concerns namely the employment of someone who did not have the right to work in the UK, failing to ensure health & safety certification was up to date and failure to comply with licence conditions, namely the CCTV.

This joint operation with Immigration Enforcement had resulted in visits to a number of premises. On entering Al Amir, and after introducing themselves the man who appeared to be in charge of the restaurant suddenly ran out of the front door nearly getting knocked over in his rush to get away. This left only one member of staff, the chef, at the restaurant meaning that the officers had to remain in situ to look after front of house whilst they waited for the DPS to arrive. When Mr Rashid the DPS arrived he could only tell them that the man was called Umer, he had no employment records for him, did not know his surname and could only provide officers with two mobile telephone numbers.

Mr Marshall did accept that this premises had not come to his attention before either directly or indirectly. He also accepted that Mr & Mrs Rashid had held licences in Blackpool for ten years.

Sgt Parkinson spoke in support of the review application. She expressed concern that when the man left he had left the till and a fully stocked bar essentially unsupervised and if they hadn't been there the customers would have been able to help themselves. She confirmed a conversation with Mr Rashid where he acknowledged that there was only one CCTV camera which did not record.

Mr Woosnam representing the licence holder confirmed that when Mr & Mrs Rashid took over the restaurant in 2011 there was already installed a modest CCTV system which did not record, this was mainly used for monitoring people entering and exiting the premises. Mr Woosnam indicated that as they had never had any contact with the Police or licensing enforcement the situation with the CCTV had drifted, but they now understand that they need to abide by conditions. The panel were also told that the certification for the fire extinguishers was now up to date.

Dealing with the member of staff who had run off, Mr Woosnam indicated that Mr Rashid had known Umer for about seven years as he was a friend of the previous chef. This previous chef had told Mr Rashid that Umer suffered from mental health issues and had previously been sectioned under the Mental Health Act. Mr Rashid was satisfied that Umer had the right to work in the UK because he had been shown a card with his national insurance number on. Umer helped out when the restaurant was short staffed and he was paid cash in hand.

Mr Woosnam invited the panel to consider adding two conditions to the licence:

1. Documentary proof of an employee's identity and right to work should be kept on the premises and be available for inspection at all times; and
2. No less than two members of staff should be working when the premises are open.

Mr Rashid confirmed that he had never had any concerns about Umer's mental health, and although he thought that he lived locally, he did not actually know where he lived. When asked how much Umer was paid an hour, Mr Rashid replied after some thought £5.00, although he was aware that the minimum wage was £7.25 an hour.

The panel when reaching their decision were concerned about the catalogue of failures, not making proper right to work checks, paying cash in hand below the minimum wage, failure to make health & safety checks and failure to comply with licence conditions. Of particular concern is the employment on cash in hand basis of a person with mental health difficulties at a rate substantially below the minimum rate. Even if he was provided with food this could be viewed as a form of exploitation.

The view of the panel was that this business has been trading irresponsibly the result of which was officers been left effectively in charge of premises for a period of 30minutes. The panel were further concerned by Mr Rashid's answers to questions which they believed were somewhat vague.

Furthermore the panel did not believe that adding a condition requiring two members of staff would be appropriate as this reflected the current state of affairs.

In reaching their decision the panel had regard to the Secretary of States Guidance, in particular Paragraph 11.20 which states;

*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 instigate the review.*

Paragraph 11.23 which states;

*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. 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. 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.*

Paragraph 11.27 which lists certain activity that should be treated particularly seriously including knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.

It was the panel's view that the causes for concern were very serious and wide-ranging. Whilst the defects concerning the CCTV and fire extinguishers had been dealt with, this had only happened because the review had been submitted. The Rashid's had knowingly employed someone on a "cash in hand" basis paying below the minimum wage which should not happen and without doing the required right to work checks – it is impossible for them to be confident that he had the right to work when they did not even know his surname.

The panel as detailed above were of the opinion that the premises had been trading irresponsibly in the past and were not satisfied, by the answers provided at the hearing that they would trade in a responsible manner in the future. For these reasons the panel were of the opinion that the appropriate action for them to take was to revoke the licence.

The decision will come into effect in 21 days unless notice of appeal is served within that time.

Date: 1<sup>st</sup> February 2017

Signed.....

Head of Licensing Services

Please address any communications to:

Licensing Service, Municipal Buildings, PO Box 4, Blackpool FY1 1NA

**Note: An appeal against this decision may be made by the applicant/the Chief Officer of Police as applicable (See Schedule 5 of the Act) to the magistrates' court for the petty sessions area (or any such area) in which the licensing authority's area or part of it is situated within 21 days from the date of receipt of the notification of the decision.**

The decision is currently being appealed by current license holder Mrs Shanaz Rashid and her husband, who is listed as the DPS, Mr Muhammad Rashid and is due to be heard on the 26<sup>th</sup> June. Therefore this clearly indicates that Mr and Mrs Rashid still have a propriety interest in the property. In fact, Mrs Rashid is the current lease holder for the property having signed a 15 year lease in 2011. The lease is due to expire on 31<sup>st</sup> December 2025.

Although the licence and the lease are in the name of Mrs Shanaz Rashid, it was clear to Police from dealing at the premises and in the review hearing that Mr Rashid is heavily involved in the running of the premises and they stated that this is family business.

The police have had no indication from Mrs Rashid or indeed the new applicant that they have any intention of giving up the property, transferring the licence or the lease. There is no information on this new application regarding how the new applicant will distance himself from the current licence and lease holder. On this new application the applicant indicates that he wishes the new licence to start on 12<sup>th</sup> June, this is two weeks prior to the appeal hearing and therefore there is currently operational licence in place at the premises. Consequently, the police have concerns that Mr and Mrs Rashid will still have some involvement in the day to day running of the premises under the new licence.



Due to the issues highlighted in the recent review Police believe that should this new licence be granted in its current form it would undermine the crime prevention objective.

Police however would be willing to mediate on this application if the applicant was to consider the conditions outlines below with the addition of the following condition:

**Mr Muhammad Rashid and Mrs Shanaz Rashid shall not be permitted to have any involvement with the running of the business and shall not attend the premises during licensable hours.**

**It is recommended that the licence should only be granted if the application is amended, or if conditions are applied, as detailed below.**

Should the Committee deem appropriate to issue a licence then the Police request that the following conditions be added to the Operating schedule, along with the conditions already offered by the applicant:

1. CCTV, which complies with the following criteria, will be installed at the premises.
  - a. The system shall display on any recording the correct time and date of the recording;
  - b. The system shall be recording during all hours the premises are open to the public;
  - c. VCR tapes or digital recording shall be held for a minimum of 28 days after the recording is made and will be made available to the Police for inspection upon request, so long as said request is in accordance with the principles of the Data Protection Act, or any subsequent or alternative legislation.
  - d. The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.
  - e. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police, or any officer acting for a Responsible Authority, recent data or footage with the absolute minimum of delay when requested.
  
2. The licence holder shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.

3. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
4. Risk assessments carried out by or on behalf of the Licence Holder which relate to a licensing objective will be available for inspection by an officer or a responsible authority.
5. Table seating shall be provided for a minimum of 75% of the maximum capacity on each floor of the premises, save for pre-arranged private functions
6. All staff to have received suitable training in relation to the proof of age scheme and levels of drunkenness to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request. Refresher training shall be conducted every 6 months as a minimum.
7. No persons under the age of 16 will be allowed on the premises after 22.00 unless in company with an adult and partaking in a meal.
8. Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
9. Any unfinished bottles of wine must be re-corked/sealed before being taken away from the premises
10. Mr Muhammad Rashid and Mrs Shanaz Rashid shall not be permitted to have any involvement with the running of the business and shall not attend the premises during licensable hours.

<b>Blackpool Council Licensing Service</b>				
<b>Representation made by a Responsible Authority</b>				
<b>Responsible Authority</b>				
Name of Responsible Authority	<b>Licensing Authority</b>			
Name of Officer <i>(please print)</i>	Mark Marshall			
Signature of Officer				
Contact telephone number	<b>01253-478493</b>			
Date representation made	<b>25</b>	<b>05</b>	<b>2017</b>	
Do you consider mediation to be appropriate			<b>YES</b>	<b>NO</b>
<b>Premises Details</b>				
Premises Name	<b>Al Amir</b>			
Address	37-39 Talbot Road			
	Blackpool			
Post Code				
<b>Details of your representation (Please refer and attach any supporting documentation)</b>				
<p>I have concerns with this application given the very recent history which disclosed evidence that undermined the Crime Prevention Objective.</p> <p>Suspected illegal workers fled the premises on the 24<sup>th</sup> November 2016 along with multiple breaches of the premises licence.</p> <p>Licence revoked at the subsequent hearing , copy the decision notice found below;</p>				

Mr M Woosnam  
Roland Robinsons & Fentons  
85-89 Adelaide Street  
Blackpool  
FY1 4LX

The Blackpool Council being the licensing authority on the 8<sup>th</sup> December 2016 received an application from health and safety to review the premises licence issued in respect of Al Amir, 37-39 Talbot Road Blackpool. The panel at a hearing on 1<sup>st</sup> February 2017 determined to revoke the licence.

### **Reasons**

The panel have considered an application by health & safety to review the premises licence issued in respect of Al Amir. This review was submitted following a joint visit between licensing enforcement, the Police and Immigration Enforcement. The facts of the visit are documented in the review application, police representation and supporting evidence.

At the hearing Mr Marshall, on behalf of health & safety, explained to the panel that this review had been brought in the unusual situation where the cause for concern was so wide-ranging that the licence should be considered by the panel without first engaging with the licence holder. The panel's attention was directed to a number of concerns namely the employment of someone who did not have the right to work in the UK, failing to ensure health & safety certification was up to date and failure to comply with licence conditions, namely the CCTV.

This joint operation with Immigration Enforcement had resulted in visits to a number of premises. On entering Al Amir, and after introducing themselves the man who appeared to be in charge of the restaurant suddenly ran out of the front door nearly getting knocked over in his rush to get away. This left only one member of staff, the chef, at the restaurant meaning that the officers had to remain in situ to look after front of house whilst they waited for the DPS to arrive. When Mr Rashid the DPS arrived he could only tell them that the man was called Umer, he had no employment records for him, did not know his surname and could only provide officers with two mobile telephone numbers.

Mr Marshall did accept that this premises had not come to his attention before either directly or indirectly. He also accepted that Mr & Mrs Rashid had held licences in Blackpool for ten years.

Sgt Parkinson spoke in support of the review application. She expressed concern that when the man left he had left the till and a fully stocked bar essentially unsupervised and if they hadn't been there the customers would have been able to help themselves. She confirmed a conversation with Mr Rashid where he acknowledged that there was only one CCTV camera which did not record.

Mr Woosnam representing the licence holder confirmed that when Mr & Mrs Rashid took over the restaurant in 2011 there was already installed a modest CCTV system which did not record, this was mainly used for monitoring people entering and exiting the premises. Mr Woosnam indicated that as they had never had any contact with the Police or licensing enforcement the situation with the CCTV had drifted, but they now understand that they need to abide by conditions. The panel were also told that the certification for the fire extinguishers was now up to date.

Dealing with the member of staff who had run off, Mr Woosnam indicated that Mr Rashid had known Umer for about seven years as he was a friend of the previous chef. This previous chef had told Mr Rashid that Umer suffered from mental health issues and had previously been sectioned under the Mental Health Act. Mr Rashid was satisfied that Umer had the right to work in the UK because he had been shown a card with his national

insurance number on. Umer helped out when the restaurant was short staffed and he was paid cash in hand.

Mr Woosnam invited the panel to consider adding two conditions to the licence:

1. Documentary proof of an employee's identity and right to work should be kept on the premises and be available for inspection at all times; and
2. No less than two members of staff should be working when the premises are open.

Mr Rashid confirmed that he had never had any concerns about Umer's mental health, and although he thought that he lived locally, he did not actually know where he lived. When asked how much Umer was paid an hour, Mr Rashid replied after some thought £5.00, although he was aware that the minimum wage was £7.25 an hour.

The panel when reaching their decision were concerned about the catalogue of failures, not making proper right to work checks, paying cash in hand below the minimum wage, failure to make health & safety checks and failure to comply with licence conditions. Of particular concern is the employment on cash in hand basis of a person with mental health difficulties at a rate substantially below the minimum rate. Even if he was provided with food this could be viewed as a form of exploitation.

The view of the panel was that this business has been trading irresponsibly the result of which was officers been left effectively in charge of premises for a period of 30minutes. The panel were further concerned by Mr Rashid's answers to questions which they believed were somewhat vague.

Furthermore the panel did not believe that adding a condition requiring two members of staff would be appropriate as this reflected the current state of affairs.

In reaching their decision the panel had regard to the Secretary of States Guidance, in particular Paragraph 11.20 which states;

*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 instigate the review.*

Paragraph 11.23 which states;

*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. 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. 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.*

Paragraph 11.27 which lists certain activity that should be treated particularly seriously including knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.

It was the panel's view that the causes for concern were very serious and wide-ranging. Whilst the defects concerning the CCTV and fire extinguishers had been dealt with, this had only happened because the review had been submitted. The Rashid's had knowingly employed someone on a "cash in hand" basis paying below the minimum wage which should not happen and without doing the required right to work checks – it is impossible for them to be confident that he had the right to work when they did not even know his surname.

The panel as detailed above were of the opinion that the premises had been trading irresponsibly in the past and were not satisfied, by the answers provided at the hearing that they would trade in a responsible manner in the future. For these reasons the panel were of the opinion that the appropriate action for them to take was to revoke the licence.

The decision will come into effect in 21 days unless notice of appeal is served within that time.

Date: 1<sup>st</sup> February 2017

Signed.....

Head of Licensing Services

Please address any communications to:

Licensing Service, Municipal Buildings, PO Box 4, Blackpool FY1 1NA

**Note: An appeal against this decision may be made by the applicant/the Chief Officer of Police as applicable (See Schedule 5 of the Act) to the magistrates' court for the petty sessions area (or any such area) in which the licensing authority's area or part of it is situated within 21 days from the date of receipt of the notification of the decision.**

The matter is being appealed and due to be heard on the 26<sup>th</sup> June so there is still a clear propriety interest from the current licence holder.

Current licence holder has a 15 year lease with an ability to reassign with the consent of the Landlord but the applicant is the solicitor who drew up the original lease in 2011 but at this stage the current licence holder still holds the lease and therefore will continue to have a propriety interest in the premises.

Our concern is primarily that the current licence holder Mrs Rashid or the DPS Mr Rashid will still have day to day control of the premises and given the recent issues disclosed we believe that the crime prevention objective will be undermined.

The operating schedule is deficient with regards to any explanations on how the new licence holder will be intending to distance himself from the current licence holder who is also the lease holder.

We would be agreeable to mediate on this application if the applicant was to consider the following condition.

**Mrs Shanaz Rashid or Mr Muhammad Rashid shall not be permitted to have any involvement with the running of the business and shall not attend the premises during licensable hours.**

**For New / Variation Applications only.**

**It is recommended that the licence should only be granted if the application is amended, or if conditions are applied, as detailed below.**