

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	12 April 2017

## **APPLICATION TO REVIEW A LICENCE – Kebab House**

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

1.1 To consider an application by Lancashire Constabulary to review the Premises Licence issued in respect of Kebab House, 54 Foxhall Road.

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

2.1 The panel is requested to determine the review application.

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

3.1 The application must be determined by a panel.

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 a review application is submitted it must be determined by a Licensing Panel.

### **4.0 Background Information**

4.1 Kebab House, 54 Foxhall Road has the benefit of a Premises Licence authorising late night refreshment 23.00 – 03.00 hours daily.

4.2 On 16<sup>th</sup> February 2017 the Licensing Service received an application from the Police to review this licence on the grounds of the prevention of crime and disorder and protection of children from harm. A copy of the application is attached at Appendix 4a.

- 4.3 Representations in support of the review have been received from the Child Protection Licensing Officer attached at Appendix 4b.
- 4.4 The Licence Holder at the time the review was submitted was Kashif Gul. On 17 February 2017, the day after the review was submitted, the licensing service received an application to transfer the licence to Mr Tariq Jan. Mr Jan also notified the Licensing Service that he intended to change the name of the premises to C Sider Kebab House.
- 4.5 Tariq Jan, the new Premises Licence Holder has indicated that he will be attending the hearing.

4.6 **Local policy considerations**

None

4.7 **National policy considerations**

Section 11 reviews is relevant in particular:

11.20 – In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

If a suspension or revocation is being considered 11.23 should be taken into account “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.”

The panel have the following powers:

1. Take no action
2. Modify the conditions of the licence (by adding removing or varying conditions)
3. Exclude a licensable activity from the licence
4. Remove the DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

#### 4.8 **Observations**

This licence has the following conditions endorsed upon it:

##### **Annex 2 - Conditions consistent with the Operating Schedule**

- 1 The premises are to be equipped with a closed circuit television system, which is appropriate to its purpose and provided and maintained to the satisfaction of the enforcement authorities.
- 2 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.
- 3 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 4 Frequent collection of all litter dropped within the vicinity of the licensed premises to be collected and removed at the licence holder's expense at a frequency of not less than 60 minute intervals during opening hours. This includes washing away to the gutter any spilled food.

4.9 Does the information submitted include any exempt information? No

#### 4.10 **List of Appendices:**

Appendix 4a: Review Application submitted by Lancashire Constabulary

Appendix 4b: Representation from Child Protection Licensing Officer

#### 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