

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	2 August 2017

## **APPLICATION TO REVIEW A LICENCE – Food Lounge**

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

- 1.1 To consider an application by Lancashire Constabulary to review the Premises Licence issued in respect of Food Lounge, 22 Market Street.

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

- 2.1 The panel is requested to determine the review application.

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

- 3.1 A review application must be determined by a Licensing 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, a review application must be determined by a Licensing Panel.

### **4.0 Background Information**

- 4.1 Food Lounge, 22 Market Street has the benefit of a Premises licence authorising the provision of late night refreshment 23.00 – 04.30 hours daily.

- 4.2 On 6th June 2017 the licensing service received an application from Lancashire Constabulary 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 Licensing Authority (Appendix 4b) and the Child Protection Licensing Officer (Appendix 4c).
- 4.4 The licence holder is currently Curtis Marsden (an application to transfer the licence to Sajjad Sarwar was received on 12 June 2017 but was subsequently withdrawn)

4.5 **Local policy considerations**

None.

4.6 **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. Suspend the licence for up to three months
5. Revoke the licence.

4.7 **Observations**

This licence was first granted in April 2015. A review application was submitted in June 2016 although this did not proceed to a hearing as the licence was surrendered. Following discussions with the responsible authorities a further licence was granted to Curtis Marsden in November 2016. It is understood that following the closure application in 2017, Mr Marsden is no longer at the premises. In April 2017 the licensing service received an application to transfer the licence to Khalid Bijbij Bijbij. This application was withdrawn on 10 May 2017. Then on 12 June 2017 the Licensing

Service received an application from Sajjad Sarwar to transfer the licence into his name. This application was withdrawn on 20 June 2017 leaving Curtis Marsden as the licence holder.

This licence has the following conditions endorsed upon it:

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

- 1 The non-standard timings for Late Night Refreshment and Premises Opening Hours are as follows:
  - a) On the Friday to Monday of Easter, May, Spring and August Bank Holidays an additional hour will be permitted
  - b) On Christmas Eve, Boxing Day and New Year's Eve an additional hour will be permitted
- 2 CCTV, which complies with the following criteria, will be installed at the premises.
  - a) The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary.
  - b) The system shall display on any recording the correct time and date of the recording;
  - c) The system shall be recording during all hours the premises are open to the public;
  - d) 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.
  - e) The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.
  - f) 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.
- 3 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.
- 4 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.

- 5 The premises have installed a wall-mounted screen, no smaller than 32", mounted in a prominent position within the premises, so that patrons can view live-recorded CCTV footage.
- 6 At any time the premises are open to the public after 03:00 hours, the premises licence holder shall employ a minimum of one SIA registered door supervisor. The supervisor shall wear reflective identification as approved by Lancashire Constabulary.
- 7 There will be no boxing machines in operation in the premises.
- 8 An efficient queuing system will be in operation and the licence holder will arrange adequate supervision of any queue to prevent disorderly behaviour.
- 9 There will be fixed seating in the premises for the benefit of customers.
- 10 During the hours of licensable activities Mr Nabil Awadi will not attend the premises for any purpose. This will include the office area upstairs and any other rooms that are directly adjoined / linked to the premises. All these areas must be available for inspection during licensing hours.
- 11 No persons under the age of 18 will be allowed on the premises after 23:00 hours unless they are a member of staff working at the premises at the time.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Application

Appendix 4b: Representation from Licensing Authority

Appendix 4c: 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.