

Appendix 4a

Blackpool Council

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

LICENSING ACT 2003

***Review
requested by:***

Mark Marshall



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

Contact

T: (01253) 47 8572 / 8589
F: (01253) 47 8372

www.blackpool.gov.uk

LS/F/009/14/3

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. You may wish to keep a copy of the completed form for your records.

I	Mark Marshall, Licensing and Health and Safety Manager
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[insert name of person requesting review]

apply for the review of a premises licence under section 51 or apply for the review of a club premises certificate under section 87, of the Licensing Act 2003 for the premises described in part 1 below.

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
Premises Name and Address	Heatwave								
	1a Dickson Road								
	Blackpool	Post Code	F	Y	1	2	A	R	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Sraj Alesh									
Premises Licence or Club Premises Certificate Reference Number (if known)								WA0208	

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority	Please tick
2) a responsible authority (please also complete 2C below)	X
3) a member of a club to which this application relates (also complete section 2A below)	

(2A) Individual Applicants (fill in as applicable)

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Please tick									
							Yes	No								
Forenames						Surname										
Home address																
						Post Code										
						Telephone Number						Mobile Number				
E-Mail Address																

(2B) Other Applicant or Representing Body

Name															
Address															
						Post Code									
	Telephone No.														
Email Address															

(2C) Responsible Authority applicant

Name	Mark Marshall													
Address	Licensing Authority													
	Municipal Buildings													
						Post Code	F	Y	1			1	N	A
Telephone Number	01253-478493													
Email Address	Mark.marshall@blackpool.gov.uk													

Part 3 – Reason for Review

This application to review relates to the following licensing objective(s):

	Please tick
1) the prevention of crime and disorder	X
2) public safety	
3) the prevention of public nuisance	X
4) the protection of children from harm	

Please state the ground(s) for review (please read guidance note 2 before completing)

Background Information

This premises was reviewed in March 2015. It was one of 3 takeaways which were effectively all next door to each other on the east side of Dickson Road. The area had been problematic for some years and the evidence in the 2015 Review showed extensive crime and disorder and nuisance problems had occurred for some years. 2 of the takeaways were dealt with in late April 2015 but the hearing for Al Goucha (as Heatwave was previously known) was deferred due to time constraints on the day. The action that took place against the other 2 takeaways (reduction in hours and revocation) clearly focussed the mind of the operator where he was keen to accept any conditions or recommendations that were felt as necessary to avoid any contention at the hearing.

I had discussions prior to the hearing with a man I know as Sraj Alosch who was the landlord but not the licence holder at the time, Mr Alosch made it clear that any recommendations or conditions would be adopted by the licence holder without question.

A hearing was later convened which took place on the 21st May 2015 and a copy of the decision notice is found below:



Mr A Abdun
Flat 3
27 Queen Street
Blackpool
FY1 1NL

The Blackpool Council being the licensing authority on the 12th March 2015 received an application from the licensing authority to review the premises licence issued in respect of Al Goucha, 1A Dickson Road Blackpool.

The Council have determined to deal with the review in a manner that reflected the agreement reached between the parties:

1. Licensable Activity (Sale of Hot Food or Drink) will cease at 04.00hrs
2. At least 1 SIA Door Supervisor will be on duty from 03.00 until the premises closes
3. A risk assessment will be carried out by the licence holder to consider the need for additional Door Supervisors at busier periods.
4. No Entry to customers will be permitted after 03.55hrs.
5. A Responsible Person appointed by the Licence holder will be available on the premises during the hours that Licensable activity is taking place.

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

Date: 21st May 2015

Signed.....

Head of Licensing Services

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.

Present day issues

In July 2017 the police informally reported an increase in problems and incidents around the Dickson Road area; I briefed them on the historical action taken by the Licensing Authority.

On Sunday 30th July 2017 Mark Marshall and Sgt Helen Parkinson attended the area to see that all the takeaways were open and busy full of people, at least 2 of the premises, Pizza Luigi and Heatwave formally known as Al Goucha had conditions which restricted their opening times which were implemented following regulatory action.

The visits to the area were conducted between the hours of 04.40hrs and 05.30hrs. It was clear that the takeaway continued to operate beyond the 04.00hrs terminal hour.

The photographs below demonstrate the amount of people in the area and the overall intention of the condition placed on the licences was to give revellers limited choices but to go home, this protracted dispersal from the area leads to an increase in crime and disorder.

Photos below were taken at 05.05hrs on the 30th July 2017 and show Heatwave full of customers.



At 05.16 hrs I entered Heatwave and saw Sraj Alosch was serving customers behind the counter, he instantly recognised me and joined us in the public area. At the time there were approximately 10-15 customers waiting for food. I asked what he was doing open at this time and reminded him of the conditions that were on the licence that he was more than aware of, he immediately conceded that he had done wrong and he was aware of the condition imposed in 2015.

Conclusion

I believe this premises has been routinely breaching the condition relating to the terminal hour imposed for a considerable period of time. The requirement to close at 04.00hrs was clearly understood by Mr Alosch, the current licence holder who was even on the premises at the time of my visit.

Mr Alosch was involved fully in the 2015 review and was keen to avoid sanctions that could have been imposed at a hearing. Even though he wasn't the licence holder in 2015 he was a landlord who relied on his tenant having a licence to trade and ultimately pay the rent. As such when conditions and restrictions were put to him Mr Alosch accepted the changes without even consulting

the Licence holder which was Amir Abdun.

In February 2017 Mr Alesh transferred the licence into his name and again would have been aware of conditions.

It is a disappointment that when Authorities try to work with Licence holders in this way, they simply disregard the Licensing conditions and overall objectives in favour of profit. Any offers or future undertakings by Mr Alesh should be approached with a certain amount of caution.

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick								
	Yes	No							
	X								
If yes please state the date of that application	Day		Month			Year			
	1	2		0	3		2	0	1


If you have made representations before relating to this premises, please state what they were and when you made them.

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	Yes
	X
I understand that if I do not comply with the above requirements my application will be rejected	Yes
	X

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 5 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 5) **If signing on the behalf of the applicant please state in what capacity.**

Signed	
Print Name	Mark Marshall
Capacity	Licensing and Health and Safety Manager
Date	3 rd August 2017

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)						
Title:	Mr	Mrs	Miss	Ms	Other	
Forenames				Surname		
Address for Correspondence associated with this application						
					Post Code	
Telephone Number	01253 478493			Mobile Number	07796994786	
E-Mail Address	Mark.marshall@blackpool.gov.uk					

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.
6. This is the address that we shall use to correspond with you about this application.