

Appendix 4a

Blackpool Council

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

LICENSING ACT 2003

<i>Review requested by:</i>	Mark Marshall
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Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

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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	Pizza Luigi								
	3a Dickson Road								
	Blackpool	Post Code	F	Y	1	2	A	X	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Emad Hammouda									
Premises Licence or Club Premises Certificate Reference Number (if known)								WA0166	

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority	<small>Please tick</small> <input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input checked="" type="checkbox"/>
3) a member of a club to which this application relates (also complete section 2A below)	<input type="checkbox"/>

(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. After the hearing the Committee decided to reduce the hours of trading, imposing a terminal hour of 03.00hrs.

A copy of the decision notice is found below:



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

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 Pizza Luigi, 3A Dickson Road Blackpool.

The Council have determined to deal with the review by reducing the permitted hours for licensable activities to 23.00 – 03.00 and adding the conditions offered by the licence holder.

Decision

The panel have been considering an application to review the licence issued to Pizza Luigi. The review was submitted by the licensing authority. Representations in support of the review were received from the Police and Health & Safety. Mr Williams represented the three responsible authorities. Mr Woosnam represented the licence holder.

The authorities concerns are documented in the papers submitted in advance of the hearing. This is a takeaway operating in Dickson Road together with a number of similar establishments. In the area there are two venues Flamingo and Kaos which are authorised to sell alcohol until 05.00. The authorities have observed the problems which have been caused by large number of people leaving Flamingo and Kaos and not dispersing. Instead large numbers

remain in the area using the takeaways or just socialising in the street. Street drinkers and youths looking for trouble have also been attracted to this area hoping to take advantage of the vulnerable and intoxicated. These issues are impacting on local residents and workers going about their daily business because calls to disorder can be received up to 6.45 am. Whilst the problems and associated disorder cannot be attributed to individual premises the authorities are of the view that these establishments contribute significantly to the problems because if they were not open for business there would be less incentive for revellers to remain in the area. There have been also waste management problems with the operator not having the correct paperwork and rubbish being removed in black bags. The immediate exterior of the shop is described as being heavily littered with food debris and containers discarded by customers despite the licence condition requiring litter to be removed every hour during opening times.

The panel heard from Mark Marshall, Gareth Shaw and Danny Stephenson about the problems that have been encountered and the on-going efforts to achieve compliance which appear to have had limited effect. Mr Marshall explained that the area had changed following interventions a few years ago to solve problems being experienced by local residents relating to a taxi rank. This had resulted in changes to the entrance/exit to Flamingo. Problems then surfaced on Dickson Road and the area was described as quite shocking and intimidating with customers from the takeaways all over the pavement and road, people attending the area just to cause trouble. Very often takeaways were open until 6.30/6.45. The last 18 months have been spent doing low level interventions. It was apparent that some takeaways dealt with the issues better than others. Street cleansing also reported concerns about Pizza Luigi placing bin bags by public bins when they should have had their own waste contract. It became obvious from site observations that the licence conditions about cleaning the street were not being complied with. The problems resulted in a community protection notice warning being given. A requirement of the warning was to have a member of door staff on duty after 05.00 when the licence conditions ceased to apply. One of the difficulties in enforcing this has been the constant change of management and licence holders at the premises it makes it difficult for the authorities to keep track and maintain compliance. Mr Marshall accepted that the service of the review had sparked some action. Health and safety concerns were also highlighted which had resulted in the service of an improvement notice.

The police evidence from PC Dyson supported the licensing authority view that people leaving Flamingo and Kaos were not going straight home because they had a reason to stay in the area. Doorstaff were not particularly effective because they tended to push the problem onto the street rather than try to head off problems before they flared up. PC Dyson described the area as not an attractive part of Blackpool after 03.00. When trouble was pushed onto the street it became a police and community problem

Mr Bedwi and the licence holder Mohammed Abdelkhalek attended the hearing to speak to the panel. Mr Bedwi indicated that he had become involved with Pizza Luigi at the beginning of the year. He is also manager and licence holder at another takeaway on Dickson Road called Hot Stuff. Mr Bedwi confirmed that the waste carrier problems were now sorted out. He also indicated that he is trying to obtain a 10 year lease on the property for the sum of £10,000 this is currently being dealt with by solicitors. Mr Bedwi told the panel that he had made improvements to the premises and as a result their food hygiene rating had increased from 1* to 3*.

Mr Williams asked the panel to consider revoking the licence or reducing the hours for licensable activities to 23.00 – 03.00. He highlighted the fact that part of the problems was the frequency of licence transfer and an inability to find the person responsible. Mr Bedwi has said he is trying to get a lease but what if this falls through the authorities will be back to square one. The licensing objectives are being undermined as a consequence of the licensable activities taking place at Pizza Luigi. Violent crime and disorder is taking place in the street and there is non-compliance with licence conditions

Mr Woosnam asked the panel to deal with the review by giving the new licence holder a warning and adding conditions to the licence. He argued it was not appropriate or proportionate to reduce the hours or revoke the licence as 70% of income was taken after 03.00 at weekends. Mr Woosnam also referenced other takeaways in the area.

In reaching their decision the panel considered the evidence before them both written and oral. The representatives from the responsible authorities presented balanced views of the area accepting that the problems being caused were not as a direct result of the action of one premises but as a result of the number and nature of the premises in the area. It is clear that problems in Dickson Road in the early hours of the morning need sorting out and it appears that takeaways opening until 05.00 and beyond are contributing to the problems. The panel found Mr Bedwi extremely vague in answering some questions. £10,000 for a lease is not a large amount and even though he took over in January the lease is still not sorted in April.

The panel's duty is to promote the licensing objectives. It is clear that the problems in the area are being caused by the number of similar late night premises in the area. These problems are being exacerbated by the procession of different licence holders which make it difficult for the authorities to make any meaningful engagement and the breach of licence conditions. Whilst the panel must take into consideration the impact on the licence holder, the licensing objectives must be promoted for the benefit of the community as a whole. It is clear that this is not currently happening in this area of Dickson Road. The panel considered the conditions offered by the licence holder but felt that these alone were insufficient to remedy the problems. The appropriate and proportionate way in the opinion of the panel to deal with the issues was to reduce the operating hours to 23.00 – 03.00 and to add the following conditions to the licence:

The existing condition relating to CCTV be removed and replaced with the most up to date condition applicable to CCTV and its operation. Insofar as that condition does not include a requirement for a trained member of staff to be present whenever the premises are open

Condition 5 shall be amended by the addition of the words "Checks will be documented and such checklist be available for inspection by the Licensing Authorities on demand".

ADDITIONAL CONDITIONS

1. The Licence Holder shall ensure that at all times the premises will have its own Registered Waste Carrier.
2. The licence Holder will display on the premises the current Waste Transfer Notice.
3. All staff who have worked on the premises for at least 28 days will receive compliance training as approved by Blackpool Council.
4. The Licence Holder will ensure that at any time that the premises are open a person responsible for the management of the premises will be available to be spoken to within 45 minutes of any request by the Licensing Authorities. The identity of such person will be notified to all persons working at the premises.

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

Date: 27th April 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.

Action Following the Hearing

The decision was formally appealed a matter of weeks after the decision was made, Mohamed Bedwi approached the Licensing Authority seeking a dialogue in an attempt to reach an agreement that satisfied all parties attempted to reach a compromise.

The discussions were certainly premature given the close proximity of the Licensing Committee's decision but a line of communication was opened.

Given that the area at that time had 5 takeaways and only 3 were taken to review, the general consensus of opinion was the more takeaways that closed earlier than the clubs the better things would become for quicker dispersal.

The takeaways created an opportunity to protract revellers dispersing from the area, they would have to wait around for food, the takeaways were often busy with queuing customers, once served they would often eat the food in the street. This obviously led to large groups congregating,

hanging around longer than necessary, depositing litter and also the area was a flash point for disorder. Mohamed Bedwi also operated Hot Stuff Kebabs, 18 Dickson Road which was across the road from Pizza Luigi.

An opportunity to close Hot Stuff earlier was seen as a progressive step to minimising the issues of Crime and Disorder in the area.

A tentative offer was made that if improvement was seen at Pizza Luigi over the summer, the Licensing Authority may consider reviewing the opening times on the understanding that the hours were also reduced at Hot Stuff. The overall aim was to try and get the takeaways closed before the mass exodus of customers from Kaos and Flamingo which occurred between 5am and 6am.

As such, discussions took place that a "last orders" condition would be imposed with a further requirement that the premises was closed by 5am, if this method of operating could be implemented on as many premises as possible the opportunity for revellers to hang around and cause problems would be somewhat reduced. In effect a customer leaving Flamingo at 06.00hrs would be left with little option but to get in a taxi and go home, therefore reducing the risk of Night Time Economy Customers clashing with residents or visitors who may be just starting their day.

A number of observations took place over the summer of 2015 and it was clear that the Licensing action had made a marked improvement to the area.

In October 2015 the matter was before Blackpool Magistrates where the Licensing Authority agreed that conditions being added to the licence may be adequate steps to promote the licensing objectives. This decision was taken based upon positive observations and discussions and an agreement that the hours at Hot Stuff, 18 Dickson Road would also be pulled back. The conditions added at the Appeal stage were as follows;

1. On Saturday night/ Sunday morning there will be 2 door staff on duty from 04.00hrs onwards.

2. On Saturday night/ Sunday morning there will be no orders will be taken after 04.45hrs and the premises will be closed to the public at 5.00am.

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 (formerly known as Al Goucha) had the conditions seen above which were implemented following regulatory action.

The visits were to the area were conducted between the hours of 04.40hrs and 05.30hrs. It was clear that the takeaways continued to take orders beyond 04.45 and had no intention of closing the premises at 5am.

The photographs below demonstrate the amount of people in the area and the overall intention of the conditions 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, Pizza Luigi is out of the frame but a visit was conducted at 05.10hrs.



On entering Pizza Luigi at 05.10hrs, I saw a man I know as Yousif Amri , he recognised me instantly, I asked to speak with the manager. At this time there were 4 or 5 customers in the shop and no door staff. The shop is only small, approximately 12ft by 10ft of public space, then you have a high counter and a small serving /cooking area behind the counter. The premises have a basement which contains further food storage space and a small office.

Mr Amri went down into the basement and returned with the licence holder, Emad Hammouda, I explained the conditions relating to last orders at 04.45hrs and for the premises to be completely closed by 05.00hrs. Mr Hammouda seemed completely unaware of these conditions despite him being the licence holder since December 2016 and I did not notice any door staff on duty at the premises but did not specifically ask about this as my primary concern was the breach in relation to the opening time.

Conclusion

I believe this premises has been routinely breaching the condition relating to last orders and closure time for a considerable period of time, whether his failure to comply with the requirement to close is a negligent omission or an intentional one should have no bearing on the committee's

response.

The response should be as a minimum, to restore the original closure time of 03.00hrs, which was imposed in April 2015.

The committee may also be minded to take a position that any Licence holder who does not make themselves aware of any restrictive conditions on their licence and has operated in breach of those conditions is not someone who can be relied on to promote the Licensing Objectives.

I cannot say that Pizza Luigi has solely caused an increase to incidents in the area but their failure to comply with the closure condition has made a contribution to the protraction of any dispersal from the area, and it is this that leads to an increase in crime, nuisance and disorder.

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.

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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	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.