

Report to:	Licensing Panel
Date of Meeting:	16 April 2018

APPLICATION TO REVIEW A LICENCE – Takeaway (known as Lilo Charcoal)

1.0 Purpose of the report:

1.1 To consider an application by the Licensing Authority to review the licence issued in respect of Takeaway (known as Lilo Charcoal), 124 Central Drive.

2.0 Recommendation(s):

2.1 To determine the review application.

3.0 Reasons for recommendation(s):

3.1 The 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, once a review is submitted it must be determined by a Licensing Panel.

4.0 Background Information

4.1 Takeaway, 124 Central Drive has the benefit of a Premises Licence authorising the provision of late night refreshment 23.00 – 01.00 Monday to Thursday and 23.00 to 03.00 Friday to Sunday.

4.2 On 15 February 2018, an application was received from the Licensing Authority to review this licence on the grounds of the prevention of crime and disorder and the prevention of public nuisance. A copy of the application is attached at Appendix 4a.

4.3 Representations in support of the review have been received from Lancashire Constabulary, Home Office Immigration and the Child Protection Licensing Officer- Appendices 4b, 4c and 4d.

4.4 The licence holder is currently Jaafar Mahmoud Bradost (an application was received to transfer the licence from Sharam Amin into Mr Bradost's name the week before this review application was submitted).

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 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 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 3 The licensee shall ensure that staff arriving before 0900 or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.
- 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 and similar materials so as to leave the footway in a clean, safe and wholesome condition.
- 5 The licensee shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to nearby properties, and that the premises shall be adequately ventilated to the satisfaction of the Head of Environmental Services. Any new or substantial alteration to the ventilation system shall comply with DEFRA's "Guidance on the control of Odour and Noise from commercial kitchen exhaust systems."
- 6 In the event of any complaint(s) about noise or odours from any plant or equipment, such as the ventilation system, the licensee shall employ the services of a reputable sound consultant and / or a ventilation engineer to undertake a detailed assessment. A copy of this report shall be made available to Environmental Protection for their comments and approval. Any works shall be carried out in accordance with the assessment and to the satisfaction of the Environmental Services Division.
- 7 The premises licence holder shall provide suitable containers for the storage of waste, which are constructed and maintained to prevent the removal of such waste by vandals, thieves, animals, accidental spillage or inclement weather.
- 8 The collection and disposal of any waste / refuse should not take place externally between the hours of 2200 and 0800.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Review Application and Additional evidence from the Licensing Authority

Appendix 4b: Representation from Lancashire Constabulary

Appendix 4c: Representation from Child Protection Licensing Officer

Appendix 4d: Representation from Home Office Immigration

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.