

Report to: LICENSING PANEL

Date of Meeting : 17 July 2019

APPLICATION TO REVIEW A PREMISES LICENCE – BEST TURKISH KEBAB

1.0 Purpose of the report:

1.1 To consider an application by the Licensing Authority to review the licence issued in respect of Best Turkish Kebab, 160 Lytham Road, Blackpool, FY1 6DJ.

2.0 Recommendation(s):

2.1 The panel is requested to determine the review application.

3.0 Reasons for recommendation(s):

3.1 This 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

4.0 Background Information

4.1 Best Turkish Kebab, 160 Lytham Road, Blackpool has the benefit of a premises licence authorising the provision of late night refreshment 23.00 – 01.00 hours Sunday to Thursday and 23.00 – 02.00 Friday to Saturday.

4.2 On 22 May 2019 the licensing service received an application from The Licensing Authority to review this licence on the grounds of the prevention of crime and disorder and prevention of public nuisance. A copy of the application is attached at Appendix 4(a).

No additional representations in support of the review have been received.

4.3

The licence holder is currently Bilen Seydahmed Duran.

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 has the following powers:

1. Take no action
2. Modify the conditions of the licence (by adding removing or varying conditions)
3. Suspend the licence for up to three months
4. Revoke the licence.

4.7 **Observations**

This licence was first granted to Mr Duran in December 2016. The licence was reviewed in 2017 for similar activities (i.e. operating beyond the hours permitted by the licence). The outcome of that review was to suspend the licence for 28 days (a copy of the previous review application and decision notice is attached as supplementary information to this review application.)

This licence has the following conditions endorsed upon it:

Annex 2 - Conditions consistent with the Operating Schedule

- 1 Signs will be placed at the premises asking the public to please be quiet when entering and leaving the building.
- 2 Litter bins will be provided in the public areas.
- 3 The pavement area at the front of the shop to be checked and cleaned on an hourly basis.
- 4 No unaccompanied children to be permitted on the premises after 23:00 hours.
- 5 No persons under the age of 16 will be allowed on the premises after 23.00 hours.
- 6 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.
- 7 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.
- 8 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 9 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.

- 10 There will be no boxing machines in operation in the premises.
- 11 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.
- 12 An efficient queuing system will be in operation and the licence holder will arrange adequate supervision of any queue to prevent disorderly behaviour.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4(a) Application
Appendix 4(b) Licensing Authority supplementary information (copy of previous review from 2017)

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