


# Blackpool Council

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

LICENSING ACT 2003

**Review  
requested by:**

Licensing Authority



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](http://www.blackpool.gov.uk)

## 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.

<b>I</b>	Mark Marshall
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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***

<b>Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.</b>									
<b>Premises Name and Address</b>	Los Gringos								
	Dickson Road								
	Blackpool	<b>Post Code</b>	F	Y	1	2	A	X	
<b>State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)</b>									
<b>Premises Licence or Club Premises Certificate Reference Number (if known)</b>								WA0120	

### ***Part 2 – Applicant details***

I am:

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

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

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

**(2B) Other Applicant or Representing Body**

<b>Name</b>														
<b>Address</b>														
					<b>Post Code</b>									
<b>Telephone No.</b>														
<b>Email Address</b>														

**(2C) Responsible Authority applicant**

<b>Name</b>	<b>Mark Marshall</b>												
<b>Address</b>	Bickerstaffe House												
	Number One Bickerstaffe Square												
	<b>Blackpool</b>				<b>Post Code</b>	<b>F</b>	<b>Y</b>	<b>1</b>		<b>3</b>	<b>A</b>	<b>H</b>	
<b>Telephone Number</b>	<b>01253 478349</b>												
<b>Email Address</b>	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	√
2) public safety	√
3) the prevention of public nuisance	√
4) the protection of children from harm	

Please state the ground(s) for review (please read guidance note 2 before completing)
<p>Los Gringos is located on Dickson Road in close proximity to the junction of Queen Street and has for a lengthy period of time adopted a way of conducting Business which has been a cause for concern for the Authorities and Neighbouring Domestic and Commercial Properties. This fast food takeaway is continually busy serving intoxicated members of the public socialising at nearby licensed premises, especially on Friday and Saturdays in the late night and early morning hours. The mixture of takeaways, several licenced night time venues combined with a significant number of domestic properties will always need careful management however the management of Los Gringos is clearly adopting an opposing style of management that is totally the opposite of careful.</p> <p>A program of intervention visits incorporating advice and education on general areas of cleanliness in the interior where litter bins found to be overflowing, floor greasy in all areas and clearways blocked with waste bags. The immediate exterior being heavily littered with food debris and containers discarded by customers from within the store. Intervention visits have been undertaken but unfortunately all to no avail and in some areas the problems are in fact getting worse. This is exasperated by the ownership of the business regularly changing hands. Officers conducting visits are faced with new owners/managers who have no knowledge of existing ongoing problem.</p> <p>A number of visits have taken place from various Council Departments.</p> <p>On the 29/6/2014 the premise was visited a <b>Hamid Mechnan</b> was spoken to by Licensing, Food Hygiene and Commercial Waste officers, several areas of mismanagement ranging from customers congregating outside the premises and loutish behaviour taking place, general cleanliness within the premises and very poor waste management were observed thus resulting in advice and warnings given verbally regarding general business operations.</p> <p>2/10/2014, Site visit (Document 1 no 01002) Fixed Penalty issued to a <b>Hamid Mechnan</b> for failure to produce Authority (Waste Transfer Note) and further advice given</p> <p>22/10/2014, Site visits further advice and education given verbally to <b>Hamid Mechnan</b> regarding licensing conditions around conducting regular litter patrols and implementing a check sheet to back this up.</p> <p>28/10/2014, Site observations (<b>no officer visit to premises</b>) for instances of anti-social behaviour/waste issues, 3 separate instances of violent disorder plus 3 instances of waste management breaches.</p> <p>11/11/2014, Site observations (<b>no officer visit to premises</b>) to check for compliance of advice</p>

given previously. Continual license condition breaches regarding outside litter patrolling, door staff observed chatting in a group away from designated premise area.

28/11/2014, Site observations (**no officer visit to premises**) further instances of non-compliance observed again no regular litter patrol put in place. Noticeable amounts of litter outside premises

5/12/2014, Further advice and education given verbally by officers Danny Stephenson and Steve Charnock to the owner a **Hamid Mechnan** at the time to again implement check sheets for completed litter patrols.

1/2/2015, Site observations (**no officer visit to premises**) 4 separate instances of violent disorder was observed by Council Officers with small groups of people creating a larger group all hanging around outside the premise arguments then ensued between the various groups requiring the intervention of both the police and door staff from various premises thus diluting supervision at designated posts, individuals were observed urinating in the street, door staff at Flamingos unable to close doors to premises due to attempting to contain disorder outside as no police presence observed after 5am, further instances of mismanagement of waste in the form of illegal depositing of controlled commercial waste in black bin bags as previously observed waste is always deposited on or around the time the store is about to close, contrary to section 47 EPA 1990.

5/2/2015, (Document 2 no 01006) Fixed penalty issued to **Mosstafa Blamane** (new owner at the time of visit) due to previous contraventions of waste management from cctv footage and site observations (section 47 EPA 1990) for offences in relation to Waste receptacles, (Document 3) CPN notice also issued by hand.

14/2/2015, Site visit 04.50hrs licensing breach in relation operation of CCTV (Document 4) warning letter issued.

Photographs attached will show areas of mismanagement.



At 06.34hrs on the 25<sup>th</sup> of January 2015 member of staff observed leaving Los Gringos with waste sacks (black bags).



LS/F/009/14/3

At 06.34.50hrs on the 25<sup>th</sup> of January 2015 member of staff from Los Gringos observed depositing waste bags (black sacks) into Council vehicle without Authority and in incorrect receptacle (black bags).



At 06.34.53hrs on the 25<sup>th</sup> of January 2015 member of staff observed returning to store empty handed following Illegal deposit of commercial waste.



At 06.12 hrs on the 18<sup>th</sup> of January 2015 approximately 1 hr 15 minutes after Licensing Hours photograph showing large group of people observed congregating outside Los Gringos no requirement for door staff to prevent instances of anti-social behaviour.

### **Conclusion**

Los Gringos and the style of management and supervision practices that are currently in place are of such failing and inadequacy that the detrimental and environmental affect it is having to nearby Businesses and residents in the locality.

Issues and observations raised in previous visits are continually repeated so if not brought into line will only serve to escalate as the season and summer months come into play.

Section 182 of the Licensing Act 2003 Guidance paragraph 11.10 states;

Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holder's early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.



The intervention and resource from all Public Authorities has been significant. The police intervention is often low level and not recorded on systems, as stepping into an argument or splitting up an arguing couple is seen as routine. What does need to be considered is, the Public Authorities resource could be utilised in other areas if the premises were more in tune with properly promoting the Licensing Objectives.

For this reason with the scale of intervention, the period of observations and the formal action taken to date we say that any responsible operator would have got there house in order and engaged with Authorities pro-actively to address concerns.

This has not happened, hence the reason for this application...

We say that trading at this establishment is irresponsible, the management structure is opaque and responsive only when formal action is engaged and if unsupervised a serious incident is inevitable. For this reason the curtailing of hours should be a minimum step with a requirement to have more door staff (at least 2) engaged at a much earlier time ( 01.00hrs ), however the committee may consider that the weight of evidenced adduced that the only secure way f safeguarding the licence objectives is to consider Revocation.

DOCUMENT1. Fixed Penalty Notice 01002

DOCUMENT2. Fixed Penalty Notice 01006

DOCUMENT3. CPN Notice

DOCUMENT4. Warning Letter

Empty rectangular box for information.

**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)**

Large empty rectangular box for providing supporting information.

**Part 4 – Other relevant information**

<b>Have you made an application for review relating to these premises before?</b>	Please tick		
	<b>Yes</b>	<b>No</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<b>If yes please state the date of that application</b>	Day	Month	Year
	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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<b>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.</b>	<small>Please tick</small> <input type="checkbox"/>
<b>I understand that if I do not comply with the above requirements my application will be rejected</b>	<input type="checkbox"/>

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.**

<b>Signed</b>	
<b>Print Name</b>	
<b>Capacity</b>	
<b>Date</b>	

<b>Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)</b>						
<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	<b>Other</b>	
<b>Forenames</b>				<b>Surname</b>		
<b>Address for Correspondence associated with this application</b>						
					<b>Post Code</b>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

<b>Telephone Number</b>		<b>Mobile Number</b>	
<b>E-Mail Address</b>			

### 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.

DICKSON ROAD

LOS GRINGOS

2/10/14



Reference no: **01002**  
**Blackpool Council**

**Notice of Opportunity to Pay Fixed Penalty Notice**

Alleged Offender: **HAMID MEHMAN**

Address: **1 DICKSON ROAD**

**BLACKPOOL** Post Code **FY1 2AX**

Issued By: **D. STEVENSON** Cost Code: **WPC01037301**

On (Date): **2<sup>ND</sup> OCTOBER 2014**

Offence Location: **ROAD ALLEY**

Post Code **FY12AE**

Details of Offence (Overleaf (A to N)) **CITY FAILURE TO**

**PRODUCE AUTHORITY WASTE OUT**

**OF CONTROL**

An authorised officer of **BLACKPOOL COUNCIL** has reason to believe that you have committed an offence as detailed above.

This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

No Court proceedings will be taken for this offence before the expiration of the **FOURTEEN** DAYS following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that period of fourteen days.

The fixed penalty amounts for offences are shown overleaf, including discounted amounts for payment with 10 days as appropriate.

Payment may be made by debit or credit card by contacting the Customer First Centre on (01253) 477477, quoting the notice reference number.

Alternatively payment may be made by cheque/cash/postal or money order payable to Blackpool Council either in person or by post to the following addresses. In either case this notice should accompany the payment.

**Blackpool Council, Customer First Centre, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF**

Cash should be sent by registered post - payment made in this way will be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post.

DOCUMENT 1

DOCUMENT 2

**Summary: FPN Ref: 01006 - Offence: 1 Offences in...**

Reference: 1820918      Status: Paid  
 Date Created: 06/Feb/2015 09:40      Created By: Danny Stephenson  
 Date Closed: 19/Feb/2015 12:20      Allocated To: Danny Stephenson

**Details**

Offenders Name: Mosstafa Blamane  
 Offenders Address: Los Gringos  
 1 Dickson Road  
 Blackpool  
 FY1 2AX

Name of parent or guardian (if a child):  
 Issuing Officer: Danny Stephenson  
 Assisting Officer:  
 Date and Time Offence Occurred: 05/Feb/2015 18:50  
 Location of Offence: Los Gringos  
 1 Dickson Road  
 Blackpool  
 FY1 2AX

Location of Offence Notes: Pocket Note Book Entry  
 Offence type: 1 Offences in relation to waste receptacles  
 Details of the offence: black bags by street litter bin and in council vehicle, misuse of waste receptacles

Fixed Penalty Charge: 60  
 FPN Reference: 01006  
 RIA Number:  
 Neighbourhood: PROMENADE & TOWN CENTRE NEIGHBOURHOOD  
 Fine increases on:: 19/Feb/2015  
 Full Fine Cost: 100  
 Paris Reference: 0327224  
 FPN Paid: Yes  
 View FPN via RIA Letter:  
 Create Waive letter:  
 Type of Appeal:  
 Resolution:

**Notes:**

19 Feb 12:20 Danny Stephenson Paid  
 06 Feb 09:44 System      Payment Pending (Discount Rate)  
 06 Feb 09:43 Danny Stephenson Details Entered  
 06 Feb 09:43 Danny Stephenson Accepted  
 06 Feb 09:40 Danny Stephenson Created

Date Printed: 26/Feb/2015 13:33

### Notice of Opportunity to Pay Fixed Penalty Notice

Alleged Offender: MOSTAFA BLAMINE  
Address: 1 DIXSON ROAD  
BLACKPOOL Post Code FY1 2AX  
Issued By: D. STEPHENSON Cost Code: PT8601701  
On (Date): 5TH FEBRUARY 2015  
Offence Location: FRONT STREET BY LITTLE RIVER  
IN COUNCIL VEHICLE Post Code FY1 2AX  
Details of Offence [Overleaf (A to N)] T OFFENCE IN  
RELATION TO WASTE RECEPTION

An authorised officer of **BLACKPOOL COUNCIL** ..... has reason to believe that you have committed an offence as detailed above.

This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

No Court proceedings will be taken for this offence before the expiration of the **FOURTEEN DAYS** following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that period of fourteen days.

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WARNING NOTICE

Anti-Social Behaviour Crime and Policing Act 2014, sections 43 to 58.

To: Mr Mosstafa Blamane  
Address: [Redacted]  
Premises: Los Gringos 1 Dickson Road, Blackpool FY1 2AX

**WARNING**

Being satisfied that your conduct is having a detrimental effect, of a persistent or continuing nature on the quality of life of those in the locality, and the conduct is unreasonable. Mark Marshall an authorised officer of Blackpool Council, hereby requires you to:

**Activity required to cease:**

- i. Nuisance and anti-social behaviour caused by patrons of your premises between the hours of 5:00 am and 6:30 am.

**Action required:**

- 1. To employ a Registered Door Supervisor at the premises between the hours of 5:00 am to 6:30 am on a Saturday and Sunday morning.

**Implementation of the action:**

Item 1 must be in place by no later than 7<sup>th</sup> February 2015.

This notice offers you the opportunity to avoid the issue of a Community Protection Notice.

- \* "Conduct" includes a failure to act -
- \* "Conduct" on, or affecting, premises that a person owns, leases, occupies, controls, operates, or maintains, is treated as conduct of that person.

**IMPORTANT NOTICE**

A Community Protection Notice - will be issued unless your conduct ceases to have the detrimental affect referred to above. Non-compliance with a Community Protection Notice carries criminal sanctions and can lead to a criminal record.

Failure to take all reasonable steps or failure without reasonable excuse to comply with a Community Protection Notice can lead to seizure and forfeiture of items, default works and recovery of costs and/or a fine of up to £2,500 in relation to an individual or up to £20,000 in the case of a body.

Non-compliance may also result in the issue of a fixed penalty notice in the sum of £100.

Authorised Officer: Mark Marshall

Name

Signature

Date

.....

Date: 19<sup>th</sup> February 2015

Mosstafa Blamane



Our Ref: MM/CLF

Direct Line: (01253) 478493

Email: [mark.marshall@blackpool.gov.uk](mailto:mark.marshall@blackpool.gov.uk)

Dear Mr Blamane

**Re: Licensing Conditions- WA00120**

I write further to my previous visits to your premises, Los Gringos, 1 Dickson Road at 04.55hrs on the 15<sup>th</sup> February 2015. Two staff members were present who gave their details as;

Zak El Harak 15/12/1992

Yousef Amri 04/06/77

The purpose of the visit was to check compliance with conditions on the Premises licence and to ensure that the requirements were in place. It was very evident that neither of the staff members could operate the CCTV as I asked Zak if he could operate the CCTV and provide recordings if required, he confirmed that HE COULD NOT.

A condition on your licence is that;

A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises is open to the public. This staff member will be able to show Police recent data or footage with the absolute minimum of delay when requested. The data or footage reproduction should be almost instantaneous.

Clearly if there is the need for the Police or other Authorities to request these images it will be essential that staff members on site have the ability to provide such images, especially where offenders could be in custody following incidents inside or outside the premises. If there is a high risk time when incidents could occur it is between 0300 and 0600.

On the basis that hot food was being served at the time of my visit, the visit was within Licensable hours and the requirement to produce images on request could not be achieved by either staff member it could be argued that this is a breach of your premises licence condition ( Annex 2 Condition 14 ) as detailed above.