

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

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
----------	---------------

[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)									
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	Bickerstaffe House													
	Number One Bickerstaffe Square													
	Blackpool				Post Code		F	Y	1		3	A	H	
Telephone Number	01253 478349													
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	√
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)

Pizza Luigi is located on Dickson Road directly adjacent to the exit door of Flamingos and next door to Funny Girls. The management of this premise has been causing considerable concern for the local authority for some time.

Serving intoxicated members of the public socialising from nearby late night Licensed Premises on a frequent basis more apparent during the early morning hours of a Friday and Saturday.

A business servicing the night time economy requires quite careful management and Pizza Luigi's style of approach is one which is neither careful nor managed and operates with complete disregard for public safety and Environmental impact of the locality.

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. 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.

Various visits have since taken place giving the owners opportunity to rectify problems observed and raised.

On the 29th June 2014 following up from a request via Street Cleansing raising concerns around the amount of black sacks containing commercial waste that are continually being deposited on the front street by the public street litter bin.

A visit was arranged with multiple departments inclusive of Licensing, Health and Safety, Food Hygiene and Commercial Waste.

As a result of this visit several issues were identified one being that the owner at the time being a Mr **Youcef Amri** was not fulfilling his legal requirements by having the correct Waste Management in place thus resulting in no Legal Authoritative Documents to state that he is legally allowed to deposit controlled commercial waste in black bags by the public street litter bin on Dickson Road resulting in a breach of his Duty of Care.

At this point **Mr Amri** was issued with a fixed penalty notice (DOCUMENT 1) for the misuse of waste receptacles contrary to section 47 (ZA) of the EPA 1990.

2/10/14 This was undertaken as a following up visit to identify if issues raised in the previous visit had now been complied with. On this occasion **Mr Amri** had the relevant documentation in place for Waste Management however the correct practice was still not being implemented.

On the immediate exterior it was evident that **Mr Amri** was also not fulfilling one of his License requirements as the area was also littered with various food debris emanating from his store, on this **Mr Amri** was given a verbal warning to implement better working practices around his License conditions and his Waste Management one of these being to make a regular litter patrol and to clear and spilled or discarded refuse to the outside area around his Business and the activity of continually depositing black bags by the street litter bin was to cease.

On this visit it was also observed that a large number people from the dispersal of Flamingos were congregating to the front of his business.

Mr Amri was then advised that we would be revisiting in a couple of weeks to ensure in his compliance.

22/10/2014, Site visits further advice and education given verbally to **Mr Amri** regarding performing regular litter patrols as per licensing conditions.

28/10/2014, Site observations (**no officer visit to premises**) for instances of anti-social behaviour/waste issues, 3 separate instances of violent disorder.

Regular litter patrols as per licensing conditions still not implemented outside area littered with debris.

5/12/2014, Owing the business now being under new ownership further advice and education given verbally to the new owner a **Mr Mohammed Bedwi** at the time to implement check sheets for completed litter patrols, being that there was no documentation in place to state who the registered waste carrier is for the Business Mr Bedwi was advised that this is a legal requirement and would need to be rectified with immediate effect.

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 arriving from various venues within the town 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, door staff at Flamingos unable to close doors to premise due to attempting to contain disorder outside as no police presence observed after 5am, individuals were observed urinating in the street, further instances of mismanagement of waste in the form of illegal depositing of controlled commercial waste in black bags not in the correct receptacle contrary to section 47 EPA 1990.

5/2/2015, (Document 2) CPN notice issued. On this occasion given that after Mr Bedwi had been strongly advised to implement the correct waste management by having the correct Legal documentation in place to state he has a registered Waste Carrier to remove his waste.

Given that after several breaches on a number of occasions under waste management and after also observing CCTV footage Mr Bedwi was also on this occasion issued with a Fixed Penalty Notice (DOCUMENT 3) for failure to produce authority contrary to Section 34 (Duty of Care) EPA 1990 and Section 5 B paragraph 2 Control of Pollution Act 1989 (amended).



Photograph showing staff from Pizza Luigi crossing road to deposit black bags by street litter bin on 18th Jan 2015 at 06.22hrs.



Photograph showing same staff from Pizza Luigi about to deposit waste by street litter bin.



Photograph showing staff from Pizza Luigi returning to store after depositing black bags contrary to section 47 and section 34 of the EPA 1990.



Photograph showing a disorder directly outside Store at 04.09hrs on the 31st Jan 2015.



Second photograph showing another incident of disorder outside store an hour later on the same day on the 31st of Jan 2015 at 05.01hrs

Conclusion.

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.

Pizza Luigi's takeaway and the style of management and supervision practices that are currently in place are of such inadequacy that it is clearly evident of 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.

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.

DOCUMENT 1, Fixed Penalty Notice 0055

DOCUMENT 2, CPN Notice

DOCUMENT 3, Fixed Penalty Notice 01007

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 premise before?	Please tick	
	Yes	No
	Day	Month
If yes please state the date of that application		
	Year	

If you have made representations before relating to this premises, please state what they where 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.	<small>Please tick</small> <input type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected	<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.**

Signed	
Print Name	
Capacity	
Date	

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		Mobile Number	
E-Mail Address			

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.

Summary: FPN Ref: 0055 - Offence: 1 Offences in...

Reference: 1598911 Status: Payment Pending (Discount Rate)
 Date Created: 30/Jun/2014 08:27 Created By: Danny Stephenson
 Date Closed: Allocated To: Danny Stephenson

Details

Offenders Name: Youcef Amri
 Offenders Address: Odeon Tandoori
 3A Dickson Road
 Blackpool
 FY1 2AX
 Name of parent or guardian (if a child):
 Issuing Officer: Danny Stephenson
 Assisting Officer:
 Date and Time Offence Occurred: 29/Jun/2014 05:20
 Location of Offence: Odeon Tandoori
 3A 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: presenting waste by street litter bin in incorrect receptacles.
 Fixed Penalty Charge: 60
 FPN Reference: 0055
 RIA Number:
 Neighbourhood: PROMENADE & TOWN CENTRE NEIGHBOURHOOD
 Fine increases on:: 13/Jul/2014
 Full Fine Cost: 100
 Paris Reference:
 FPN Paid: No
 View FPN via RIA Letter:
 Create Waive letter:
 Type of Appeal:
 Resolution:

Notes:
 30 Jun 08:32 System Payment Pending (Discount Rate)
 30 Jun 08:30 Danny Stephenson Details Entered
 30 Jun 08:30 Danny Stephenson Accepted
 30 Jun 08:27 Danny Stephenson Created

Date Printed: 01/Jul/2014 09:07

Notice of Opportunity to Pay Fixed Penalty Notice

Alleged Offender: YOUCEF AMRI
Address: 3A DICKSON ROAD
BLACKPOOL Post Code FY1 2AX
Issued By: D. STEPHENSON Cost Code: P486017301
On (Date): 29TH JUNE 2014
Offence Location: FRONT of PROPERTY
Post Code FY1 2AX
Details of Offence [Overleaf (A to N)] I. MISUSE OF
WASTE RECEPTACLES, NO WASTE
MANAGEMENT,

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.

WARNING NOTICE

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

To: Mr Abdulla Al-ogaili
Address: 46 South King Street, Blackpool FY1 4NJ
Premises: Pizza Luigi 3a 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 7th 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

.....

Summary: FPN Ref: 01007 - Offence: G Failure to produce...

Reference: 1820929 **Status:** Paid
Date Created: 06/Feb/2015 09:43 **Created By:** Danny Stephenson
Date Closed: 19/Feb/2015 12:19 **Allocated To:** Danny Stephenson

Details

Offenders Name: Mohammed Bedwi
Offenders Address: Al Goucha
 1A 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 18:55
Location of Offence: Al Goucha
 1A Dickson Road
 Blackpool
 FY1 2AX

Location of Offence Notes: Pocket Note Book Entry
Offence type: G Failure to produce authority (Waste Transfer Notes)
Details of the offence: nb address is pizza luigi @ 3a dickson road. depositing black bags by street litter bin on several occasions without authority. (wtn)

Fixed Penalty Charge: 180
FPN Reference: 01007
RIA Number:
Neighbourhood: PROMENADE & TOWN CENTRE NEIGHBOURHOOD
Fine increases on:: 19/Feb/2015
Full Fine Cost: 300
Paris Reference: 037279
FPN Paid: Yes
View FPN via RIA Letter:
Create Waive letter:
Type of Appeal:
Resolution:

Notes:

19 Feb 12:19 Danny Stephenson Paid
 06 Feb 09:49 System Payment Pending (Discount Rate)
 06 Feb 09:48 Danny Stephenson Details Entered
 06 Feb 09:48 Danny Stephenson Accepted
 06 Feb 09:43 Danny Stephenson Created

Date Printed: 27/Feb/2015 12:31

Notice of Opportunity to Pay Fixed Penalty Notice

Alleged Offender: MOHAMMED BEDWI
Address: 3A DICKSON ROAD
BLACKPOOL Post Code F712AX
Issued By: D. STEPHENSON Cost Code: NR61037331
On (Date): 5TH FEBRUARY 2015
Offence Location: FRONT STREET BY LITTER
RIN (BLACK BAGS) Post Code F712AX
Details of Offence [Overleaf (A to N)] G FAILURE TO
PRODUCE AUTHORITY (WTR)
DUTY OF CARE FOR DEPOSIT OF BAGS

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.

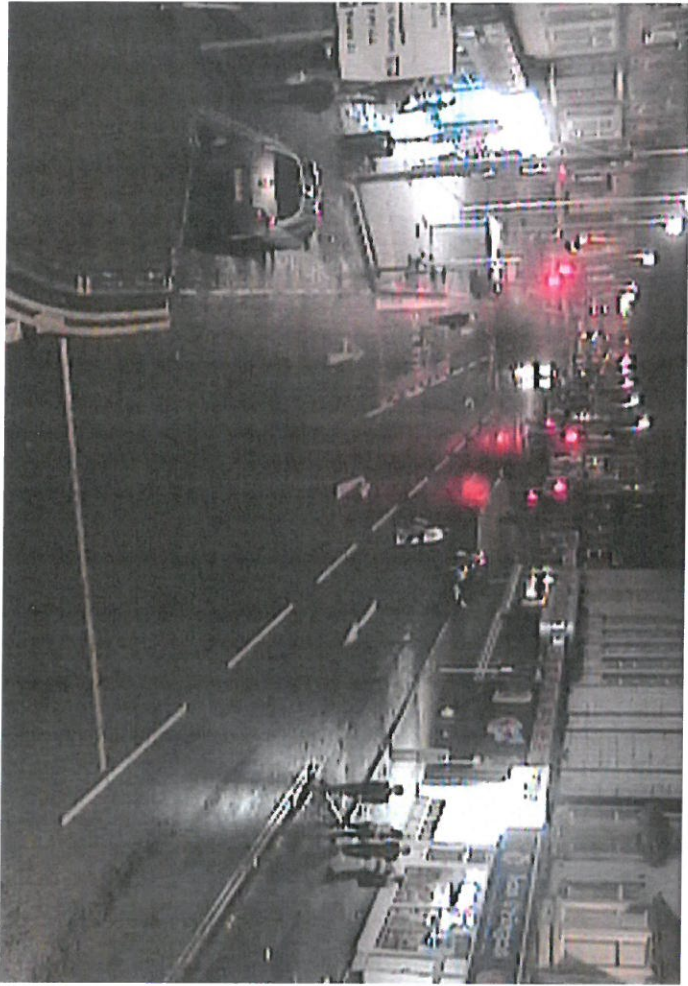
Blackpool Council, Customer First Centre, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF

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.

PIZZA

LUIGI

06:22 HRS



1



2



5/1/81

3



4

Pizza Luigi's

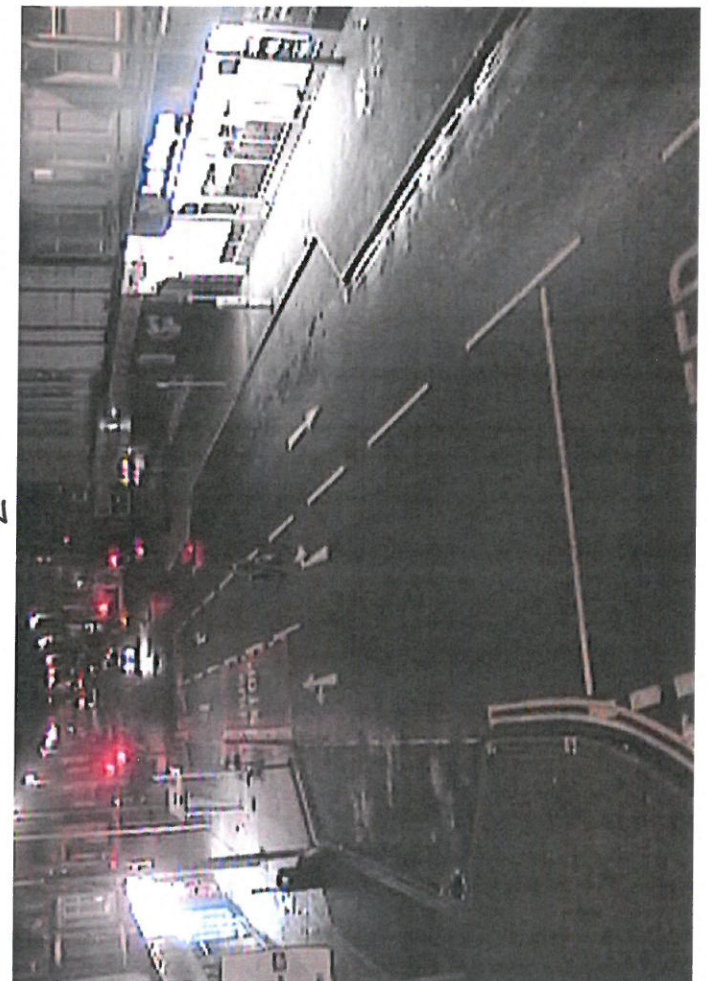
05:39 HRS



4

3

24/1/15



2

1

PIZZA LUIGI

06:58

06:58 WASTE TAKEN TO
DIFFERENT LOCATION



3



2

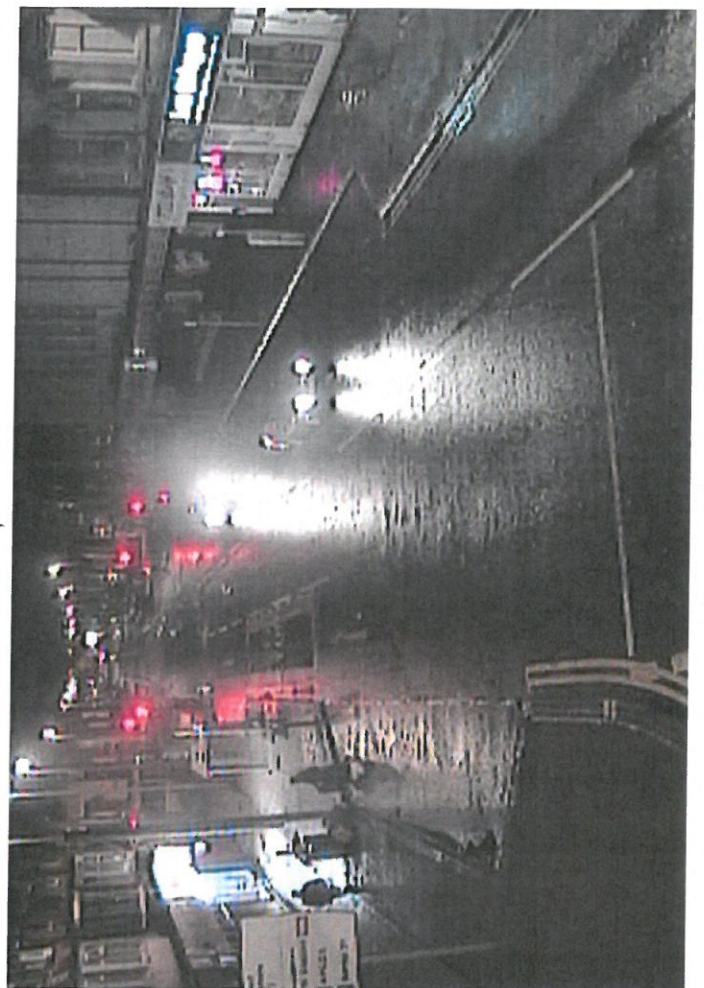


1

25/1/15

Pizza Luigi

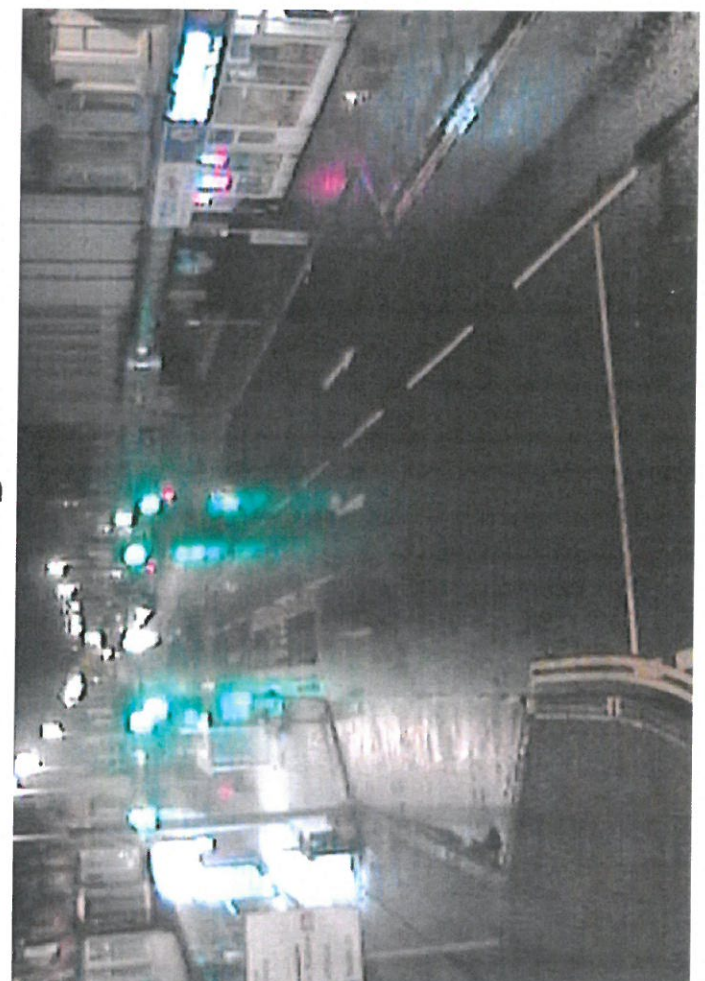
06:00 HRS



4

7

17/1/15



2

1

Pizza Luigi



5

17/1/13