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Blackpool Council

8 July 2014

To: Councillors Cox, O'Hara, Smith and G Coleman (Reserve)

The above members are requested to attend the:

LICENSING PANEL

Friday, 18 July 2014 at 10.00 am
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

2 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head of Democratic Services in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

3 PROCEDURE FOR THE MEETING

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (This includes a party and any person assisting or representing a party)

4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- LOCAL'S (Pages 1 - 24)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Local's
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Local's

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	Licensing Panel
Decision or Item number	4
Relevant Officer:	Sharon Davies, Principal Solicitor Licensing
Date of Meeting :	18 th July 2014

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- LOCAL'S

1.0 Purpose of the report:

1.1 To consider an application for the review of the Premises Licence for Local's submitted by the Licensing Authority and the relevant representations.

2.0 Recommendation(s):

2.1 Members will be requested to determine the application.

3.0 Reasons for recommendation(s):

3.1 Once an application for a review has been received the application and any relevant representation must be considered by the 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, the application and the representations must be considered.

4.0 Background Information

4.1 Application

Locals, 113-115 Lytham Road, Blackpool has the benefit of a premises licence authorising the sale of alcohol for consumption off the premises 08.00 - 22.00 hours daily.

On the 22nd May 2014, the licensing service received an application to review the premises licence on the grounds of prevention of crime and disorder and public safety. A copy of the application is attached.

The premises licence holder is Ahsan Khan. The Designated Premises Supervisor is Asam Khan.

4.2 Local policy considerations

The section of the policy on reviews is relevant, however please see observations below from Licensing Authority on the work done by the licence holder since the review was submitted.

4.3 National policy considerations

Section 11 reviews is relevant in particular paragraph 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 taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response."

4.4 Observations

The licence is currently subject to the following conditions:

Annex 1 - Mandatory conditions

1 No supply of alcohol may be made under the premises licence -

a) At a time when there is no designated premises supervisor in respect of the premises licence,

or

b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.

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 The Licence holder is to support and rigorously enforce the Challenge 21 proof of age policy.

Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card

3 All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.

4 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at the exit.

The licensing authority wish to highlight the response from the licence holder since the review was submitted. Details will be provided at the hearing.

Does the information submitted include any exempt information? No

List of Appendices:

Appendix 4a Application for review from Licensing Authority

Appendix 4b Representations from Health and Safety

6.0 Legal considerations:

6.1 Please see local and national policy in the background information.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

LICENSING SERVICE

<i>For Office use only</i>	
<i>LalPac Application No.</i>	
<i>Licence Number</i>	PL1696

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

LICENSING ACT 2003

<i>Review requested by:</i>	Licensing Authority
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Blackpool will be a Vibrant, Inclusive, Healthy, Safe and Prosperous
Town



Blackpool Council

BUILDING A BETTER COMMUNITY FOR ALL

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.

LS/F/005/12/1

I	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

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
Premises Name and Address	Locals								
	113-115 Lytham Road, Blackpool								
	Post Code	F	Y	1		6	D	S	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Ahsan Khan									
Premises Licence or Club Premises Certificate Reference Number (if known)									

Part 2 – Applicant details

I am:

Please tick

1) an interested party (please also complete sections 2A or 2B below)	
a) a person living in the vicinity of the premises	
b) a body representing persons living in the vicinity of the premises	
c) a person involved in business in the vicinity of the premises	
d) a body representing persons involved in business in the vicinity of the premises	
2) a responsible authority (please also complete 2C below)	√

LS/F/005/12/1

3) a member of a club to which this application relates (also complete section 2A below)	

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

Please tick

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	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 Number								
E-Mail Address								

(2C) Responsible Authority applicant

Name	Mark Marshall							
Address		Progress House						
		Clifton Road						

LS/F/005/12/1

	Blackpool	Post Code	F	Y	4		4	U	S
Telephone Number	01253 478349								
E-Mail 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 1 before completing)

The Premises was most recently visited on the 21st May 2014, serious concerns with the electrical installation were disclosed to the point that the installation was prohibited from use by Health and Safety, a more detailed explanation of these concerns will follow in their own independent representations.

Principally the premises suffers from a clear lack of accountability and management this is again demonstrated by the fact in 2012 and in 2013 the Premises Licence was suspended for non payment of the annual fee, on both occasions after the suspension was effective the premises continued to sell alcohol, an offence contrary to Section 136 of the Licensing Act 2003.

Details of those offences;

14th September 2012- Alcohol was sold whilst the licence was not in force due to suspension for non payment of ANF

24th September 2013- Alcohol was sold whilst the licence was not in force due to suspension for non payment of ANF

For the latter offence Mr Khan was given a formal caution.

Supporting documentation in relation to both these matters will be submitted before the hearing.

Matters of Concern

The DPS- Ashan Khan is the DPS at a number of other premises ,
 Namely;
 154 Lytham Road, another premises of concern PL0795
 33 Chapel Street, PL0465.

It is clear that the task of being in day to day control of all 3 off licences which are in the high risk saturation areas is beyond him.

The removal of the DPS in these circumstances would be a very light touch response and it is the view of the Licensing Authority that the failings are down to systemic poor company practice which again lies with Mr Khan.

LS/F/005/12/1

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 2 before completing)

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Please

tick

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.	√
I understand that if I do not comply with the above requirements my application will be rejected	√

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 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 4) 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	22 nd May 2014

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 5)						
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. The grounds for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems that are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.
5. This is the address that we shall use to correspond with you about this application.

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Blackpool Council Licensing Service

Representation made by a Responsible Authority
In support of an application for the Review of an existing
Premises Licence or Club Premises Certificate

Responsible Authority making representation

Name of Responsible Authority	Health and Safety Enforcement			
Name of Officer <i>(please print)</i>	Gareth Shaw			
Contact telephone number	478315			
Date representation made	17	06	2014	
Do you consider mediation appropriate				YES

Name of Responsible Authority / Applicant who requested a review of this Licence

Licensing Authority

Premises Details

Premises Name	Locals
Address	113-115 Lytham Road
	Blackpool
Post Code	FY1 6DS

Details of your representation in support of the review application

(Please reference & attach supporting any documentation)

This authority wish to support this review by detailing health and safety issues noted during a visit carried out on the 21st may 2014:

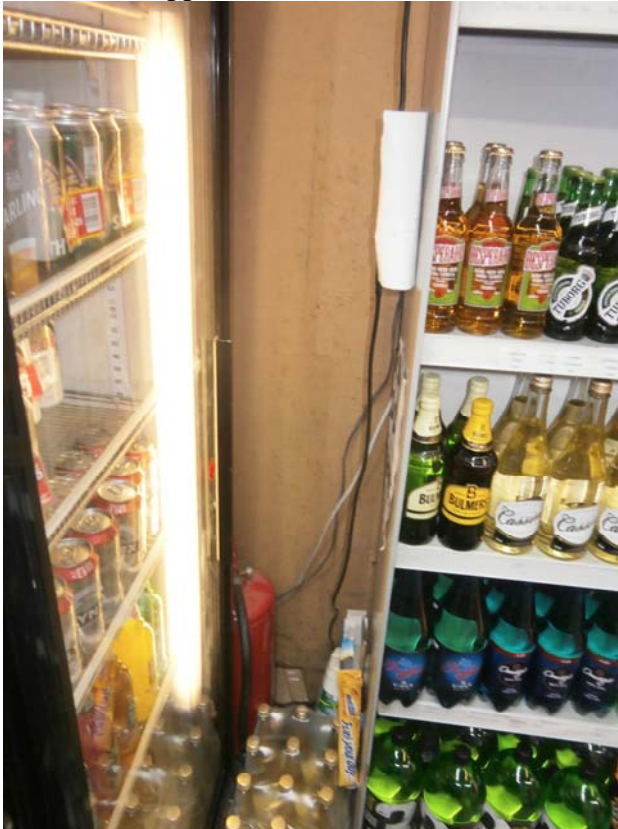
- 1) General litter around entrance to shop.



2) Removed false ceiling exposing unsupported cabling.



3) Unsupported cables and obstructed fire extinguisher.



4) Staircase with no handrail, uneven and loose steps in parts.



5) Unsupported cables and wiring that requires further investigation.



6) Scorched and cracked socket still live and associated plug top.



7) Temporary wiring to shop connected without physical protection



8) Unrated temporary connection in use with no physical protection exposing conductors at >200Volts.



9) Tales to electric meter tampered with and security stickers damaged.



10) Meter earth bar cover missing.



11) Wiring that requires further investigation.



12) Dripping meter compound suggesting overloading of electric supply.



13) Exposed Live electrical conductors and light fitting a head height



14) A prohibition notice was served on the electrical installation until proven as safe.

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