

# Public Document Pack

# 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 11.00 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- ROYAL FOOD AND WINE**

(Pages 1 - 30)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Royal Food and Wine
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Royal Food and Wine

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

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

## **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- ROYAL FOOD AND WINE**

### **1.0 Purpose of the report:**

1.1 To consider an application for the review of the Premises Licence for Royal Food and Wine 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

Royal Food and Wine, 274 Lytham Road, Blackpool has the benefit of a premises licence authorising the sale of alcohol for consumption off the premises 08.00 - 23.00.

On 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 licence holder and Designated Premises Supervisor is Parameswaran Nagaratnam

#### 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. Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) Monday to Saturday, 8 a.m. to 11 p.m.
- b) Sundays, 10 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;

d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;

2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

3 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.

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

5 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 year of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

1 The licence holder and DPS are to support and rigorously enforce a "Challenge 25" proof of age policy. Any person who looks or appears to be under the age of 25 shall be asked to provide identification to prove that they are over the age of 18. The following are the only forms of identification acceptable:

- a. UK photo driving licence
- b. Passport
- c. Proof of age standards scheme card

2 There shall be no less than two members of staff working in the premises at any time that the premises are open beyond 18:00 hours.

3 No person under the age of 18 will be allowed to sell alcohol.

4 CCTV shall be installed internally and externally at the premises and will comply with the following:

The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system.

The system will display on any recording the correct time and date of the recording.

The system will make recordings during all hours the premises are open to the public. VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.

The system will as minimum, record images of the head and shoulders of all persons entering the premises.

5 A staff member who is conversant with the operation of the CCTV system will be available at all times the premises are 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.

6 The Licence Holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV or radio system is to be inoperative for a period of one working day and shall provide a certificate from a competent person stating reason for the system being operative and the measures which have been taken to satisfy the licence conditions.

7 Appropriate signs informing customers that CCTV is recording will be displayed in conspicuous positions on the premises.

8 All staff are to have received suitable training on relation to the proof of age scheme to be applied at the premises. Records to evidence this will be made available to an authorised officer on demand.

9 A refusals book will be used to record all occasions on which a sale of alcohol has been refused.

10 The premises will operated in accordance with the principles of the Nightsafe initiative as are relevant to the business and set out in the associated leaflet.

11 A clear, legible notice will be displayed in a conspicuous position at every exit point from the premises asking customers to avoid causing noise nuisance or disturbance to local residents.

The licensing authority wish to highlight the fantastic response from the licence holder since the review was submitted. Details will be provided at the hearing, As a result of the response the authority recommends that the review is dealt with by adding the following condition to the licence

At least one personal licence holder will be contactable and able to attend the premises within one hour while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of

alcohol) except in the case of emergency.

4.5 Does the information submitted include any exempt information? No

4.6 **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

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LICENSING SERVICE

<i>For Office use only</i>	
<i>LalPac Application No.</i>	
<i>Licence Number</i>	PL0134

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**

<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>	Royal Food and Wine								
	274 Lytham Road								
	Blackpool	<b>Post Code</b>	F	Y	1		6	E	X
<b>State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)</b>									
Ahsan Khan									
<b>Premises Licence or Club Premises Certificate Reference Number (if known)</b>									

**Part 2 – Applicant details**

I am:

Please tick

<b>1) an interested party (please also complete sections 2A or 2B below)</b>	
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	
<b>2) a responsible authority (please also complete 2C below)</b>	<b>√</b>

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	<b>Post Code</b>	F	Y	4		4	U	S
<b>Telephone Number</b>	01253 478349								
<b>E-Mail 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 1 before completing)**

The Premises was most recently visited on the 21<sup>st</sup> May 2014, concerns with the electrical install were noted as well as Health and Safety concerns which have previously been raised at the premises.

The premises were notified of fairly basic issues in relation to health and Safety on the 8<sup>th</sup> January 2014, these matters were sent in writing, see Document 1.

The visit of the 21<sup>st</sup> revealed that little if any improvement had occurred, the same issues were still a problem and in addition concerns in relation to fire safety were also raised, namely;

1. No Fire Separation between the basement and 1<sup>st</sup> floor.
2. Excessive combustibles stored in the cellar area

**Matters of Concern**

Whilst the matters above in isolation are not serious they had all been notified to the Licence Holder in writing, the Sec 182 Guidance is clear to say that if notification is given of concerns and no improvement follows then the likelihood of a review is strong.

In addition to the items above in November 2013 the property was suspected of electrical theft and full details and evidence will be provided by Health and Safety in there representations.

**Recommendations**

The Premises sits in an area subject to a Saturation Policy, as such the standard of management of such premises should be as good as possible, with issues of electrical theft and the subsequent danger this poses to buildings adjoined, the risks of a fire spreading quickly and possibly going undetected till the last minute and the inadequacy of response from the Licence Holder to very simple and basic workplace safety issues one really has to question the capability of such a Licence Holder.

Any faith and trust in the licence holder has been undermined by the conduct detailed above and we are of the belief that this is a holistic example of irresponsible trading and the Committee should consider it powers to revoke the licence subject to the considerations detailed in Para 11.23 of the Section 182 Guidance.

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)**

--



Please

tick

<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>	<b>√</b>
<b>I understand that if I do not comply with the above requirements my application will be rejected</b>	<b>√</b>

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.**

<b>Signed</b>	
<b>Print Name</b>	Mark Marshall
<b>Capacity</b>	Licensing and Health and Safety Manager
<b>Date</b>	22 <sup>nd</sup> May 2014

<b>Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 5)</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>	
<b>Telephone Number</b>					<b>Mobile Number</b>	
<b>E-Mail Address</b>						



**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

Date: 8<sup>th</sup> January 2014

Parameswaran Nagaratnam  
Royal Food and Wine  
274 Lytham Road  
Blackpool  
FY1 6EX

Our Ref: MM/CLF  
Direct Line: (01253) 478483  
Email: [mark.marshall@blackpool.gov.uk](mailto:mark.marshall@blackpool.gov.uk)

Dear Sir

**Re: PLO134**

I write further to my visit on the 7<sup>th</sup> January 2014 where I came to check on the compliance of the conditions of your premises licence. Whilst an only a very cursory examination of your records were done, things appeared to be in order.

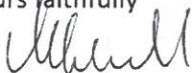
However, some concerns relating to Health and Safety were noted.

1. The floor covering behind the counter was inadequate and required repair or replacement.
2. The store room and passageway through to the back door was obstructed with discarded cardboard.
3. The stairwell down to the cellar should be clear from obstructions, the ladders were an issue, and the lack of a handrail was noted.
4. At the foot of the stairwell a large open gulley/drain presented a serious tripping hazard.

As a business and an employer the matters detailed above could leave you liable to offences under the Workplace (Health, Safety and Welfare) Regulations 1992.

I have enclosed photographs to assist you in dealing with the concerns raised on the day.

Yours faithfully



Mark Marshall  
**Licensing/Health and Safety  
Enforcement Manager**



















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

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

Licensing Authority

**Premises Details**

Premises Name	<b>Royal Food and Wine</b>		
Address	274 Lytham Road		
	Blackpool		
Post Code	FY1 6EX		

**Details of your representation in support of the review application**  
(Please reference & attach supporting any documentation)

This authority would like to support this review by detailing issues noted a per below;

**29<sup>th</sup> November 2013**

The premises was visited by ourselves and electricity northwest and found to have tampered with the electric in order to abstract electric the statement of Mr. Taylor details the findings below;

.

Witness Statement

Form MG 11

(CJ Act 1967, s.9, MC Act 1980, s.5A(3a) and s.5B, MC Rules 1981,r.70)

Statement of JOSEPH MARTIN TAYLOR (insert your full name)

Age ~~if over 18~~ Over 18 (if over 18 'insert over 18'), Occupation. Revenue Protection Inspector

This Statement (consists of \* 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or not to believe to be true.

Dated the \* 29<sup>th</sup> of \* NOVEMBER 2013 Time 5:05 a.m./p.m.

Signature \* J.M. TAYLOR

I am MR. J.M. TAYLOR, I am employed by ELECTRICITY NORTHWEST LIMITED. My duties are to inspect metering equipment installed in consumer's premises.

On FRIDAY 29<sup>th</sup> NOVEMBER 2013

I attended 272-274 LYTHAM RD BLACKPOOL

FY1 6HQ

The Electricity Supplier to this address is E.ON

The last known consumer at this address is Mrs. NAGARATNAM

The meter position is located IN THE CELLAR

I first checked the meter number From 19684 reading 20305

I then inspected the meter and service position and found

~~THIS WAS AN EXTREMELY DANGEROUS SITUATION.~~  
THIS WAS AN EXTREMELY DANGEROUS SITUATION. THE CUT-OUT SEAL WAS MISSING, THE NEUTRAL TAIL IN THE CUT-OUT WAS REMOVED AND HANGING LOOSE FROM THE METER TO OBTAIN A NEUTRAL THE EARTH BAR & NEUTRAL BAR IN THE CONSUMER UNIT WERE CONNECTED TO-GETHER. THIS MEANT 32amps WAS FLOWING DOWN THE MAIN EARTH AND NOT RECORDING ON THE METER. ALL OF THIS WAS CONTROLLED BY A SWITCH BY THE CONSUMER.

I removed the by-pass/meter (delete as appropriate) (Ref. No.....) and fitted a new meter J.M. TAYLOR

The electricity supply was left "OFF" SUPPLY & RE-SEALED.

The meter/evidence associated with this job was placed into an evidence bag and then later stored in our secure area located at BLACKBURN DEPOT.

NO PERSON HAS ANY RIGHT OR AUTHORITY TO TAMPER OR INTERFERE WITH ANY METERS AND EQUIPMENT BELONGING TO ELECTRICITY NORTHWEST LIMITED.

Signature \* J.M. TAYLOR Signature witnessed by \* Self

Statement Taken by (rank/PIN/name).....

Division..... Station.....

**21st May 2014**

1) Cannabis grinders on sale near sweet counter.



2) Security seals broken on mains electric



3) Cluttered storage in cellar areas.





4) Live electrical cables with exposed conductors >200Volts



5) Uncovered drain at bottom of steps.



6) Cluttered kitchen area.



7) Missing fuse carrier exposing live electrical conductors @>200 Volts

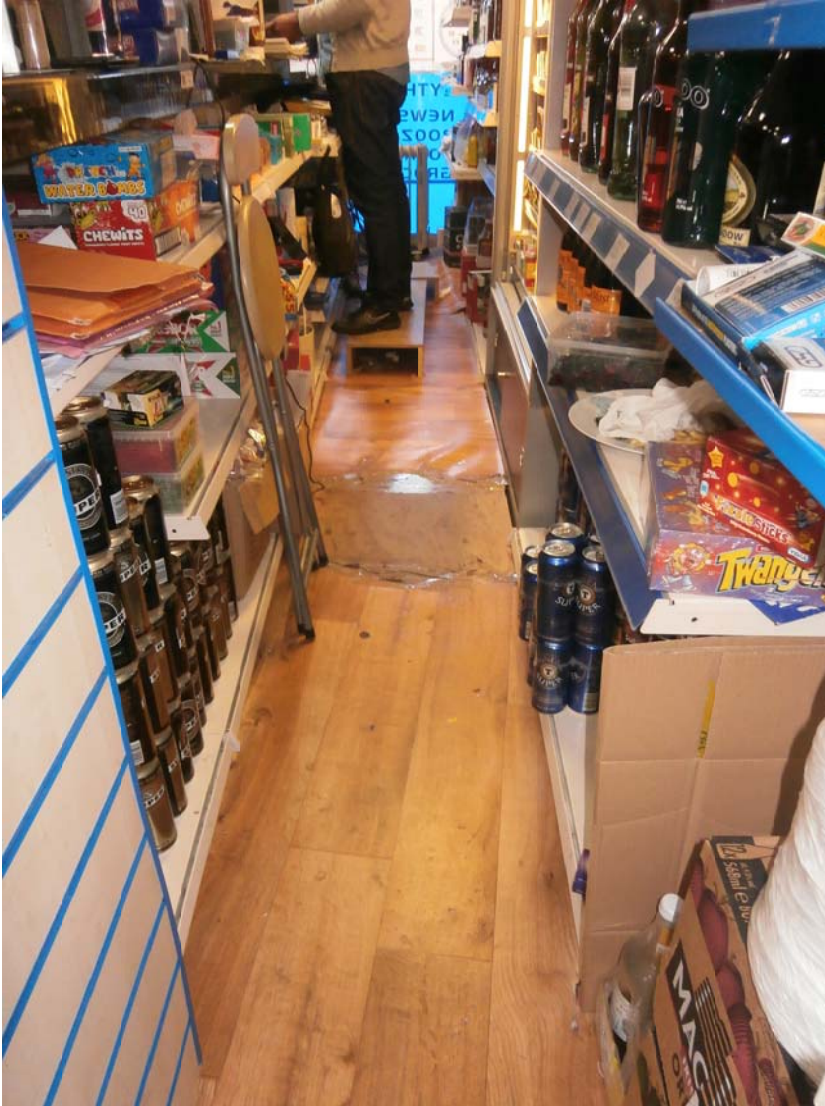


8) Cluttered storage areas.





9) Poorly maintained flooring.



10) Improvement notices were served to secure a) cleanliness and tidiness of the premise, b) Gas Safety, c) electrical installations safety, d) safety of portable appliances, e), Cleanliness of sanitary facilities.