

Blackpool Council

26 May 2015

To: Members of the Licensing Panel

The above members are requested to attend the:

LICENSING PANEL

Tuesday, 2 June 2015 at 6.00 pm
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 DECLARATION OF INTEREST - LICENSING

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 Democratic Governance 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- ALI'S TAKEAWAY (Pages 1 - 18)

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

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
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	2 nd June 2015

APPLICATION TO REVIEW A LICENCE – Ali’s Takeaway

1.0 Purpose of the report:

1.1 To consider an application by the Licensing Authority to review the Premises Licence issued in respect of Ali’s Takeaway, 136 Central Drive.

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, once a review application is submitted it must be considered by the Licensing Panel.

4.0 Background Information

4.1 Ali’s Takeaway, 136 Central Drive Blackpool has the benefit of a premises licence authorising the provision of late night refreshment 23.00 – 03.00 hours daily. On 2nd April 2015 the licensing service received an application from the licensing authority to review this licence on the grounds of crime and disorder. A copy of the application is attached.

4.2 No additional representations have been received.

4.3 The licence holder is Mohammad Saeed Anwar. He has held the licence since July 2006.

4.4 **Local policy considerations**

None

4.5 **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 have the following powers:

1. Take no action
2. Modify the conditions of the licence (by adding removing or varying conditions)
3. Exclude a licensable activity from the licence
4. Remove the DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

4.6 **Observations**

This licence was granted in August 2005 and has the following conditions endorsed:

Annex 2 - Conditions consistent with the Operating Schedule

- 1 On the following occasions the terminal hour for closure of the premises and late night refreshment shall be extended by one hour:
 - a) The Friday to Monday of Easter, May, Spring and August Bank Holiday weekends
 - b) Christmas Eve, Boxing Day and New Year's Eve

- 2 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
- 3 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.
- 4 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 5 The licensee shall ensure that staff arriving before 0900 or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbances to nearby residents.
- 6 The premises licence holder will arrange for litter dropped in the vicinity of the licensed premises to be collected and removed at the Licence Holder's expense at a frequency of at least sixty minute intervals during opening hours.
- 7 For the purpose of conditions above the 'collection and removal of litter' should be taken to include the washing away to the gutter of spilled food and similar materials so as to leave the footway in a clean, safe and wholesome condition.
- 8 The Licensee shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to nearby properties, and that the premises shall be adequately ventilated to the satisfaction of the Head of Environmental Services.
- 9 The Premises Licence holder shall provide suitable containers for the storage of waste, which are constructed and maintained to prevent the removal of such waste by vandals, thieves, animals, accidental spillage or inclement weather.
- 10 The collection and disposal of any waste/refuse should not take place externally between the hours of 2200 - 0800.

4.7 This licence was the subject of review proceedings in November 2013 when the licence was revoked due to allegations of tampering with the electricity meter. Mr Anwar appealed the revocation to Blackpool Magistrates' Court. The appeal was upheld as Mr Anwar produced evidence from Electricity Northwest indicating that he was not responsible for the meter tampering.

- 4.8 Does the information submitted include any exempt information? No
- 4.9 **List of Appendices:**
- Appendix 4a: Application for a Review of a Premises Licence submitted by the Licensing Authority
- 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

Blackpool Council

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

LICENSING ACT 2003

**Review
requested by:**

Mark Marshall



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
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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	Ali's Takeaway & Restaurant								
	136 Central Drive								
	Blackpool	Post Code	F	Y	1	5	D	Y	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Mohammad Saeed Anwar									
Premises Licence or Club Premises Certificate Reference Number (if known)								WA0013	

Part 2 – Applicant details

I am:

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

(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 – Licensing Authority											
Address	Number One, Bickerstaffe Square											
	Talbot Road											
	Blackpool					Post Code	F	Y	1		3	A
Telephone Number	01253 478493											
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	X
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)

This review is brought by the Licensing Authority based on poor management and a negligent oversight of systems in particular CCTV that is fit for its intended purpose, from the admissions made by the licence holder he was aware of CCTV problems and rather than rectify the issues it has come to a situation where footage was required to assist in the investigation by an Authorised Immigration official before the licence holder has sought specialist advice from an engineer. Due to his complete ignorance to the importance of CCTV within his premises which is in one of the most challenging area's of Blackpool an investigation has been frustrated and our belief is that due to this an illegal immigrant who was employed at the premises is now unlawfully at llarge.

The premises has chequred past with conduct that we belief has very much undermined the Licensing Objcetives and has previously been reviewed, the decision notice from the previous review is as follows;

The Blackpool Council being the licensing authority on the 15th November 2013 received an application from health & safety to review the premises licence issued in respect of Ali's takeaway, 136 Central Drive, Blackpool.

The Council have determined to deal with the review by revoking the licence

Decision

This review has been submitted by Health & Safety because in January 2013 checks revealed that the electricity meter had been tampered with. Furthermore, during a visit in November 2013 it was discovered that the gas meter had been interfered with. Food hygiene concerns were also cited.

We have heard that the seals in the electricity meter had been removed. This enabled the casing to be removed and the dials to be moved back to reduce the cost of electricity. Two visits took place in November 2013. At the first on 8th November 2013, fire risks were noted with a number of extension leads powering the CCTV system being hidden under cardboard and other combustible material. Cleanliness was described as poor and the floor was so greasy that the officer found his feet moving despite standing still. During the second visit on 22nd November 2013, blue tac was discovered in place of the paper seal on the gas meter and a screw had been inserted to reduce the speed at which the dial turned round. This in our opinion is the most serious incident because a small amount of gas escape can cause an explosion

Mr Anwar confirmed that he had been at the premises since 2006 but denied that the electricity meter had been replaced in 2008 despite hearing information from Electricity North West that this had occurred. He said he hadn't seen any blue tac on the gas meter despite the fact that he had taken meter readings.

Having heard the representations we are satisfied that the electric meter was replaced in 2008. Mr Anwar being the licence holder and person with a duty to pay the bills was the only person who would benefit from these meters being tampered with.

When considering a review we must take into account our own statement of licensing policy and the Secretary of State's Guidance. Having heard from both parties we are of the opinion that this premises is trading irresponsibly and we have no confidence that if we take any other action anything will change. We therefore feel that it is appropriate for the promotion of the licensing objectives to revoke the licence.

This decision will come into effect in 21 days unless notice of appeal is served within that time.

On Friday 27th March 2015 at 20:00 hours a visit was undertaken at Ali's takeaway by Sue O'Brian- Immigration Officer for HMRC, Mark Marshall- Licensing and Health and Safety Enforcement Manager and Carolyn Bland- Food Control Manager.

The officers introduced themselves and explained the purpose of the visit was to check the immigration status of all employees and to check on the safety and cleanliness of the takeaway. At the time of entry there were two males in the kitchen area, one was the Licence Holder, Mr Anwar the other an unknown male, in his early 20 of Pakistani appearance, slim build and between 5ft 9 and 6ft tall.

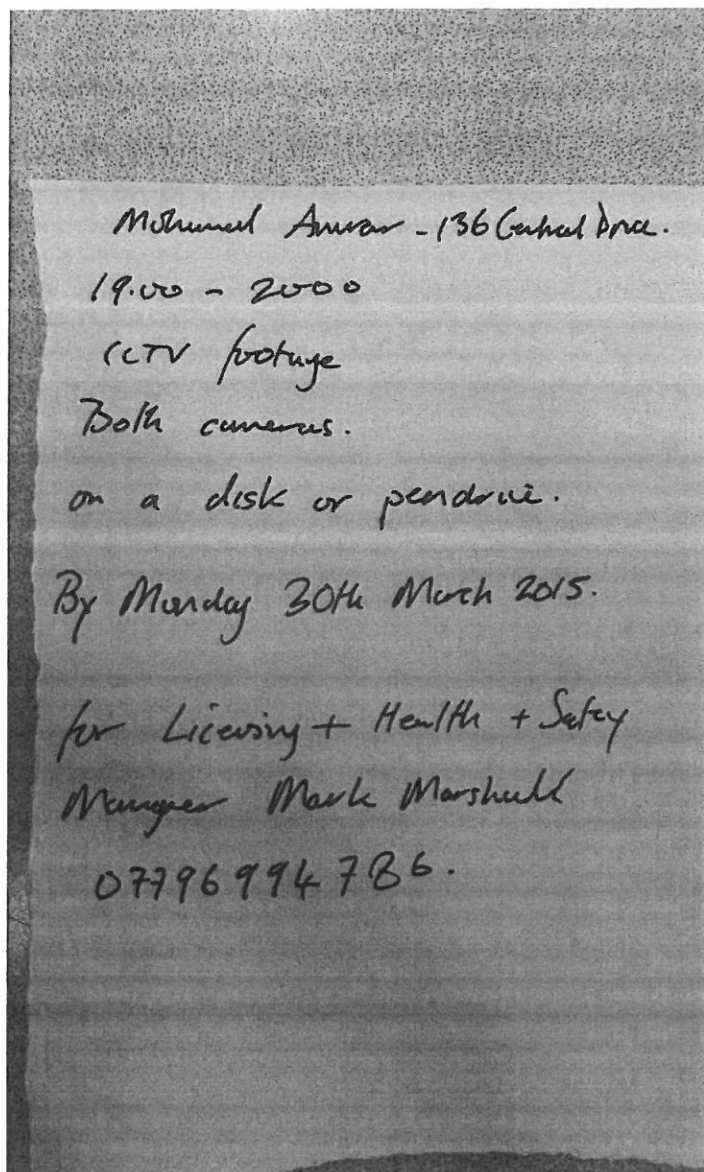
Mark Marshall went into the cellar and the unknown male employee made a very sudden exit from the takeaway, through the door that provides access into to the kitchen area (note this exit/entrance is separate to the public entrances and ran up Ribble Road.

Whilst in the basement area evidence of human habitation was noted in the form of sofa with what appeared to be some make shift bedding. From a fire safety perspective this is bad practice not to mention unlawful from a housing perspective.



The licence holder Mohammad Anwar was questioned regarding this male, he explained he had been an employee for approximately 2 weeks. Further details were also taken by the Immigration Officer who will produce further evidence before the hearing.

Sue O'Brian was confident she would be able to identify the male from the takeaway's CCTV system. A written request was made to Mohammad Anwar to produce a viewable copy of the CCTV footage from 19:00 to 20:00 hours on 27th March 2015 on either disk or drive.



Mohammed Anwar - 136 Central Drive.
19.00 - 20.00
CCTV footage
Both cameras.
on a disk or pendrive.
By Monday 30th March 2015.
for Licensing + Health + Safety
Manager Mark Marshall
07796994786.

Carolyn Bland went to collect the CCTV footage from the takeaway on the afternoon of Monday 30th March 2015 and was met by Mohammad Anwar. He said the CCTV was not working on Friday 27th March so no CCTV footage is available.

Mr Anwar is utterly irresponsible, has no grasp of the importance of the promotion of the licence objectives and the Licence Authority have already made their position clear by previously revoking the premises licence. An appeal was lodged by the licence holder and the Appeal was reluctantly compromised.

However this latest incident causes huge concern and the Licensing Authority is asked to look again at the Licence Holders competence.

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 premises before?	Please tick								
	Yes	No							
	X								
If yes please state the date of that application	Day		Month			Year			
	1	5		1	1		2	0	1

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

Review application made by Health and Safety, Decision Notice included above.


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

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	Mark Marshall
Capacity	Licensing and Health and Safety Enforcement Manager
Date	1 st April 2015

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	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>									
Telephone Number				Mobile Number											

E-Mail Address	
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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.

Mark Marshall

From: Carolyn Bland
Sent: 02 April 2015 08:21
To: Mark Marshall
Subject: Ali's, 136 Central Drive, Blackpool

Mark,

Following our visit to the above premises on Friday 27 March 2015, where you asked Mohammed Anwar to provide you with CCTV footage from the premises, I can confirm that I revisited the premises on Monday 30 March 2015 at 16.50 hours.

Mohammed Anwar was present in the kitchen. I asked him for the copy of the CCTV footage and he told me there had been a problem with it. He said there had been problems in the past but that he thought it had been rectified. However when he has come to get the footage from Friday he could not do it. He claims to have taken it to an engineer who said he cannot copy it as the setting was wrong. As such he now has no footage from Friday night.

He claims the problem has now been fixed and as such the CCTV is now working properly.

Thanks,

Carolyn Bland

Food Control Manager

Public Protection Division, Blackpool Council, Number One Bickerstaffe Square,
Talbot Road, Blackpool, FY1 3AH
01253 478323

Mark Marshall

From: O'Brien Susan <[REDACTED]>
Sent: 01 April 2015 12:51
To: Mark Marshall
Subject: RE: Alis 136 Central Drive
Attachments: ATT3709963.txt

Mark,

That is disappointing. We all saw that the CCTV was indeed working during the visit. I will refer this premises for a full enforcement visit as he appears to deliberately be trying to frustrate enquiries furthering my belief that the employee who ran away on the 27th March is an Illegal Immigrant and was working illegally.

Regards

Susan O'Brien
Field Intelligence Immigration Officer
Immigration Intelligence – UK Visas and Immigration – Home Office
Merseyside Regional Intelligence Unit
The Capital, 1st Floor, Red Zone, New Hall Place, Liverpool, L3 9PP



*Did you know that you can now send information directly to Intel via the new Internal Referral form on Horizon?
<https://horizon.fcgs.gsi.gov.uk/page/intelligence-referral-form> The form allows staff across the Home Office to report information or concerns and allows Immigration Intelligence to quickly evaluate each referral and disseminate them to the appropriate team.*

-----Original Message-----

From: O'Brien Susan [Redacted]
Sent: Tuesday, March 31, 2015 04:02 PM GMT Standard Time
To: Mark Marshall
Subject: Alis 136 Central Drive

Mark,

Were you able to obtain the CCTV from the premises for the period 19:30 to 20:00 on 27/03/2015?

Regards

Susan O'Brien
Field Intelligence Immigration Officer
Immigration Intelligence – UK Visas and Immigration – Home Office
Merseyside Regional Intelligence Unit
The Capital, 1st Floor, Red Zone, New Hall Place, Liverpool, L3 9PP



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The form allows staff across the Home Office to report information or concerns and allows Immigration Intelligence to quickly evaluate each referral and disseminate them to the appropriate team.

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Sharon Davies

From: Mark Marshall
Sent: 13 April 2015 14:01
To: Ryan Unsworth; Licensing la2003
Subject: FW: Alis Takeaway 136 Central Drive Blackpool FY15DY
Attachments: ATT396481.txt

Please can you add this e mail as additional evidence into the Alis Takeaway review.

Mark Marshall
Licensing and Health & Safety Manager
Blackpool Council
01253478493

From: O'Brien Susan [REDACTED]
Sent: 12 April 2015 17:09
To: Mark Marshall
Subject: Alis Takeaway 136 Central Drive Blackpool FY15DY

Mark,

The joint Agency visits to takeaway premises in Blackpool on 27/03/2015.

At approximately 19:35 hours we entered the premises trading as Alis Takeaway at 136 Central Drive Blackpool FY15DY.

There were 2 Asian males working behind the counter in the food preparation area, as I recall you obtained consent from the owner Mohammed ANWAR. You then went with your colleague to the cellar area and I remained with the Police Officer in the public area of the takeaway. I also sought consent from Mohammed ANWAR in respect of my presence, having introduced myself as being from Immigration and asked for him to sign my notebook. Mohammed ANWAR did so and gave me his date of birth as 06/10/1967 and his home address of 15 Gorse Road, Blackburn BB26LY.

I could see the other male in the background who had a mobile telephone pressed to his ear, he was as I recall approximately 5 feet 9 inches tall, medium build and was wearing glasses. I asked Mr. ANWAR to ask him to come over to speak to me and give me his details. At this moment the other male made for a side door on the food preparation side of the counter and ran out, turning left up the road at the side of the premises. The road he ran up I believe is called Ribble Road.

I asked Mr. ANWAR why he had run away. He claimed he did not know, I asked him what nationality the man was and he said the other man was British, I asked why would he run away if he is British? I asked what the man who had fled name was? Mr. ANWAR claimed that the man had worked for him for 2 weeks was called Khuram JAVED was aged approximately 26 to 28 years old and he had seen a UK passport to verify his identity but he didn't have any paperwork on the premises. I asked Mr. ANWAR where the man lived and he said he lived in Blackburn, I asked how he had travelled to work in Blackpool and if they had travelled together and he said he didn't know how he had travelled to work. I asked for the man's contact telephone number as Mr. ANWAR had his mobile in his hand, he began to scroll through it and then claimed he didn't have a contact number for his employee.

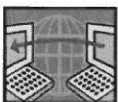
I asked you Mark if you could retrieve the CCTV footage from the takeaway as this would help me with my enquiries into what I now believed was a case of Illegal Working contrary to Immigration Law. You later advised me that Mr. ANWAR claimed to you that the CCTV was not working at the time of the incident, however I clearly remember seeing CCTV monitors in operation at the time of the visit.

I conducted checks on Khuram JAVED in relation to holding a UK passport (as Mr. ANWAR claimed to have seen sight of one before employing the man) my enquiries found that there are only 4 adult males in the UK who hold a UK passport in the name Khuram JAVED, however none of their dates of birth match into the claimed age range of Mr. ANWAR'S employee and their images do not match the man who was at the takeaway.

I believe that Mr. ANWAR has deliberately given me false information and has failed to produce CCTV footage in a deliberate attempt to frustrate any investigation into the suspected offences of Facilitation and Illegal Working both contrary to Immigration Law.

Regards

Susan O'Brien
Field Intelligence Immigration Officer
Immigration Intelligence – UK Visas and Immigration – Home Office
Merseyside Regional Intelligence Unit
The Capital, 1st Floor, Red Zone, New Hall Place, Liverpool, L3 9PP



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<https://horizon.fcgs.gsi.gov.uk/page/intelligence-referral-form>The form allows staff across the Home Office to report information or concerns and allows Immigration Intelligence to quickly evaluate each referral and disseminate them to the appropriate team.*

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