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Blackpool Council

4 April 2017

To: Councillors Critchley, Humphreys and Hutton and Hunter (Reserve)

The above members are requested to attend the:

LICENSING PANEL

Wednesday, 12 April 2017 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 of 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- KEBAB HOUSE (Pages 1 - 28)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- KEBAB HOUSE, FOXHALL ROAD
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- KEBAB HOUSE, FOXHALL ROAD

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 :	12 April 2017

APPLICATION TO REVIEW A LICENCE – Kebab House

1.0 Purpose of the report:

1.1 To consider an application by Lancashire Constabulary to review the Premises Licence issued in respect of Kebab House, 54 Foxhall Road.

2.0 Recommendation(s):

2.1 The panel is requested to determine the review application.

3.0 Reasons for recommendation(s):

3.1 The 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 determined by a Licensing Panel.

4.0 Background Information

4.1 Kebab House, 54 Foxhall Road has the benefit of a Premises Licence authorising late night refreshment 23.00 – 03.00 hours daily.

4.2 On 16th February 2017 the Licensing Service received an application from the Police to review this licence on the grounds of the prevention of crime and disorder and protection of children from harm. A copy of the application is attached at Appendix 4a.

- 4.3 Representations in support of the review have been received from the Child Protection Licensing Officer attached at Appendix 4b.
- 4.4 The Licence Holder at the time the review was submitted was Kashif Gul. On 17 February 2017, the day after the review was submitted, the licensing service received an application to transfer the licence to Mr Tariq Jan. Mr Jan also notified the Licensing Service that he intended to change the name of the premises to C Sider Kebab House.
- 4.5 Tariq Jan, the new Premises Licence Holder has indicated that he will be attending the hearing.

4.6 **Local policy considerations**

None

4.7 **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.

4.8 **Observations**

This licence has the following conditions endorsed upon it:

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 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.
- 3 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 4 Frequent collection of all litter dropped within the vicinity of the licensed premises to be collected and removed at the licence holder's expense at a frequency of not less than 60 minute intervals during opening hours. This includes washing away to the gutter any spilled food.

4.9 Does the information submitted include any exempt information? No

4.10 **List of Appendices:**

Appendix 4a: Review Application submitted by Lancashire Constabulary

Appendix 4b: Representation from Child Protection Licensing Officer

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

LICENSING SERVICE

Appendix 4a

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

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
UNDER THE LICENSING ACT 2003**

Applicant Name:	Helen Parkinson
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Blackpool will be a Vibrant, Inclusive,
Healthy, Safe and Prosperous Town



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	Helen Parkinson
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[Insert name of applicant]

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	Kebab House								
	54 Foxhall Road								
	Blackpool	Post Code	F	Y	1		5	A	D
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Mr Kashif Gul									
Premises Licence or Club Premises Certificate Reference Number (if known)								WA0137	

Part 2 – Applicant details

I am:

1) an interested party (please also complete sections 2A and 2B below)	<small>Please tick</small> <input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<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 Number											
E-Mail Address											

(2C) Responsible Authority applicant

Name	Helen Parkinson										
Address	Licensing Department, Blackpool Police Station, Bonny Street, Blackpool										
					Post Code	F	Y	1		5	R
Telephone Number	01253 604074										
E-Mail Address	Helen.parkinson@lancashire.pnn.police.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	x

Please state the ground(s) for review (please read guidance note 1)

The application is brought on behalf of the Chief Constable of Lancashire Constabulary. The Personal Licence Holder is currently on Remand having been charged with historical sexual offences against female under 16 years of age. On 20th December 2016 he was found guilty of two offences and awaiting sentencing in February 2017. The police feel that the licensing objectives to protect children from harm and prevent crime and disorder are seriously put at risk.

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

On 27th June 2016 Mr Kashif Gul, born 11/01/1977 in Afghanistan, was charged with 7 sexual offences which were alleged to have occurred between 1st April 2003 and 31st May 2005 against a female under the age of 16. The charges were as follows:

- 1) Rape of female under 16years between 01/05/03 and 30/06/03
- 2) Rape of female under 16years between 01/04/03 and 30/04/03
- 3) Rape of girl aged 13-15 years between 01/05/04 and 31/05/04
- 4) Attempt Rape of female under 16years between 01/04/03 and 30/04/03
- 5) Attempt Rape of female under 16years between 01/05/03 and 30/06/03
- 6) Gross Indecency with female under 16years between 01/04/03 – 30/04/03
- 7) Gross Indecency with female under 16years between 01/05/03 – 30/06/03

As a result of the charges Mr Gul was remanded into custody on 28th June 2016 by Blackpool Magistrates whilst he awaited trial.

On 20th December 2016 at Preston Crown Court Mr Gul was found guilty of two offences of Indecency with a child. The dates of these offences were April/May 2003 and May/June 2003 when the victim was under 16 years. Mr Gul was cleared of the rape/attempt rape charges. He has also signed the Sex Offenders Register and is subject to the Notification Requirements until 19/12/2021. A summary of the case file is attached.

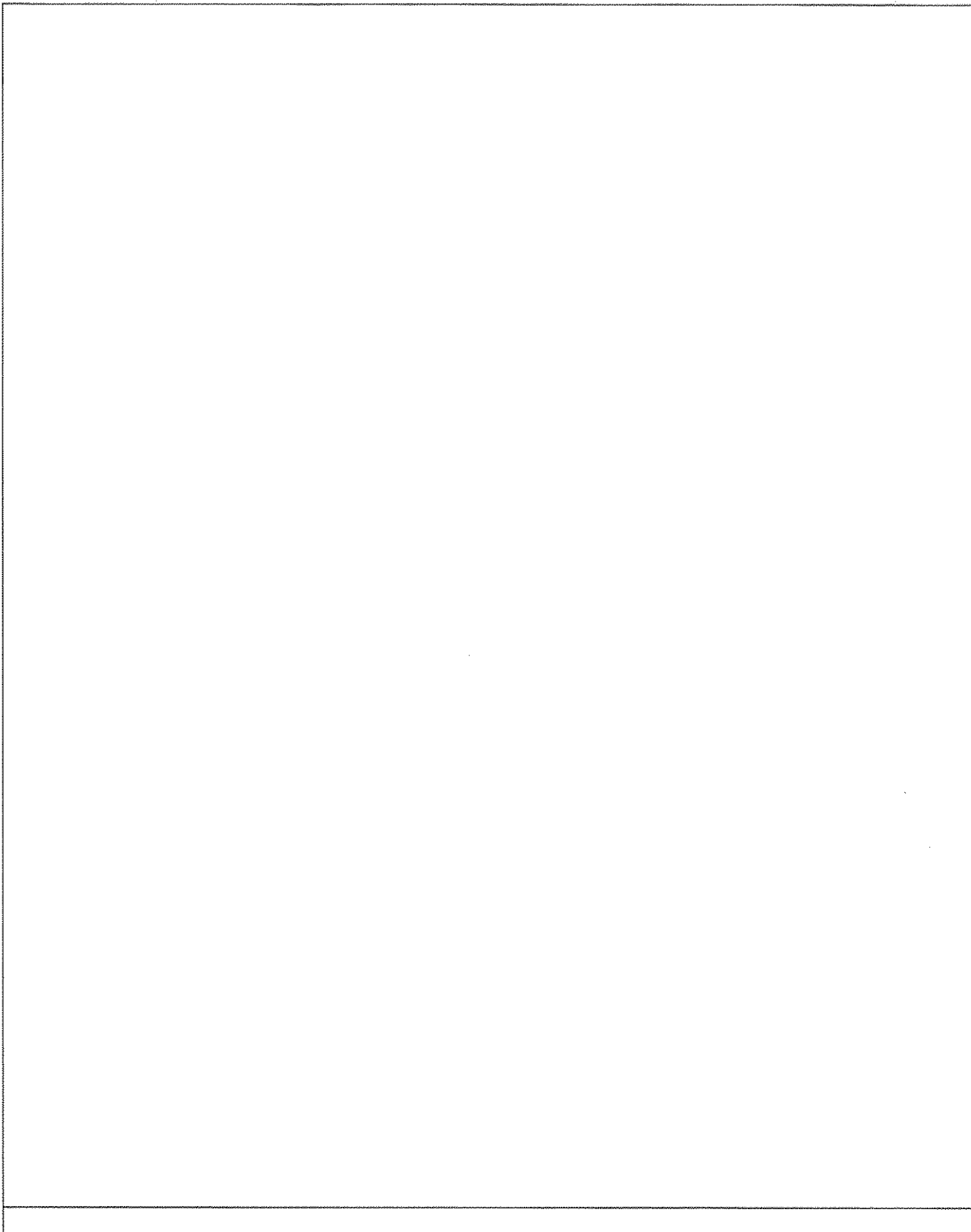
Mr Gul is due to be sentenced on 27th February 2017 and remains on remand at this time. At this time Mr Gul's PNC record has not been updated. The information has been provided and verified by DC Karen Tunstall from Lancashire Constabulary's Force Major Incident Team who is the Office in the Case for the whole enquiry. Attached is the e-mail she sent to my colleague confirming this

At the time of the offences for which he has been found guilty, Mr Gul was working as a chef, then waiter at The Balti House, Clifton Street, Blackpool which has a late night licence for food and alcohol until 4am.

As well as the offences for which he was initially charged there have also been other, more recent allegations, of a similar nature against Mr Gul, two of which are alleged to have occurred at 54 Foxhall Road. These allegations have been made by different aggrieved parties to those for which he has been charged. The crime numbers are: AM0905410 Sexual Assault by penetration and AM1102670 Rape of female aged 16 or over. I stress though that No charges were brought against Mr Gul on either of these occasions

Due to the nature of the offences for which Mr Gul has now been convicted, police feel that allowing him to Operate a Late Night Refreshment Licence until 3am puts children at risk from harm and seriously undermines the crime prevention objective and therefore apply for a revocation of the licence. He would be in a position of responsibility and it would provide the opportunity for him to interact with vulnerable children out in Blackpool during the early hours. The number of vulnerable young persons out on the streets of Blackpool into the early hours is currently of particular concern to not only police but Council and Health departments alike and Operations are already on-going to try to protect them from harm and exploitation. There have also been the two previous allegations at this premises whilst Mr Gul has been the licence holder.

Police also understand that Mr Gul lives above the premises and takes sole responsibility for the business, therefore there are no conditions that could be added to ensure the objectives are upheld.



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		

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

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 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.

Signature:	Capacity:	Date:		
		Day	Month	Year
 PS1747	POLICE LICENSING	16	02	2017

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.

Appendix 4a continued proposed Conditions for Kebab House – 54 Foxhall Road, Blackpool

- 1 CCTV, which complies with the following criteria, will be installed at the premises.
 - a) The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary.
 - b) The system shall display on any recording the correct time and date of the recording;
 - c) The system shall be recording during all hours the premises are open to the public;
 - d) VCR tapes or digital recording shall be held for a minimum of 28 days after the recording is made and will be made available to the Police for inspection upon request.
 - e) The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.
 - f) A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police, or any officer acting for a Responsible Authority, recent data or footage with the absolute minimum of delay when requested.
- 2 The licence holder shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
- 3 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 4 The premises have installed a wall-mounted screen, no smaller than 32", mounted in a prominent position within the premises, so that patrons can view live-recorded CCTV footage.
- 5 There will be no boxing machines in operation in the premises.
- 6 MR Kashif Gul born 11/01/1977 will not be allowed on the premises and have nothing to do with the running of the business
- 7 No persons under the age of 18 will be allowed on the premises after 23:00 hours
- 8 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 9 Frequent collection of all litter dropped within the vicinity of the licensed premises to be collected and removed at the licence holder's expense at a frequency of not less than 60 minute intervals during opening hours. This includes washing away to the gutter any spilled food.

- 10 The collection and disposal of any waste / refuse should not take place externally between the hours of 2200 - 0800.
- 11 Any external light source associated with the premises shall not cause a nuisance or disturbance to any property within close proximity.
- 12 The licensee shall ensure that staff arriving before 0900 hours or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents
- 13 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.

Blackpool Council Licensing Service

Representation made by a Responsible Authority in support of an application for the Review of a Premises Licence

Responsible Authority making representation

Name of Responsible Authority	Blackpool Child Protection Licensing Officer		
Name of Officer <i>(please print)</i>	Louise Scales		
Signature of Officer	<i>L.M. Scales.</i>		
Contact telephone number	01253 477538		
Date representation made	01	03	2017
Do you consider mediation to be appropriate			NO

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

Mark Marshall on behalf of the Licensing Authority

Premises Details

Premises Name	Kebab House
Address	54 Foxhall Road
	Blackpool
Post Code	FY1 5AD

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

My role as Child Protection Licensing Officer focusses on managing the various risks that makes both children and adults unsafe.

This premise has been reviewed by the Police because the Personal Licence Holder Kashif Gul in December 2016 has been found guilty of two offences of indecency with a child.

It would be putting children at risk if Gul were to continue operating a premises that offers late night refreshment.

I fully support the Police in their application to review this licence under the licensing objectives of protecting children from harm and prevention of crime and disorder.

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