

# 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](http://www.blackpool.gov.uk)

LS/F/009/14/3

## 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.

<b>I</b>	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>	Dickson Pizza										
	281 Dickson Road										
	Blackpool	<b>Post Code</b>	F	Y	1	2	J	L			
<b>State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)</b>											
Ahmad Asgari											
<b>Premises Licence or Club Premises Certificate Reference Number (if known)</b>								WA0029			

### ***Part 2 – Applicant details***

**I am:**

Please tick

<b>1) an individual, body or business which is not a responsible authority</b>	<input type="checkbox"/>
<b>2) a responsible authority (please also complete 2C below)</b>	<input checked="" type="checkbox"/>
<b>3) a member of a club to which this application relates (also complete section 2A below)</b>	<input type="checkbox"/>

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

<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	Other	<b>I am 18 years old or over</b>	Please tick			
							<b>Yes</b>	<b>No</b>		
<b>Forenames</b>						<b>Surname</b>				
<b>Home address</b>										
						<b>Post Code</b>				
						<b>Post Code</b>				
<b>Telephone Number</b>						<b>Mobile Number</b>				
<b>E-Mail Address</b>										

**(2B) Other Applicant or Representing Body**

<b>Name</b>										
<b>Address</b>										
						<b>Post Code</b>				
						<b>Post Code</b>				
<b>Telephone No.</b>										
<b>Email Address</b>										

**(2C) Responsible Authority applicant**

<b>Name</b>	<b>Mark Marshall</b>								
<b>Address</b>	Bickerstaffe House								
	Number One Bickerstaffe Square								
	<b>Blackpool</b>	<b>Post Code</b>	F	Y	1		3	A	H
<b>Telephone Number</b>	<b>01253 478349</b>								
<b>Email 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 2 before completing)**

Dickson Pizza is located on Dickson Road in close proximity to the junction of Warley Road and main transit into the residential area of the Claremont ward. In the early part of October 2016 a concerning complaint was circulated regarding allegations of Child Sexual Exploitation, the information received was which was passed on by the police is as follows;

**INFORMATION RECEIVED THAT THE TAKE AWAY PREMISES CALLED DICKSON PIZZA 281 - 283 DICKSON ROAD BLACKPOOL PREMISES ARE BELIEVED TO OPEN BETWEEN 4/5 DAILY REPORTS THAT LARGE AMOUNTS OF TEENAGE MALES AND FEMALES ARE FREQUENTING THE PREMISES AND REMAINING INSIDE THE SHOP PREMISES IT IS ALSO BELIEVED THAT AT THE REAR OF THE PREMISES POSSIBLY A GARAGE HAD BEEN CONVERTED INTO A BEDROOM**

**On the 15<sup>th</sup> of October 2016** the premises was visited by Danny Stephenson and Mark Marshall at 23.05hrs, the licence holder was not on the premises at this time. Staff details were obtained and numerous breaches on the premises licence were noted. The staff on duty at the time of the visit were;

Hamid Kazemi and  
Abasi Mofrad Mohammad Hassan .

Mr Kazemi was spoken to about the allegations and made a complete denial , he also confirmed that the property to the rear, which looked like a garage was nothing to do with them and was in fact a flat rented by a polish couple.

Whilst at the premises numerous breaches of the premises licence were noted, namely

A boxing machine was sited in the public area of the shop; the premises licence specifically prohibits this.



The screen displaying the CCTV images was a 14inch screen, the premises licence requires a 32inch screen

And the most concerning issue was that both staff were completely unaware how to use the CCTV system, I explained that I would need to see recorded images for at least the last 2 weeks as the nature of the allegation was very serious and I had a duty to look into the matter to the best of my ability. Mr Kazemi stated he would need to get a CCTV engineer to assist him; I left my contact details for him to ring me the following week when things had been sorted.

**Monday 17<sup>th</sup> October 2016.** At approximately 10.30, I received a telephone call from Mohammed Raveshi who stated he was the owner of Dickson Pizza and the associated units he reported that the garage to the rear was a lawful conversion and the tenants were Polish and paying council tax and all this information should already be known to the council. I later confirmed that the residents living in the converted garage were actually Polish and registered for Council Tax.

At approximately 16.15 I served a warning letter at Dickson Pizza setting out the breaches of the premises licence, although this was addressed to the licence holder, Mr Kazemi had informed me that the licence holder was away till the beginning of November, as such when I attended on this afternoon I went through the requirements of the letter with him and again reiterated the importance of the CCTV production, the letter served is shown below;

**Date:** 17<sup>th</sup> October 2016

Mr. Ahmad Asgari

17<sup>th</sup> October 2016

**Our Ref:** MM

**Direct Line:** (01253) 478493

**Email:** [mark.marshall@blackpool.gov.uk](mailto:mark.marshall@blackpool.gov.uk)

**Premises Licence WA0029**

Dear Sir

Further to my visit of the 15<sup>th</sup> October 2016 at 23.05hrs I write to notify you of a number of concerns relating to the Licence Conditions at the premises.

Firstly, the reason for my visit was concerning information received regarding the possible sexual exploitation of young people. A brief discussion with your staff took place around this subject where I also requested a copy of the CCTV for the last 2 weeks.

Sadly, neither staff members could provide this information as neither were conversant with the CCTV system which is a requirement of your Premises License as highlighted below. There are also other matters which require your urgent attention, in particular the siting of the boxing machine.

I have copied all your license conditions below and the ones that require your attention are highlighted in bold type.

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

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

ii. VCR tapes or digital recording shall be held for a minimum of 31 days and 21 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.

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

2 **A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.**

3 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.

- 4 Bi-annually documented maintenance checks of the CCTV system, including the recording system, will be undertaken by the licence holder to ensure that the system is in good working order and fit for purpose.
- 5 **The premises shall have installed a wall mounted screen, no smaller than 32", mounted in a position within the premises so that patrons can view live recorded CCTV footage.**
- 6 No persons under the age of 16 will be allowed on the premises after 23.00.
- 7 **No boxing machines to be in operation in the premises.**
- 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 **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.**
- 10 The licence holder shall arrange adequate supervision of any queue inside the premises and any which may form to gain entry to the premises.
- 11 **Fixed seating will be provided for customers.**
- 12 There shall be displayed on the premises notice(s) to warn members of the public visiting the premises of incidents of crime which may affect them. The notice(s) shall be displayed in a position where it is clearly visible to members of the public.
- 13 Any outbreak of fire of any kind shall be reported to the Fire Service immediately and a written record shall be made in a logbook kept for that purpose.
- 14 **There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.**
- 15 No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- 16 Where there are any offensive smells created on the premises, provision shall be made for such smells to be vented from the premises so that they do not cause a nuisance to nearby premises.
- 17 There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
- 18 Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

19 A high counter is installed which prevent access to the cooking areas therefore preventing injury to children.

Late Night Refreshment is classed as a Licensable Activity and includes the sale of hot food or hot drinks that are sold between the hours of 23.00hrs and 05.00 hrs.

To knowingly carry on a licensable activity without a license or not in accordance with a licence is an offence under Section 136 of the Licensing Act 2003 which if convicted, now carries an unlimited fine and or up to 6 months in prison.

I will revisit in 7 days to ensure the matters highlighted have been addressed. Should you require any clarification or further information do not hesitate to contact me?

**Yours Faithfully**

**Mark Marshall, Licensing & Health Safety Manager.**

**21<sup>st</sup> October 2016**, Keith Marsden posted a written request through the door at the takeaway asking again for the CCTV images and included a brand new memory stick to enable images to be saved and produced. The written request is found below;





**On the 5<sup>th</sup> of November 2016** the store was again visited at 21.58hrs by Mark Marshall and Danny Stephenson and the boxing machine was immediately observed still in situ, the machine was switched off at the time of our visit and Mr Kazemi explained that he had contacted the supplier but he still hadn't been to pick the machine up. The CCTV screen had been replaced with a 32 inch screen but the CCTV footage was still not available. Mr Kazemi explained they were experiencing difficulties. At this time the licence holder was also on site preparing food, I explained the situation and the concerns I had to him especially the continued difficulties in obtaining the CCTV. I explained that the conditions of his licence must always be complied with and if he leaves his business in the care of staff for any period of time they must be aware of the conditions of the licence and be capable of using any equipment such as the CCTV. Once again I verbally requested the footage from the 1<sup>st</sup> October 2016 until the 14<sup>th</sup> October 2016 from the hours of 23.00hrs till they closed on all dates.

Approximately 1 week after this visit some CCTV was produced, Keith Marsden looked through the images and reported that only 6 dates had been produced with various files for each day many of which were not as requested,

**From:** Keith Marsden  
**Sent:** 21 November 2016 18:30  
**To:** Mark Marshall  
**Subject:** Fwd.: CCTV

Hi Mark,

The following is a list of the video file names for Dickson Pizza along with the dates and times for each video. This is everything there is, as you will see it only covers 6 days and the 04/10/16 is during the day not at night, whilst the 06/10/16 starts at midnight and not 11pm and 09/10/16 has an hour missing.

1\_01\_R\_102016110000 - 04/10/16 11:00 - 12:00  
2\_01\_R\_102016120000 - 04/10/16 12:00 - 13:00  
3\_01\_R\_102016130000 - 04/10/16 13:00 - 14:00

1\_01\_R\_102016230000 - 05/10/16 23:00 - 00:00  
3\_01\_R\_102016010000 - 05/10/16 01:00 - 02:00

2\_01\_R\_102016000000 - 06/10/16 00:00 - 01:00  
1\_01\_R\_102016010000 - 06/10/16 01:00 - 02:00

5\_01\_R\_102016230000 - 07/10/16 23:00 - 00:00  
1\_01\_R\_102016000000 - 07/10/16 00:00 - 01:00  
2\_01\_R\_102016010000 - 07/10/16 01:00 - 02:00  
3\_01\_R\_102016020000 - 07/10/16 02:00 - 03:00  
4\_01\_R\_102016030000 - 07/10/16 03:00 - 04:00

1\_01\_R\_102016230000 - 08/10/16 23:00 - 00:00  
2\_01\_R\_102016000000 - 08/10/16 00:00 - 00:30  
3\_01\_R\_102016003101 - 08/10/16 00:31 - 01:00  
4\_01\_R\_102016010000 - 08/10/16 01:00 - 02:00  
5\_01\_R\_102016020000 - 08/10/16 02:00 - 03:00

6\_01\_R\_102016030000 - 08/10/16 03:00 - 04:00

3\_01\_R\_102016230000 - 09/10/16 23:00 - 00:00

1\_01\_R\_102016020000 - 09/10/16 02:00 - 03:00

2\_01\_R\_102016030000 - 09/10/16 03:00 - 04:00

Thanks

Keith

## **Conclusion**

There are conditions on the licence that relate directly to CCTV and the production of images, they are as follows;

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

- I. The system will display on any recording the correct time and date of the recording
  - ii. VCR tapes or digital recording shall be held for a minimum of 31 days and 21 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.
  - iii. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
- 2 A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.

It has taken over 3 weeks to obtain some images from the premises and as can be seen from the initial complaint information, the allegations were serious, I have been unable to establish whether the complaint can be substantiated and the ineptitude of the licence holder with regards to his lack of knowledge with the CCTV has left him seriously open to criticism on a number of levels.

It would be senseless to add further conditions on the licence with regards to the CCTV as there are currently very comprehensive ones in place already, the issue here is non-compliance with the conditions. Attempts have been made to obtain the images required both in writing and verbally, 2 paragraphs of the Section 182 Guidance are particularly relevant in this case;

*11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders 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.*

*11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, 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.*

My recommendation in this matter would be that the Committee consider the suspension of the premises licence as a means of deterring the holder from allowing the problems that gave rise to the review to happen again.

Also included below is a warning letter sent in March 2015 for issues relating to nuisance and disorder.

Date: 31<sup>st</sup> March 2015

Mr A Asgari

Our Ref: SF/CLF/1800193

Your Ref:

Direct Line: (01253) 478384

Email: [steve.flint@blackpool.gov.uk](mailto:steve.flint@blackpool.gov.uk)

Dear Sir

**Licensing Act 2003**

**Re: Dickson Pizza, 281 Dickson Road, Blackpool, FY1 2JL**

Complaints have been received by this department that noise and fighting from Patrons using the takeaway and congregating inside and outside the premises are affecting residential accommodation within the vicinity. This is contrary to the conditions on your premises licence at Annexe 2 conditions 6, 8, 10 and 15 which deals with persons under 16 and noise emanating from the premises.

I would be grateful, therefore, if you could ensure that these conditions are complied with and that Noise and Anti Social Behaviour is not tolerated in or around the premises.

Failure to deal with such matters will result in Environmental Protection asking for a review of your licence, reducing your hours of operation, under Part 3 Section 51 of the above act.

Should you require any further information please contact the writer.

Yours faithfully

Steve Flint  
Environmental Protection

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
	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 were 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.	Please tick
	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.**

<b>Signed</b>	
<b>Print Name</b>	Mark Marshall
<b>Capacity</b>	Licensing and Health and Safety Manager
<b>Date</b>	19 <sup>th</sup> December 2016

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.