

# 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)

## 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>	Amir's formally Al Goucha								
	1A Dickson Road								
	Blackpool	<b>Post Code</b>	F	Y	1	2	A	X	
<b>State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)</b>									
<b>Premises Licence or Club Premises Certificate Reference Number (if known)</b>								WA0208	

### ***Part 2 – Applicant details***

**I am:**

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

**(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>	<b>F</b>	<b>Y</b>	<b>1</b>		<b>3</b>	<b>A</b>	<b>H</b>	
<b>Telephone Number</b>	<b>01253 478349</b>													
<b>Email Address</b>	<b>Mark.marshall@blackpool.gov.uk</b>													

## 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)

Amir's was formally known as Al Goucha and is located on Dickson Road directly on the Junction of Queen Street and Dickson Road. The management of this premise has been causing considerable concern for the local authority for some time.

Serving intoxicated members of the public socialising from nearby late night Licensed Premises on a frequent basis more apparent during the early morning hours of a Friday and Saturday.

A business servicing the night time economy requires quite careful management and Amir's style of approach is one which is neither careful nor managed and operates with complete disregard for public safety and Environmental impact of the locality.

A program of intervention visits incorporating advice and education on general areas of cleanliness in the interior where litter bins found to be overflowing, floor greasy in all areas and clearways blocked with waste bags. The immediate exterior being heavily littered with food debris and containers discarded by customers from within the store. Intervention visits have been undertaken but unfortunately all to no avail and in some areas the problems are in fact getting worse. This is exasperated by the ownership of the business regularly changing hands. Officers conducting visits are faced with new owners/managers who have no knowledge of existing ongoing problem.

Various visits have since taken place giving the owners opportunity to rectify problems observed and raised.

On the 29<sup>th</sup> June 2014 following up from a request via Street Cleansing raising concerns around the amount of black sacks containing commercial waste that are continually being deposited on the front street by the public street litter bin.

A visit was arranged with multiple departments inclusive of Licensing, Health and Safety, Food Hygiene and Commercial Waste.

As a result of this visit several issue were identified one being that the owner a Mr Amir Abdun was not fulfilling his legal requirements by having a registered waste carrier in place thus resulting in no Authoritative Documents to state that he is legally allowed to deposit controlled commercial waste in black bags by the public street litter bin on Dickson Road.

At this point Mr Abdun was issued with a fixed penalty notice (DOCUMENT 1) for failure to produce Authority this notice applies to Section 34 of the EPA 1990 (DUTY OF CARE).

2/10/14 This was undertaken as a following up visit to identify if issues raised in the previous visit had now been complied with. On this occasion Mr Abdun had the relevant documentation in place for Waste Management however the correct practice was still not being implemented.

The interior bins were overflowing with cartons and food debris and clearly not being emptied frequently enough resulting in the floor area become littered and greasy.

On the immediate exterior it was evident that Mr Abdun was also not fulfilling one of his License requirements as the area was also littered with various debris, on this Mr Abdun was given a verbal warning to implement better working practices around his License conditions and his Waste Management one of these being to make a regular litter patrol and to clear and spilled or discarded refuse to the outside area around his Business.

On this visit it was also observed that a large number people from the dispersal of Kaos were congregating to the front and side of his property.

Mr Abdun was then advised that we would be revisiting in a couple of weeks to ensure in his compliance.

22/10/2014, Site visits further advice and education given verbally to **Mr Amir Abdun** regarding performing regular litter patrols as per licensing conditions.

28/10/2014, Site observations (**no officer visit to premises**) for instances of anti-social behaviour/waste issues, 3 separate instances of violent disorder.

Regular litter patrols as per licensing conditions still not implemented outside area littered with debris.

5/12/2014, Further advice and education given verbally to the owner a **Mr Abdun** at the time to implement check sheets for completed litter patrols.

1/2/2015, Site observations (**no officer visit to premises**) 4 separate instances of violent disorder was observed by Council Officers with small groups of people arriving from various venues within the town creating a larger group all hanging around outside the premise arguments then ensued between the various groups requiring the intervention of both the police and door staff from various premises thus diluting supervision at designated posts, individuals were observed urinating in the street, further instances of mismanagement of waste in the form of illegal depositing of controlled commercial waste cardboard packaging not in the correct receptacle (not even in a receptacle just deposited loose) contrary to section 47 EPA 1990.

5/2/2015, (Document 2) CPN notice issued.



**Photograph 1** of Mr Abdun carrying loose cardboard packaging across to street litter bin not in correct receptacle contrary to section 47 EPA 1990 (misuse of waste receptacles).



**Photograph 2** of Mr Abdun again not using correct waste management attempting to cut costs by depositing black bags along with commercial waste receptacle.





**Photograph 3** Showing litter and food debris directly to exterior of Amir's store.





**Photograph 4** overflowing bins to the interior of Amir's store.



**Photograph 5** second bins overflowing in Amir's store.



**Photograph 6** Showing police on scene following disturbance of people on the street directly outside Amir's.  
Scene observed as people arguing in doorway entrance by Council Officers.





**Photograph 7** Showing further disturbances from gatherings of people in the street.

**Conclusion.**

Section 182 of the Licensing Act 2003 Guidance paragraph 11.10 states;

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

Amir's takeaway and the style of management and supervision practices that are currently in place are of such inadequacy that it is clearly evident of the detrimental and environmental affect it is having to nearby Businesses and residents in the locality.

Issues and observations raised in previous visits are continually repeated so if not brought into line will only serve to escalate as the season and summer months come into play.

The intervention and resource from all Public Authorities has been significant. The police intervention is often low level and not recorded on systems, as stepping into an argument or splitting up an arguing couple is seen as routine. What does need to be considered is, the Public Authorities

resource could be utilised in other areas if the premises were more in tune with properly promoting the Licensing Objectives.

For this reason with the scale of intervention, the period of observations and the formal action taken to date we say that any responsible operator would have got there house in order and engaged with Authorities pro-actively to address concerns.

This has not happened, hence the reason for this application...

We say that trading at this establishment is irresponsible, the management structure is opaque and responsive only when formal action is engaged and if unsupervised a serious incident is inevitable. For this reason the curtailing of hours should be a minimum step with a requirement to have more door staff (at least 2) engaged at a much earlier time ( 01.00hrs ), however the committee may consider that the weight of evidenced adduced that the only secure way f safeguarding the licence objectives is to consider Revocation.

**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**

<b>Have you made an application for review relating to these premises before?</b>	Please tick								
	Yes	No							
<b>If yes please state the date of that application</b>	Day	Month	Year						

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



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

**Contact name and address for correspondence associated with this application. (Where not previously given)** (See guidance note 6)

<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. 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.

Summary: FPN Ref: 0056 - Offence: G Failure to produce...

Reference: 1598908 Status: Payment Pending (Discount Rate)  
 Date Created: 30/Jun/2014 08:23 Created By: Danny Stephenson  
 Date Closed: Allocated To: Danny Stephenson

Details

Offenders Name: Amir Abdun  
 Offenders Address: Dream Girls  
 1A Dickson Road  
 Blackpool  
 FY1 2AX  
 Name of parent or guardian (if a child):  
 Issuing Officer: Danny Stephenson  
 Assisting Officer:  
 Date and Time Offence Occurred: 29/Jun/2014 05:30  
 Location of Offence: Dream Girls  
 1A Dickson Road  
 Blackpool  
 FY1 2AX  
 Location of Offence Notes: Pocket Note Book Entry  
 Offence type: G Failure to produce authority (Waste Transfer Notes)  
 Details of the offence: customer had no documentation in place and has been presenting waste by street litter bin.  
 Fixed Penalty Charge: 180  
 FPN Reference: 0056  
 RIA Number:  
 Neighbourhood: PROMENADE & TOWN CENTRE NEIGHBOURHOOD  
 Fine increases on:: 13/Jul/2014  
 Full Fine Cost: 300  
 Paris Reference:  
 FPN Paid: No  
 View FPN via RIA Letter:  
 Create Waive letter:  
 Type of Appeal:  
 Resolution:

Notes:  
 30 Jun 08:27 System Payment Pending (Discount Rate)  
 30 Jun 08:27 Danny Stephenson Details Entered  
 30 Jun 08:27 Danny Stephenson Accepted  
 30 Jun 08:23 Danny Stephenson Created

Date Printed: 01/Jul/2014 09:06

**Notice of Opportunity to Pay Fixed Penalty Notice**

Alleged Offender: AMIR ABDUL  
Address: 1A BICKSON ROAD  
BLACKPOOL Post Code FY1 2AX  
Issued By: D. STEPHENSON Cost Code: [REDACTED]  
On (Date): 29<sup>TH</sup> JUNE 2014  
Offence Location: FRONT OF PROPERTY  
Post Code FY1 2AX  
Details of Offence [Overleaf (A to N)]: 9. FAILURE TO  
FURNISH DOCUMENTATION (WASTE TRANSFER  
NOTE)

An authorised officer of **BLACKPOOL COUNCIL** has reason to believe that you have committed an offence as detailed above

This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

No Court proceedings will be taken for this offence before the expiration of the **FOURTEEN DAYS** following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty during that period of fourteen days.

The fixed penalty amounts for offences are shown overleaf, including discounted amounts for payment with 10 days as appropriate.

Payment may be made by debit or credit card by contacting the Customer First Centre on (01253) 477477, quoting the notice reference number.

Alternatively payment may be made by cheque/cash/postal or money order payable to Blackpool Council either in person or by post to the following addresses. In either case this notice should accompany the payment.

**Blackpool Council, Customer First Centre, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF**

Cash should be sent by registered post – payment made in this way will be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post.

WARNING NOTICE

Anti-Social Behaviour Crime and Policing Act 2014, sections 43 to 58.

To: Mr Amir Abdun  
Address: [Redacted]  
Premises: Al Goucha 1a Dickson Road, Blackpool FY1 2AX

**WARNING**

Being satisfied that your conduct is having a detrimental effect, of a persistent or continuing nature on the quality of life of those in the locality, and the conduct is unreasonable. Mark Marshall an authorised officer of Blackpool Council, hereby requires you to:

**Activity required to cease:**

- i. Nuisance and anti-social behaviour caused by patrons of your premises between the hours of 5:00 am and 6:30 am.

**Action required:**

- 1. To employ a Registered Door Supervisor at the premises between the hours of 5:00 am to 6:30 am on a Saturday and Sunday morning.

**Implementation of the action:**

Item 1 must be in place by no later than 7<sup>th</sup> February 2015.

This notice offers you the opportunity to avoid the issue of a Community Protection Notice.

- \* "Conduct" includes a failure to act -
- \* "Conduct" on, or affecting, premises that a person owns, leases, occupies, controls, operates, or maintains, is treated as conduct of that person.

**IMPORTANT NOTICE**

A Community Protection Notice - will be issued unless your conduct ceases to have the detrimental affect referred to above. Non-compliance with a Community Protection Notice carries criminal sanctions and can lead to a criminal record.

Failure to take all reasonable steps or failure without reasonable excuse to comply with a Community Protection Notice can lead to seizure and forfeiture of items, default works and recovery of costs and/or a fine of up to £2,500 in relation to an individual or up to £20,000 in the case of a body.

Non-compliance may also result in the issue of a fixed penalty notice in the sum of £100.

Authorised Officer: Mark Marshall

Name

Signature

Date

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