

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