

► Licensing Act 2003

► Statutory Consultee Response



To:	Licensing	From:	Licensing Enforcement
		Extension No:	5357
		Date:	7 th October 2015

Name of Premises: Leyland Kebab House

Address: 16 Chapel Brow, Leyland, PR25 3NE

I have received a copy of an application from Mr Waseem Wajid of 52 Shearbrown, Blackburn seeking a premises licence for the Kebab House, 16 Chapel Brow, Leyland.

These premises did have the benefit of a Late Night Refreshment Licence when it was trading as Capsicum from May 2008 until May 2010 when the Licence Holder surrendered the licence.

I am aware that the Chapel Brow area where these premises are situated, has been the subject of a number of public order incidents over the past 12 months and am concerned that the granting of an additional Premises Licence authorising Late Night Refreshment in the area would further undermine the Licensing Objectives.

I became aware the applicant was continuing to provide Late Night Refreshment without a licence on 11th February 2015 during a joint visit with the Fire Service, Police and energy company representatives, who removed the electric meter from inside the shop, as they were satisfied that electricity was being abstracted unlawfully and that the meter had been tampered with.

I issued a written warning for trading contrary to Section 136 of the Licensing Act 2003 and told Mr Wajid that he must make an application for a Licence if he wished to trade after 23:00 hrs.

I provided him with an application form and comprehensive guidance notes and advised him to speak to a solicitor if he felt unable to complete the application himself. Mr Wajid did submit a partially completed application form dated 4th March 2015 which I had to return as he had failed to complete the form correctly.

On the 17th April 2015 he returned the application form, guidance and application fee, but again he had failed to complete the application procedure as detailed in the guidance. I wrote again on the 30th April 2015 telling him that his application was suspended until he had addressed the outstanding legal requirements that I detailed in the letter.

On Friday 21st August 2015, I was working in partnership with Lancashire Constabulary undertaking compliance visits at a number of establishments. I was able to order hot food at the Kebab House at approximately 23:27 hrs, which was handed to me at approximately 23:35 hrs. Mr Wajid was sat behind the counter during the transaction and other customers continued to enter the shop to place orders.

I re-entered the shop a few minutes later with PC 62 Paul Connell and spoke to Mr Wajid about the offences. He initially said that he had a licence which he paid for earlier in the year. I pointed out that the money he paid was the application fee and that he had not yet been granted a licence as he had not fully complied with the application process.

I warned him that he must not provide late night refreshment after 23:00 hrs until he had been granted a licence and that if he did make any further unlawful sales he could be prosecuted for each individual sale, he replied "that's OK, the Court won't do anything" and was very dismissive of the of the offence adding "it's not like I'm selling anything dangerous".

I invited Mr Wajid to attend the Police Station for a voluntary interview on Wednesday 26th August and he told me "I haven't got time for that". He added that he was going to London and wouldn't be back until the first week of September.

Following information from colleagues in Environmental Health, I visited the shop with PS 685 Douglas at approximately 16:45 hrs on Thursday 27th August, and found Mr Wajid at the premises. When I asked him why he had lied to me about his availability, he had no reply.

He became quite confrontational during the conversation that followed and was arrested by PS Douglas and removed to Preston Police Station where we interviewed him that evening. During the interview he disclosed that he had taken full responsibility for the business in 2010 and that prior to that he had run it jointly with the previous licence holder.

Mr Wajid also confirmed during the interview that he opened until midnight during the week and later at the weekend and he remained adamant that as he had paid for a licence he was entitled to do this.

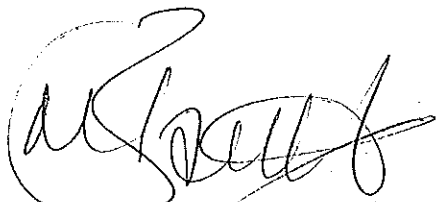
Further enquiries with the Council's Business Rates and Environmental Health Team confirm that Mr Wajid registered himself for business rates with effect from 16th March 2010 and as the food business proprietor from 4th October 2010.

Mr Wajid was subsequently charged and pled guilty at Preston Magistrates on 17th September 2015, to 1 count of providing a licensable activity contrary to section 136 (1) of the Licensing Act 2003.

Following the Court case Mr Wajid finally completed the application process, although his application form does not include any indication of the measures he intends to take, should his application be successful, to promote any of the licensing objectives.

In my dealings this year with Mr Wajid, he has been consistently argumentative and dismissive of his legal responsibilities; he has been offered advice and afforded the opportunity to regularise his business without legal sanctions and yet he chose to continue to operate unlawfully until being brought to account before the Court.

It is for these reasons that I object to this application, as I can see no evidence in the application to suggest that the granting of Mr Wajid's application would not undermine the licensing objectives.

A handwritten signature in black ink, appearing to read 'N Barrett', is written over a circular stamp. The signature is fluid and cursive.

N Barrett
Licensing Enforcement Officer