

## LICENSING PANEL

MONDAY, 20TH AUGUST, 2018, 2.00 PM

COPPICE ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND,  
PR25 1DH

### AGENDA

**1 Apologies for absence**

**2 Declarations of Interests**

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

**3 Review of Premises Licence - Naaz Indian Restaurant, 1 Club Street, Bamber Bridge, PR5 6FN** (Pages 3 - 6)

Report of the Head of Licensing attached

**3a Appendix A - List of Proposed Conditions including covering letter - 31/07/18** (Pages 7 - 10)

**3b Appendix B - Review Application and associated documents** (Pages 11 - 28)

**3c Appendix C - Current Premises Licence** (Pages 29 - 34)

Heather McManus  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing Panel Councillors David Suthers (Chair), Jacqui Mort and David Wooldridge

The minutes of this meeting will be available on the internet at [www.southribble.gov.uk](http://www.southribble.gov.uk)

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REPORT TO	ON
Licensing Panel	20 <sup>th</sup> August 2018



TITLE	REPORT OF
Review of Premises Licence - Naaz Indian Restaurant, 1 Club Street, Bamber Bridge, PR5 6FN	Head of Licensing

Is this report confidential?	No
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## 1. PURPOSE OF THE REPORT

To provide an overview of the application and inform Members of the relevant parts of statute and guidance relating to the review application.

## 2 CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	
Health and Wellbeing	x
Place	x

Projects relating to People in the Corporate Plan:

People	
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## 3. RECOMMENDATIONS

Members are requested to:

3.1 note the content of the report; and conduct the hearing in accordance with the hearing procedure and,

3.2 determine what steps are appropriate to promote the Licensing objectives.

## 4. BACKGROUND TO THE REPORT

4.1 The Premises came to light in September 2017 when the annual renewal fee became due, numerous written requests were made for the fee as non-payment results in the licence being suspended therefore rendering all Licensable Activity unlawful. In this case the activities permitted at the premises are the sale of alcohol and late night refreshment.

4.2 Visits to the premises were conducted at the time the written requests for payment were made but the premises was always closed and appeared to be under refurbishment. We have now established that the premises re opened in March 2018, although this fact has only come to light since the submission of the review (25<sup>th</sup> July 2018).

4.3 The licence was formally suspended on the 25<sup>th</sup> May 2018 due to the non payment of fees. Thereafter numerous follow up visits revealed staffing and management issues which began to cause concern. The Licence Holder was not contactable and never present and it appeared that the premises was being run by a series of different individuals none of which were willing to take responsibility for the premises. The Licence Holder was contacted in writing on the 8<sup>th</sup> June 2018 (Appendix B) where the concerns were clearly communicated and instructions on what he needed to do to rectify the position.

4.4 No response followed, so an Application to review the licence was submitted which did prompt action from the licensee. Since the service of the application the Licence Holder has chosen to close the premises and at the same time the tenant has walked away from the business, whilst closed, the premises has not presented a risk.

4.5 On the 17<sup>th</sup> July 2018 the Licence Holder and his brother engaged with the Licensing Authority to seek the views on possible outcomes, they indicated they would be stepping back in to take control of the premises and intended to remain closed until all parties were satisfied. At the time of the meeting there were still outstanding matters relating to cleanliness and disrepair in the kitchen.

4.6 On the 31<sup>st</sup> July 2018 a list of proposed conditions was sent to the Licence Holder, the Licensing Authority feel that these measures if adopted will ensure adequate promotion of the licensing objectives. The list of conditions is attached as Appendix A.

## **5. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES**

5.1 The only party to this application is the Licensing Authority. A copy of the application and associated documents are found as Appendix B

## **6. REPRESENTATIONS FROM OTHER INTERESTED PARTIES**

6.1 No representations from Interested Parties have been submitted.

## **7. DECISION TO BE MADE BY THE LICENSING ACT PANEL**

### **Determination of an application under Section 52 of the Licensing Act 2003**

Numerous paragraphs of the Section 182 Guidance are worthy of mention;

*11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder*

*11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering*

what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

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 taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

The Panel are asked to consider the list of conditions proposed and deal with this application by taking account of:

1. Its own policy; and
2. Secretary of State Guidance (section 182 of the Licensing Act 2003).

## 8. FINANCIAL IMPLICATIONS

8.1 There are no direct financial implications arising from this report.

## 9. LEGAL IMPLICATIONS

9.1 The Licensing Authority are under a statutory duty to facilitate the review hearing. When determining this hearing the Council must comply with the rules of natural justice.

Any party at the hearing has a right to appeal the decision to the Magistrates Court.

## 10. COMMENTS OF THE STATUTORY FINANCE OFFICER

10.1 There are no direct financial implications arising from this report.

## 11. COMMENTS OF THE MONITORING OFFICER

Please refer to the comments at 9.1.above.

## 12. OTHER IMPLICATIONS:

	None
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▶ <b>HR &amp; Organisational Development</b>	None
▶ <b>ICT / Technology</b>	None
▶ <b>Property &amp; Asset Management</b>	None
▶ <b>Risk</b>	Please refer to the legal risks identified above.
▶ <b>Equality &amp; Diversity</b>	None

### 13. APPENDICES

Appendix A- List of Proposed conditions including covering letter 31/07/2018

Appendix B –Review Application and associated documents.

Appendix C- Current Premises Licence.

Report Author:	Telephone:	Date:
Chris Ward	01772 625401	1 <sup>st</sup> August 2018

Date: 31<sup>st</sup> July 2018

Your ref:

Our ref: n/a

Please ask for: M.Marshall

Extension: 5401

Direct Dial Tel: 01772 421491 (Gateway)

Fax: n/a

email: [Licensing@southribble.gov.uk](mailto:Licensing@southribble.gov.uk)

Civic Centre, West Paddock,  
Leyland, Lancashire PR25 1DH  
Tel: 01772 421491  
Fax: 01772 622287  
email: [info@southribble.gov.uk](mailto:info@southribble.gov.uk)  
website: [www.southribble.gov.uk](http://www.southribble.gov.uk)

▶  
Gulshan Miah  
176 Downham Street  
Blackburn  
BB2 6NS  
▶

Dear Sir

**Re; Proposed Conditions relating to Naaz Indian Retsaraunt.**

Further to our meeting on the 17<sup>th</sup> July 2018 at the Council Offices on West Paddock I write to follow up our discussion.

You indicated that either you or your brother, Dilshad would be stepping back in to take control of the restaurant and you were keen to return it back to its former glory. Shortly after the review documentation was served you stated that the tenant Enyaet Ali walked away from the business and it has been closed ever since.

You also recognised that things were not as they should be and you were agreeing some sort of improvement plan. At this time you also mentioned you needed the list of work that was outstanding from a food safety perspective.

You asked what the likely outcome of the review would be and due to your willingness to get to grips with the issues and the fact the premises would be shut until you felt it was ready to open I saw no need to ask the Committee to consider a suspension or indeed a revocation. The final decision will be down to the Licensing Committee but if parties can agree, it provides some assistance to the Committee on arriving at a satisfactory outcome.

My proposal was to look at some improved conditions, having looked at the existing licence many of the conditions are outdated and no longer relevant, I have sought to address the root cause of the problems which were essentially poor quality staff, no management accountability and an opaque structure of responsibility. I have attached 2 documents, the first is the existing conditions on the licence, and the 2nd is the proposed conditions.

The hearing has been arranged for 2pm on the 20<sup>th</sup> August 2018 and further documentation will be sent to you in the coming weeks.

Yours Faithfully.

**Mark Marshall**

Head of Licensing

South Ribble Borough Council

☎: 01772 625401

📍: Civic Centre, West Paddock, Leyland, PR25 1DH

🌐: [southribble.gov.uk](http://southribble.gov.uk) ✉: [mmarshall@southribble.gov.uk](mailto:mmarshall@southribble.gov.uk)



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# Appendix A

## Proposed Conditions Nazz, 1 Club Street

1. A Challenge 25 proof of age policy shall be implemented and adhered to. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
  - i) A recognised proof of age scheme accredited under the British Retail Consortium's Proof of Age Standards Scheme (PASS).
  - ii) Photo driving licence
  - iii) Passport
  - iv) Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol to them will be refused.
2. All staff involved in the sale of alcohol shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. All staff receive regular refresher training at intervals of at least 6 months. Records to evidence this will be made available to officers upon request.
3. Suitable signage will be displayed to specify the Challenge 25 policy is in place.
4. CCTV must be installed internally and externally at the premises and must comply with the following:
  - i) Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
  - ii) The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary.
  - iii) The system must record all hours the premises are open to the public.
  - iv) Recordings must display the correct date and time.
  - v) Digital recordings must be held for a minimum period of 21 days.
  - vi) 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 Police, Responsible Authorities or an authorised person recent data or footage with the absolute minimum of delay when requested and provide footage in a viewable format within 48 hours of request, with minimum delay.
  - vii) The licence holder must notify the Police licensing unit on any occasion when the CCTV is to be inoperative for a period in excess of 1 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 conditions of this licence.
  - viii) Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.
5. At least one Personal Licence holder will be available while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.
6. Another staff member will be nominated to act for the Designated Premises Supervisor, in their absence, whose identity is known by all other staff when such absence occurs.

## Appendix A

- 7 Records must be kept on the premises for each member of staff and include the following:
- i) Documented evidence of their right to work in the UK, including copy of their passport
  - ii) Any relevant qualifications, for example food hygiene or Personal Licence
  - iii) Authority from the licence holder to work at the premises and the date which their employment commenced
- These records will be made available to the Police, relevant authority or authorised person on request.
- 8 All staff members must be identifiable by means of either a set uniform or clearly displaying a badge on their person identifying them as a staff member.
- 9 The primary purpose of the premises will be that of a restaurant / bistro / cafe serving food; the sale of alcohol will be ancillary to this use.
- 10 No persons under the age of 18 shall be permitted on the premises after 21.00 hours unless accompanied by an adult.
- 11 The supply of intoxicating liquor will be by waiter / waitress service only and only to persons seated at tables. Meals and substantial refreshment will be available at all times the premises are open to the public.

## South Ribble Borough Council

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**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. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I** Mark Marshall on behalf of the Licensing Authority

*(Insert name of applicant)* apply for the review of a premises licence under section 51 / 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 (delete as applicable)

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Naaz 1 Club Street Bamber Bridge PR56FN	
<b>Post town</b>	<b>Post code (if known)</b> PR5 6FN

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Gushan Miah

<b>Number of premises licence or club premises certificate (if known)</b>
PREMA 0123

**Part 2 - Applicant details**

I am

Please tick ✓ yes

## Appendix B

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

### (A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

### (B) DETAILS OF OTHER APPLICANT

## Appendix B

Name and address
Telephone number (if any)
E-mail address (optional)

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address  Mark Marshall Head of Licensing South Ribble Council Civic Centre West paddock PR25 1DH
Telephone number (if any)  01772 625401
E-mail address (optional)  mmarshall@southribble.gov.uk

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

## Appendix B

**Please provide as much information as possible to support the application (please read guidance note 3)**

**Please state the ground(s) for review (please read guidance note 2)**

The review is brought by the Licensing Authority on the basis that they have little or no confidence that the Licensing Objectives are being promoted. The objectives at risk are ;

The Prevention of Crime and Disorder, namely unauthorised sales of alcohol and Public Safety.

**20<sup>th</sup> September 2017.**

The annual renewal fee became due and despite three written demands and warnings had not been paid. Letters were served personally at the premises on the 18<sup>th</sup> October 2017 and the 30<sup>th</sup> January 2018 by Licensing Officers but it was believed the premises was not trading.

**1<sup>st</sup> March 2018**

A food safety visit was conducted at the premises as it was noted that the building was under refurbishment. A Food Business Registration Form was completed at the time and signed by Mahibur Rahman. Any person completing such form is usually the liable person for food safety matters common only known as the Food business operator. Copy of the Food Registration form is found at **Annex 1**

**25<sup>th</sup> May 2018**

A letter was served at the premises formally notifying the licence holder that the licence was suspended for non-payment of the renewal fee, this letter was served at the premises at 16.20hrs. No one was on site but the premises had a fully stocked bar and appeared to be in a position to trade. Copy of the suspension letter is found at **Annex 2**

**31<sup>st</sup> May 2018**

The premises was visited by Licensing Officers at 18.15hrs, the premises was open for business and the bar was in operation although no sales were witnessed at the time of the visit. It was clear that alcohol was displayed for sale and given that the licence was suspended an offence under Sec 137 of the licensing Act 2003 was suspected to be taking place.

The 2 staff members on sight had no knowledge of the suspension to the licence so advice was given to remove the sale of alcohol immediately. The staff on sight were ;

Muniam Kamali  
Mahibur Rahman.

At this time a mobile phone was passed to me where I spoke with the new owner of the business who gave his details to me including home address and phone number, again the position regarding the suspended licence was fully explained.



Photo obtained of the stocked and operational bar on the evening of the 31<sup>st</sup> May 2018

**1<sup>st</sup> June 2018**

The licence fee was paid by the new owner, Enayet Ali. Following this payment the suspension was lifted.

**4<sup>th</sup> June 2018**

Following payment of the fee it would have been reasonable to assume that a transfer of the Premises Licence would be forthcoming. This in fact would have been a process that is necessary to demonstrate that a responsible person or company was in place ensuring that the day to day compliance issues were in place and all the Licensing Objectives were being adequately promoted. 2 phone calls and a personal visit to the home address of the new owner were conducted all of which resulted in no contact being achieved. Licensing Officers called at the Premises at 17.10 and spoke with Mahibur Rahman, who was given instruction for the owner ( Enayet Ali ) to make contact with me as soon as possible.

**8<sup>th</sup> June 2018**

A letter was served at the home address of the licence holder Gulshan Miah at 12.20hrs setting out the concerns and requesting that the licence be transferred within 7 days. This letter gave clear notice that if the situation was not rectified a review of the licence may occur. Copy of this letter is found at **Annex 3**

## Appendix B

**15<sup>th</sup> June 2018**

Licensing Officers visited the premises at 20.30hrs as no transfer had been received. There were 3 staff on duty,

Mahibur Rahman.

Babu Chouhan

Chef ( details not obtained )

I spoke with Enayet Ali on the phone whilst at the premises and explained my concern regarding the lack of contact from him despite numerous efforts I had made over the last week. He claimed to be unaware of any communication attempts that had been made. During this conversation he agreed to meet me at the Council Offices on Tuesday 19<sup>th</sup> May 2018. Whilst at the premises I made some checks in relation to the Licensing Conditions, one of the checks was on the fire extinguishers. When Mahibur Rahman was asked to produce them, to my amazement he produced a helium gas cylinder and 1 other fire extinguisher that appeared empty and defective.



Whilst public health matters are not a Licensing consideration they can be a useful indicator of management competence and given the level of concerns already in place with the opaque management structure some additional concerns were noted in the kitchen area and later referred to food safety. Issues included;

1. Poor cleanliness throughout the kitchen
2. Insufficient handwashing facilities
3. Fridge door damaged

## Appendix B



Poor Cleanliness of wall and appliances, in particular electrical sockets



Handwashing sink was filthy and no soap was in the dispenser



Fridge door was damaged and simply propped up against the appliance, fresh food was stored in the fridge and maintaining safe temperature would have been impossible in such circumstances



### **19<sup>th</sup> June 2018**

Enayet Ali attended the Council Offices at 12.10hrsI raised with him issues in respect of the condition of the premises and the management competence was discussed. As a result Mr Enayet suggested that he was not happy to continue operating the business. It was confirmed at this meeting that no formal lease was in place and he may be able to walk away from the business. Once again the advice was reiterated that we were urgently requiring a responsible person who could take responsibility for addressing the concerns disclosed.

### **21<sup>st</sup> June 2018**

Enayet Ali returned to the Council Offices at 13.25hrs and confirmed that it was his intention to walk away from the business.

### **22<sup>nd</sup> June 2018**

At approximately 10am the Licensing Office received a call from Gulshan Miah, the current Licence Holder, he stated that the premises was nothing to do with him and he wanted to remove himself as DPS ( Designated Premises Supervisor ). At the time of writing no written request has been received by the Licensing Authority so alcohol sales could still take place in the name of Gulshan Miah.

### **Conclusion**

The chronology sets out a substantial amount of evidence that many attempts have been made to address who is actually responsible for this business. Whilst the Licensing Objectives are the primary concern within this application the non-compliance disclosed cuts across many other areas of regulation some of which have a direct impact on public safety. The latest visit to the premises on the 15<sup>th</sup>

## Appendix B

June 2018 was conducted at time when members of the public were eating food served to them and consuming alcohol.

The Licensing Authority is calling for a review as a means of early intervention as all attempts to rectify the situation have failed.

## Appendix B

Please tick ✓ yes

Have you made an application for review relating to the  premises before

If yes please state the date of that application

--	--	--	--	--	--	--	--

Day

Month Year

**If you have made representations before relating to the premises please state what they were and when you made them**



Annex 1

copy

INDEXED 11795/18

Annex 1 5.3.18

**South Ribble Borough Council**

**APPLICATION FOR THE REGISTRATION OF A FOOD BUSINESS ESTABLISHMENT**

This form should be completed by food business operators in respect of new food business establishments and submitted to South Ribble Borough Council as the relevant food authority 28 days before commencing food operations. On the basis of the activities carried out, certain food business establishments are required to be approved rather than registered. If you are unsure whether any aspect of your food operations would require your establishment to be approved, please contact environmental health on 01772 625340 for guidance. Please send the completed form to Environmental Health, South Ribble Borough Council, Civic Centre, West Paddock, Leyland, PR25 1DH.

1. Address of establishment 1 CLUB STREET BAMBER BRIDGE  
(or address at which moveable establishment is kept) Post Code PR5 6FN

2. Trading Name of food business SPICE SYMPHONY Telephone No. 01772 626615

3. Full Name of food business operator MD. MAHIBUR

4. Address of Food Business Operator 4 TYLDESLEY STREET MANCHESTER  
Post Code M14 4JW

Telephone No. 07451926870 E-Mail MAHIBUR20@YAHOO.COM

5. Type of food business (Please tick ALL the boxes that apply):

- Farm Shop
- Food manufacturing/processing
- Packer
- Importer
- Wholesale/cash and carry
- Distribution/warehousing
- Retailer
- Restaurant/café/snack bar
- Market
- Seasonal Slaughterer
- Staff restaurant/canteen/kitchen
- Catering
- Hospital/residential home/school
- Hotel/pub/guest house
- Private house used for a food business
- Moveable establishment e.g. ice cream van
- Market stall
- Food Broker
- Takeaway
- Other (Please give details):

6. Type of Business:

- Sole Trader
  - Partnership
  - Limited Company
  - Other (Please give Details)
- (If Limited Company, please complete 7. below)

7. Limited Company Name \_\_\_\_\_ Company No. \_\_\_\_\_  
Registered Office Address \_\_\_\_\_  
Post Code \_\_\_\_\_

8. Number of vehicles or stalls kept at, or used from, the food business establishment and used for the purposes of preparing, selling or transporting food:  
5 or less  6-10  11-50  51 plus

9. Water Supplied to the Food Business Establishment Public (Mains) Supply  Private Supply

10. Full Name of manager (if different from operator) \_\_\_\_\_

11. If this is a new business \_\_\_\_\_ Date you intend to open \_\_\_\_\_  
12. If this is a seasonal business \_\_\_\_\_ Period during which you intend to be open each year \_\_\_\_\_

13. Number of people engaged in food business 0-10  11-50  51 plus  (Please tick one-box)  
Count part-time worker(s) (25 hrs per week or less) as one-half

Signature of Food Business Operator [Signature]

Date 1-3-2018

Name MD. MAHIBUR RAHMAN  
(BLOCK CAPITALS)

**AFTER THIS FORM HAS BEEN SUBMITTED, FOOD BUSINESS OPERATORS MUST NOTIFY ANY CHANGES TO THE ACTIVITIES STATED ABOVE TO SOUTH RIBBLE BOROUGH COUNCIL AND SHOULD DO SO WITHIN 28 DAYS OF THE CHANGE(S) HAPPENING.**

# Appendix B

## NOTES ON REGISTRATION OF FOOD PREMISES

### What is registration ?

1. Registration of premises used for a food business (including market stalls, delivery vehicles and other moveable structures) is required by law. Registration will allow local authorities to keep an up-to-date list of all those premises in their area so they can visit them when they need to. The frequency of the visits will depend on the type of business.

### Who needs to register ?

2. If you run a food business you must tell (or arrange for someone else to tell) the local authority about any premises you use for storing, selling distributing or preparing food.
3. If you use vehicles for your food business in connection with permanent premises such as a shop or warehouse you only need to tell the local authority how many vehicles you have. You do not need to register each vehicle separately. If you have one or more vehicles but no permanent premises, you must tell the authority where they are normally kept.
4. The majority of food businesses will have to be registered. Exemptions will depend on the continuity of the activities and the degree of organisation of the proposed business.

### How do I register ?

5. By filling in this form and returning it to:
 

Régénération and Healthy Communities  
 South Ribbles Borough Council  
 Civic Centre  
 West Paddock  
 Leyland  
 PR25 1DH

Registration cannot be refused and there is no charge. If you use premises in more than one local authority area you must register with each local authority separately.

If you have any questions please contact us on 01772 625341.

It is an offence to give information which you know is false.

### What happens to the information given on the form ?

6. We will enter the details on our register. We have to maintain a list of food business establishments registered with us which is available for inspection by the general public at all reasonable times. The list contains details of the name of the food business operator, name of the food business, address of the food business establishment and particulars of and the nature of the food business.

### Changes

7. Once you have registered with us you only need to notify us of a change of proprietor, if the nature of the business changes, or if there is a change of address at which the moveable premises is kept. The new proprietor will have to complete an application form.

These notes are provided for information only  
and should not be regarded as a complete statement of the law.

FOR OFFICE USE ONLY	PREMISES USE	CONTACT NAME
FS PROG		
FS NON PROG		OCCUPIER
FS OTH		
HS PROG		HSE
HS NON PROG	MAIN USE	APPROVED
HS OTH		

25/06/2018



Dear



**LICENSING ACT 2003 - Suspension of a**

Premises Name:

Date Suspension takes effect:

This Notice is for the attention of the occupier or on site Manager of the premises.

I regret to inform you that the premises licence has been suspended from the above date.

Continuance of any licensable activities will constitute an offence under section 136 of the Licensing Act 2003. Such activities will include those relating to the sale of alcohol, the providing of regulated entertainment, and late night refreshment.

The licence / Certificate holder will advise you when licensable activities may recommence.

Yours sincerely

Licensing Officer

Date:	8 <sup>th</sup> June 2018	
Your ref:	Our ref: n/a	
Please ask for:	M Marshall	
Extension:	5401	Direct Dial Tel: 01772 421491 (Gateway)
Fax:	n/a	email: <a href="mailto:Licensing@southribble.gov.uk">Licensing@southribble.gov.uk</a>



Civic Centre, West Paddock,  
Leyland, Lancashire PR25 1DH  
Tel: 01772 421491  
Fax: 01772 622287  
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Gulshan Miah  
176 Downham Street  
Blackburn  
BB2 6NS

Dear Sir

**RE: Naaz Indian Restaurant, 1 Club Street, Bamber Bridge**

I write to express concerns regarding the premises above. On the 25<sup>th</sup> May 2018 a letter was served at the premises addressed to you as the Premises Licence Holder advising you that the licence was suspended for non-payment of the Annual Renewal fee. This followed previous correspondence sent in October 2017 and in January 2018 that the fee was owed.

On Thursday 31<sup>st</sup> May 2018 I visited the premises and alcohol was clearly displayed for sale and at this time a valid authorisation was not in place (due to the suspension for non-payment). This situation could result in formal action being taken against you for breaching Section 137 of the Licensing Act 2003, which states;

- 1) *A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity*
- 2) *For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.*

It appeared on the night from speaking with the staff there was a new owner and the phone was handed to me where I spoke with a man who identified himself as Enayet Ali, he provided me with his date of birth, home address and mobile phone number. After receiving this information we were relatively satisfied that someone was taking responsibility for the day to day running. Advice was given on how to settle the outstanding fee and ultimately re engage the licence.

I assumed that following the payment of the renewal fee for the licence which was paid on Friday 1<sup>st</sup> June 2018 by Mohammed Enayet that a transfer of the licence would follow as soon as possible.

I began to attempt to open a dialogue with Enayet Ali to establish what was happening with the Licence, I called him twice on Monday 4<sup>th</sup> June 2018 at 14.43 and 16.33 but there was no reply or ability to leave a message.

On the same day I called at the address he gave me but there was no reply at the door.

## Appendix B

At 17.10 the same day we called at the restaurant where we were told that Mr Ali was not at the premises, I gave my number to a staff member who identified himself as Mike, I asked if he could relay the message to Mr Ali to call me as soon as possible.

The following day, 5<sup>th</sup> June 2018 I had still not received contact from Mr Ali so at 11.54 I called him again where I received no reply.

I am naturally becoming more and more concerned regarding the evasive behaviour of Mr Ali, and even more so in relation to who is authorising the alcohol sales and ensuring the Licensing Objectives are being upheld, this of course includes compliance with the Licence Conditions.

This responsibility would be the Premises Licence holder and or the Designated Premises Supervisor which at this stage is you but given our recent dealings with the premises my belief is you are not overseeing day to day activity and the premises may have been leased to Mr Ali.

The Section 182 Guidance sets out some relevant paragraphs for such circumstances that we are presented with;

*10.27 The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).*

*10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives*

*11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.*

If the situation remains unresolved within 7 days of this letter I will apply to review the Premises Licence on behalf of the Licensing Authority.

Yours faithfully

**Mark Marshall**

Head of Licensing

**South Ribble Borough Council**

☎: 01772 625401

📍: Civic Centre, West Paddock, Leyland, PR25 1DH

🌐: [southribble.gov.uk](http://southribble.gov.uk) ✉: [mmarshall@southribble.gov.uk](mailto:mmarshall@southribble.gov.uk)

[<image001.png>](#) [<image002.png>](#) [<image003.png>](#)

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## Licensing Act 2003 Premises Licence

# PREMA0123

### Part 1 - Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

### Naaz Indian Resaurant

1 Club Street, Bamber Bridge, Lancashire, PR5 6FN.

Telephone 01772 626695

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Comences **01/06/18**

expires **no expiry**

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors)	Sunday to Thursday	11:00pm	11:30pm
		11:00pm	11:59pm
J. Supply of alcohol for consumption ON the premises only		1:00pm	11:30pm
		1:00pm	11:00pm
		12:30pm	2:00pm
		6:00pm	11:00pm
		4:00pm	11:30pm

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Saturday and Sunday	1:00pm	11:00pm
	12:30pm	2:00pm
	6:00pm	11:00pm
	4:00pm	11:30pm

#### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

### Part 2

#### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Gulshan Miah

176 Downham Street, BLACKBURN, Lancashire, BB2 6NS.

## Licensing Act 2003 Premises Licence

# PREMA0123

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Gulshan MIAH

176 Downham Street, BLACKBURN, Lancashire, BB2 6NS.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PL13988

Issued by Blackburn with Darwen

### ANNEXES

#### ANNEX 1- MANDATORY CONDITIONS

##### SALE OF ALCOHOL

1. The Premises licence holder shall ensure that no supply of alcohol is made under the premises licence-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence; or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended (section 19 of the Licensing Act 2003).
2. The Premises licence holder shall ensure that every supply of alcohol under the premises licence must be made or authorized by a person who holds a personal licence (section 19 of the Licensing Act 2003).
3.
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

## Licensing Act 2003 Premises Licence

# PREMA0123

### ANNEXES continued ...

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

### SECURITY PROVISION

1. The Premises licence holder shall ensure that each individual present on the premises to carry out a security activity [as defined by paragraph 2(1) (a) of Schedule 2 to the Private Security Industry Act 2001] must be licensed by the Security Industry Authority.

### ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

#### ON-LICENSED PREMISES - CREDIT SALES

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

#### ON-LICENCE WITH NO CHILDREN'S CERTIFICATE

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the licensee (DPS).
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition 'bar' includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

#### ADDITIONAL CONDITIONS

**Licensing Act 2003  
Premises Licence**

**PREMA0123**

**ANNEXES continued ...**

- (1) Proof of age policy - Anyone who appears to be under the age of 18 will be asked to produce identification before alcohol will be served to them.
- (2) The premises has emergency lighting.
- (3) The premises has a fire alarm.
- (4) The premises are subject to annual gas and electricity safety checks.
- (5) All fire extinguishers at the premises are regularly maintained.
- (6) Patrons are encouraged to leave the premises quietly.
- (7) Taxi drivers are encouraged not to sound their horns.
- (8) Small children are encouraged to remain seated during the hours of busy service.
- (9) Alcohol will not be served to anyone under the age of 18 with or without their parents.
- (10) Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a meal there and for consumption by such a person as an ancillary to his meal.
- (11) Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as ancillary to meals served in the licensed premises.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

N/A

ANNEX 4 - PLANS

Plans to form part of this Licence - See Attached.

Signature of Authorised Officer

## Licensing Act 2003 Premises Licence Summary

# PREMA0123

### Premises Details

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- J. Supply of alcohol for consumption ON the premises only

#### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Gulshan Miah

176 Downham Street, BLACKBURN, Lancashire, BB2 6NS.

#### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

**Licensing Act 2003  
Premises Licence Summary**

**PREMA0123**

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Gulshan MIAH

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restricted