

## LICENSING PANEL

WEDNESDAY, 29TH MAY, 2019, 2.00 PM

WHEEL 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:- Turkish Delight**

Report of the Interim Monitoring Officer/Legal Services Manager attached.

(Pages 3 - 24)

Heather McManus  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing Panel Councillors

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REPORT TO	ON
Licensing Sub Committee Panel	29 May 2019



TITLE	REPORT OF
Review of Premises Licence:- Turkish Delight	Interim Monitoring Officer & Legal Services Manager

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 On the 18 January 2019 a suspension letter was served at the premises for non-payment of the Annual Renewal Fee (ARF). The sale of hot food or drink after 11pm requires a valid premises licence. Once a suspension is served the licence become void or invalid rendering any Licensable Activity an offence under the Licensing Act 2003.

4.2 On the 19 January 2019 hot food was sold after 11pm so Officers entered the premises to establish who was carrying on the activity, in lay terms who was running or working in the premises under who's direction.

4.3 Section 136 of the Licensing Act 2003 states;

*(1) A person commits an offence if—*

*(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*

*(b) he knowingly allows a licensable activity to be so carried on.*

*(2) Where the licensable activity in question is the provision of regulated entertainment, a person does not commit an offence under this section if his only involvement in the provision of the entertainment is that he—*

*(a) performs in a play,*

*(b) participates as a sportsman in an indoor sporting event,*

*(c) boxes or wrestles in a boxing or wrestling entertainment,*

*(d) performs live music,*

*(e) plays recorded music,*

*(f) performs dance, or*

*(g) does something coming within paragraph 2(1)(h) of Schedule 1 (entertainment similar to music, dance, etc.).*

*(3) Subsection (2) is to be construed in accordance with Part 3 of Schedule 1.*

*(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to [F1a fine], or to both.*

*(5) In this Part “authorisation” means—*

*(a) a premises licence,*

*(b) a club premises certificate, or*

*(c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.*

4.4 Three members of staff were on the premises, communication was extremely difficult due to poor English language skills on the part of the staff. One of the staff members was a British born Asian male who began to cause a conflict between staff and Officers. After being on the premises for approximately 30 minutes the owner of the business arrived.

4.5 The male who presented himself as the owner was Abdulla Hidrari who claimed he had owned the premises for almost 1 year and was unaware of the suspension. According to the Council records, we had a Zayer NASERI as the licence holder. He was asked to provide the details of the staff.

4.6 Further enquiries revealed that one of the staff working on the Saturday night was not visible on any systems, this was of particular concern as it was disclosed he was a Syrian Asylum seeker. The premises was re visited on the 22 January 2019, the purpose of the visit was to request CCTV footage from the weekend of the 18/19 January 2019 in order to assist enquires with tracing the staff member and establishing the parameters of licensable activity over that weekend. The licence by this point had been transferred to Abdulla Hidrari.

4.7 On the 31 January 2019 Officers returned to collect the footage, no footage had been downloaded and the licence holder was unaware of how to use the system. When officers examined the system it was apparent that the storage capacity was only for 9 days, therefore the images from the 18/19 January 2019 had been overwritten.

4.8 On the 26 February 2019 the Authority received confirmation from the Home Office that the staff member we had been seeking to identify had been confirmed as Mahmoud Abdul GHANI and was in the country illegally and did not have rights to work in the UK.

4.9 On the 10 March 2019 Officers visited the premises to check if the CCTV storage capacity had been increased to comply with the 31 day requirement embedded on the Premises Licence. They confirmed that no upgrades to the CCTV system had been done.

## **5 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES**

5.1 No formal representation from Responsible Authorities have been received.

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

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

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

*11.10 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.*

*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.*

11.27. *There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

- *For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- *For the sale and distribution of illegal firearms;*
- *For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- *For prostitution or the sale of unlawful pornography;*
- *By organised groups of paedophiles to groom children;*
- *As the base for the organisation of criminal activity, particularly by gangs;*
  
- *For the organisation of racist activity or the promotion of racist attacks;*
- *For employing a person who is disqualified from that work by reason of their immigration status in the UK;*
- *For unlawful gambling; and*
- *For the sale or storage of smuggled tobacco and alcohol.*

11.28 *It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*

The Panel are asked to consider the seriousness of the issues disclosed 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 financial implications in relation to the review hearing.

## **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. The decision taken by the panel should be appropriate and proportionate in addressing any undermining of the licensing objectives.

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

## 10. COMMENTS OF THE STATUTORY FINANCE OFFICER

Please see 8.1 above

## 11. COMMENTS OF THE MONITORING OFFICER

Please see the comments at 9.1 above.

## 12. OTHER IMPLICATIONS:

▶ <b>HR &amp; Organisational Development</b>	None
▶ <b>ICT / Technology</b>	None
▶ <b>Property &amp; Asset Management</b>	None
▶ <b>Risk</b>	None
▶ <b>Equality &amp; Diversity</b>	

## 13. APPENDICES

Appendix A - Review Application and associated documents.

Report Author:	Telephone:	Date:
Chris Ward, Licensing Officer	01772 625330	10 May 2019

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## **LICENSING ACT 2003: NOTICE OF APPLICATION FOR THE REVIEW OF A PREMISES LICENCE**

**NOTICE IS HEREBY GIVEN South Ribble Borough Council Licensing Authority have applied to review a Premises Licence under section 51 of the Licensing Act 2003 in respect of the premises known as**

**Turkish Delight  
11A Preston Road  
Farington, Leyland  
Lancashire  
PR25 4NT**

### **Grounds of Review**

The application for review is submitted by the Licensing Authority on the grounds that the licensing objectives relating to Crime and Disorder, are not being promoted at this premises, there are also concerns about the poor management of the premises and breaches of conditions of the licence.

The register containing a record of grounds for review may be inspected by prior appointment at SRBC, The Civic Centre, West Paddock, Leyland, PR25 1DH.

Any “interested party” or “Responsible Authority” may make representations in writing to the Council at the above address, or email to [licensing@southribble.gov.uk](mailto:licensing@southribble.gov.uk) regarding the Application for Review, to be received before 5pm on 01/05/2019.

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is not exceeding £5,000 Dated This 02/04/2019

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TALIB NORI

01/01/1981

FLAT 16

ROYAL BROOK  
HOUSE

PR1 199

Mohammad Ahmad Gamed 1/9/99

~~PR1 200~~ Night Avenue

53 Gillingham 53 Gillingham Road,

ME7 1UE

Kent ME7 4RZ

~~ABDULLAH~~

ABDOOLAH HIDARI

9 ALBERT TARREC

PRI 18 F

SHEKEDA HIDARI

Date: 22<sup>nd</sup> January 2019

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)

▶  
Mr Abdoolah Hidari  
9 Albert Terrace  
Preston  
PR1 1QF  
▶

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)

Dear Sir

**Re: PREMN00 68**

On Saturday 19<sup>th</sup> January 2019 we had cause to visit your premises, Turkish Delight 11a Preston Road, Leyland. We visited at 23.45 hrs and noted that hot food was being sold, at this time there was no premises licence in force due to the fact that it had been suspended on Friday 18<sup>th</sup> January for non-payment of the annual fee.

A series of unsatisfactory events then ensued, namely staff members providing incorrect names and addresses, another staff member (unknown as he refused details) engaging in obstructive and aggressive behaviour.

You arrived at the premises at about 00.10 hrs where you assisted us with providing staff information. However I am not satisfied that the full details are correct and require further verification.

As I explained on the evening an offence has been committed by the fact that hot food was sold beyond permitted hours over the weekend, permitted hours in this case means 11pm, your licence whilst valid now was under suspension at the time therefore no licensable activity should have taken place.

When we instructed that activity must cease we were ignored and delivery orders continued to be fulfilled in our presence.

Your licence has extensive conditions regarding the specification and operation of CCTV as such I will require footage in a viewable format to cover the following hours;

Friday 18 <sup>th</sup> January 2019	23.00hrs-23.59hrs.
Saturday 19 <sup>th</sup> January 2019	00.01hrs-01.00hrs
Saturday 19 <sup>th</sup> January 2019	23.00hrs-23.59 hrs
Sunday 20 <sup>th</sup> January 2019	00.01hrs-01.00hrs
Sunday 20 <sup>th</sup> January 2019	23.00hrs-23.59hrs
Monday 21 <sup>st</sup> January 2019	00.01hrs-01.00hrs.

In addition to the footage requested I will require the details of all the staff present on the night including dates of birth and home addresses, I need to be able to satisfy myself that the details are accurate for the satisfactory service of a summons. The details will need to be verified by producing a copy of either a driving licence or passport or some other form of photographic identity. As they were the people on site whilst unlicensed activity was taking place they could be liable for offences under Section 136 (1)a of the Licensing Act 2003 which states;

A person commits an offence if-

he carries on or attempts to carry on licensable activity on or from any premises otherwise than under and in accordance with an authorisation.

I have enclosed a copy of the licence so you understand the scope of the conditions attached.

Please comply with the request within 7 days of the service of this letter.

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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**INFORMATION REQUEST**

(Made In accordance with the Data Protection Act 2018-Schedule 11- Other Exemptions under Part 4)

<b>Date request made</b>	22 <sup>nd</sup> January 2019
<b>Name of person making request</b>	Mark Marshall
<b>Position or Badge No.</b>	Head of Licensing
<b>Organisation (Service / Dept if within Council)</b>	South Ribble Borough Council
<b>Signature of person making request</b>	

**INFORMATION REQUESTED**

The information we require is :-

1. The account holders full name and address.
2. Any sales undertaken after 23.00 hrs, between Friday 18<sup>th</sup> January 2019 and Monday 21<sup>st</sup> January 2019
3. What are the current operating times advertised with Just Eat
4. Are there any other similar Just Eat accounts relating to the same address and account holder.
5. The period of time that this account has been in existence

**STATUTORY POWERS AND DUTIES, OR REASONS THAT SUPPORT THE REQUEST**

Schedule 11 under the Data Protection Act 2018 exemption applies as the request is in connection with the prevention and detection of crime

**BRIEF DESCRIPTION OF CIRCUMSTANCES, OR NATURE OF THE OFFENCE WHERE INFORMATION IS REQUESTED AS PART OF AN INVESTIGATION**

Dear Sir/Madam

Turkish Delight, 11a Preston Road, PR25 4NT operates as a late night takeaway, the licence to serve hot food or drink was suspended on the 18<sup>th</sup> January 2019, the premises user was found to be operating unlawfully over the weekend of the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> January 2019.

Every sale that occurred after 11pm on the 18<sup>th</sup>, 19 and 20<sup>th</sup> would potentially be in breach of Section 136 of the Licensing Act 2003, in that it was licensable activity carried out without or otherwise than in accordance with a licence.

**EXPLAIN WHY TASK OR INVESTIGATION WOULD BE COMPROMISED WITHOUT DISCLOSURE OF THE INFORMATION**

The requested information will assist to prove that the proprietor of the Turkish Delight has committed offences under Section 136 of the licensing act 2003 and has continued to sell hot food after 23.00hrs.

The requested information will confirm sales after permitted hours and also confirm the identity of the account holder and if there are any bogus accounts linked to this establishment.

***For office use only***

***Name of South Ribble Borough Council employee supplying information***

***Date information supplied***



**1. The account holders full name and address.**

Abdoolah Hidari  
11a Preston Road  
Leyland  
PR25 4NT

**2. Any sales undertaken after 23.00 hrs, between Friday 18<sup>th</sup> January 2019 and Monday 21<sup>st</sup> January 2019****18<sup>th</sup> January 2019**

667177048 22:32 23:25 £15.40 Card 83 Broadfield Drive, PR25 1QN  
667167380 22:14 23:15 £16.50 Card 185, Dunkirk lane, PR26 7SP

**19<sup>TH</sup> January 2019**

667796004 23:48 00:35 £14.50 Cash 32 Spring gardens, Preston - PR25 2EQ  
667782191 23:07 23:55 £12.40 Card 14 Llama Close, England - PR25 3NT

**20<sup>th</sup> January 2019**

NO Orders have been taken after 11pm

**21<sup>st</sup> January 2019**

No orders taken on this day after 11pm

**3. What are the current operating times advertised with Just Eat**

Monday – Thursday 15:30 – 23:50pm  
Friday – Saturday 14:30 – 00:45pm  
Sunday – 15:00 – 00:00pm

**4. Are there any other similar Just Eat accounts relating to the same address and account holder**

No

**5. The period of time that this account has been in existence**

20/02/2018

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Date : 13 May 2019

Mr. A Hidari  
9 Albert Terrace  
Preston  
PR1 1QF

Licensing Services  
Environmental Health Department  
Civic Centre  
West Paddock  
Leyland PR25 1DH

[www.southribble.gov.uk](http://www.southribble.gov.uk)  
tel. 01772 421491  
[licensing@southribble.gov.uk](mailto:licensing@southribble.gov.uk)

Dear Mr. Hidari

[Acknowledgment of Transfer of Premises Licence](#)

Please find enclosed your Premises Licence.

On Thursday 31/01/2019 at 16:30, we visited the premises to obtain CCTV records, as per the written request hand delivered on 22/01/2019 17:00, for the period 18/01/2019 to 20/01/2019 for the operating hours, 23:00 to 01:00.

Due to the lack of recording time on the device present in the Premises, we were not able to obtain the required footage.

Please note the transferred conditions, Annex 3 CCTV recordings must but held for a minimum of 31 days.

This condition should be in place if the premises is opening after 23:00.

Should you have any queries please contact the Licensing Service on 01772 625330/5337

Yours faithfully

Justin Abbotts  
Licensing Officer

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**From:** Swayne Karl <Karl.Swayne@homeoffice.gov.uk>  
**Sent:** 26 February 2019 17:41  
**To:** Marshall, Mark  
**Subject:** Ahmad Mahmoud Abdul GHANI

Mark,

As per your request for an Immigration status check please the following result:-

Ahmad Mahmoud Abdul GHANI, 01/09/1999, A national of Syria

Claimed and was refused Asylum on 17/5/17

He has never since reported for his bail conditions and is an Absconder. He is prohibited from taking employment in the UK and has been issued paperwork to confirm this.

If you need any further details please contact me,

Karl



Karl Swayne  
 Acting Chief Immigration Officer 8229  
 Immigration Enforcement  
 Immigration Compliance & Enforcement  
 Capital Bld, Liverpool, L3 9PP  
 Office:0151 213 2797  
 Mobile:07825735026

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Appendix A  
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