

MINUTES OF LICENSING PANEL

MEETING DATE Monday, 20 August 2018

MEMBERS PRESENT: Councillors David Suthers (Chair), Jacqui Mort and Jane Bell

OFFICERS: Dave Whelan (Legal Services Manager/Interim Monitoring Officer), Chris Ward (Licensing Officer) and Dianne Scambler (Governance and Member Services Team Leader)

OTHER MEMBERS AND OFFICERS: Mark Marshall (Head of Licensing) (Interested Party)

PUBLIC: 0

10 Apologies for absence

Councillor Jane Bell replaced Councillor David Wooldridge on the Committee.

11 Declarations of Interests

There were no declarations of interest.

12 Review of Premises Licence - Naaz Indian Restaurant, 1 Club Street, Bamber Bridge, PR5 6FN

The Panel met to carry out a review hearing in respect of Naaz Indian Restaurant, 1 Club Street, Bamber Bridge, PR5 6FN pursuant to the provisions of Section 52 of the Licensing Act 2003. The application for the review of the premises licence was brought by the Council's Head of Licensing, Mark Marshall on behalf of the Licensing Authority.

No representations had been received in respect of the application.

The Premises Licence holder and Designated Premises Supervisor Gulshan Miah and his brother Dilshan Miah were in attendance.

Chris Ward, the Licensing Officer took the Panel through the contents of the Committee report and confirmed that all procedural and notice requirements for the Review hearing had been satisfied.

The Head of Licensing, Mark Marshall then explained the reasons why the review of the premises had been brought. The Head of Licensing explained that he had concerns that two of the four Licensing objectives were not being met – namely the prevention of crime and disorder and public safety. Questions were asked by the Panel.

The applicant and his brother both addressed the Panel. They had indicated that they would not open the premises up again until all necessary remedial work had

been carried out and all conditions satisfied. Questions were asked by the Panel, the Head of Licensing and the Interim Monitoring Officer.

In reaching its decision the panel took into account the following:

- Both Written and Oral Evidence presented in connection with the hearing
- Licensing Act 2003
- S182 Amended Guidance of the Licensing Act 2003
- South Ribble Borough Council's - Licensing Policy

The Panel noted that there had been a number of attempts to resolve issues at the premises on an informal basis – without success. It was to be regretted that the commencement of a formal review of the premises was needed to enable a solution to be brought forward to the issues that had been experienced.

The Panel's decision was to remove those existing conditions set out in Annex 2 of the premises licence and replace them with the following:

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.
- 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.
12. Certification shall be retained at the premises to demonstrate that annual gas and electricity safety checks have been carried out.

The Panel noted the comments that the licence holder had to say about the condition relating to the requirement for staff to either wear a uniform or an identifying badge (condition 8 above) but nevertheless considered such a condition both reasonable and necessary in the circumstances.

The Panel were of the view that the conditions would address the issues raised and promote the licensing objectives. The Panel felt that after careful consideration of the case before them, an appropriate and proportionate decision had been reached.

The Panel considered that it was imperative that prior to the reopening the premises both the Licensing authority and the council's Environmental Health should be invited to inspect the premises to confirm that everything was now acceptable.

All parties at the hearing were advised that if they were aggrieved by the decision, they had a right to appeal the decision to the Magistrates Court within 21 days.

Chair

Date