

Blackpool Council

31 March 2015

To: Councillors Mrs Delves, Hutton and Mrs Jackson

The above members are requested to attend the:

LICENSING PANEL

Tuesday, 7 April 2015 at 1.00 pm
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

2 DECLARATION OF INTEREST - LICENSING

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head Democratic Governance in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

3 PROCEDURE FOR THE MEETING

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (This includes a party and any person assisting or representing a party)

4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- 12 CENTRAL DRIVE (Pages 1 - 70)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- 12 Central Drive
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- 12 Central Drive

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	7 th April 2015

APPLICATION TO REVIEW A LICENCE – 12 Central Drive

1.0 Purpose of the report:

1.1 12 Central Drive, Blackpool has the benefit of a Premises Licence permitting the sale of alcohol for consumption off the premises 08.00 – 00.00 daily. The licence holder and DPS is Paul Carpenter

1.2 On 13th February 2015, the Licensing Service received an application to review the licence on the grounds of prevention of crime and disorder, public safety and protection of children from harm.

1.3 The review application was submitted by Weights and Measures. Representations have been received from Lancashire Constabulary.

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 Licensing 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 an application for a review is submitted it must be considered by the Licensing Panel.

4.0 **Background Information**

4.1 **Local policy considerations**

None

4.2 **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.

4.3 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.

4.4 **Observations**

This licence was granted in October 2006 and has the following conditions endorsed:

Annex 1 - Mandatory conditions

- 1 No supply of alcohol may be 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.
- 2 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 3 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. The policy must require individuals who appear to the responsible person to be under 18 year 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.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 The Licence holder is to support and rigorously enforce the Challenge 21 proof of age policy.

Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
 - i. UK photo driving licence
 - ii. Passport
 - iii. Proof of Age Standards Scheme Card
- 2 The fire alarm coverage shall be upgraded to interlinked mains wired domestic smoke detectors conforming to BS 5839 Part 6 in the following places:
 - a) ground floor retail area
 - b) head of stairs at first floor level
 - c) rear stock room
 - d) front stock room
- 3 Emergency lighting conforming to BS 5266 shall be provided at the head of the stairs and at middle landing level on the stairs.
- 4 The firefighting equipment shall be tested in accordance with BS 423.
- 4 All escape routes and circulation areas shall be kept free of combustibles, stored items and obstructions.

4.5 Does the information submitted include any exempt information? No

4.6 **List of Appendices:**

Appendix 4a: Application

Appendix 4b: Representations from Lancashire Constabulary

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

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Blackpool Council Licensing Service

**Representation made by a Responsible Authority
In support of an application for the Review of an existing
Premises Licence or Club Premises Certificate**

Responsible Authority making representation

Name of Responsible Authority	LANCASHIRE CONSTABULARY			
Name of Officer <i>(please print)</i>	P.C 3842 EVANS			
Signature of Officer				
Contact telephone number	01253 604005			
Date representation made	04	03	15	
Do you consider mediation to be appropriate				NO

Name of Responsible Authority / Applicant who requested a review of this Licence

Blackpool Council Licensing Authority

Premises Details

Premises Name	Booze, Booze, Booze
Address	12 Central Drive
	Blackpool
Post Code	FY1 5PY

Details of your representation in support of the review application
(Please reference & attach supporting any documentation)

I am in receipt of a review application submitted by Blackpool Trading Standards for the above premises and on behalf of the Chief Officer of Police wish to make a representation in support of that review.

On 22ND December 2014 the premises failed a Test Purchasing Operation, whereby an employee served a 16 year old female a bottle of Smirnoff Ice. Mr Carpenter was not present, nor was any other personal licence holder. I asked the seller if she had undertaken any Proof of Age Training which she confirmed she had not and had just been verbally told to ask customers looking under 25 to ask for i.d. There were also no posters present within the shop advising customers that I.D would be requested. I viewed the refusals book that was present which shows that there are not many refusals being conducted and Tracey had done none.

There was no proof of due diligence available to see at the time, and no authorisation of sales document showing who was approved to sell alcohol on behalf of the DPS.

Whilst in the premises I saw some explicit sexual images on display in the form of adult magazines, on the top shelf of the magazine stand. This material was located on a shelf above other magazines which would attract young woman and mothers, and below that magazines that would attract children, there was no safe guarding precautions whatsoever, I would expect material like this to be in a separate part of the shop, for persons to be notified that the material was of an adult nature and for appropriate warnings to be predominantly displayed. A warning letter has been sent to Mr Carpenter regarding this.

The warning letter and images taken of the explicit publications on display in the premises are attached, to evidence the nature of the display.

Nightsafe Department
Blackpool Central Police Office
Bonny Street
Blackpool
Lancashire
FY1 5RL

6th January 2015

Dear Mr Carpenter

Re Off Licence, 12 Central Drive, Blackpool

Re: Licensing Visit - 22/12/2014

I refer to the recent visit on the 22nd December 2014 at 14:45 hrs where I was in the company with Trading Standards. after a recent failed Test Purchase.

The purpose of our visit was to inform you of a recent Failed Test Purchase to a 16 year old female by one of your shop staff.

During the visit I asked the seller Tracey Butler if she had undertaken any Proof of Age Training which she confirmed she had not and had just been verbally told to ask customers looking under 25 to ask for i.d. There was also no posters present within your shop advising customers that I.D would be requested. I viewed the refusals book that was present which shows that there are not many refusals being conducted and Tracey had done none.

As you were not present I would make the following observations regarding the conditions of your licence as outlined below:-

. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personnel Licence

Tracey was serving alcohol at the time of our visit and as discussed with her she does not hold a personnel licence and there was no authorisation of sale of alcohol by yourself for her to sell alcohol.

The licence holder is to support and rigorously enforce the Challenge 21 Proof of Age policy. Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable : UK photo driving licence; passport; Proof of Age Standards Scheme Card.

I would expect any person serving alcohol to members of the public before employment commences to be Trained fully in relation to Proof of Age this is your Due Diligence.

I also had a major concern with regards to some of the printed material on display i.e. the top shelf Adult Magazines.

It is fair to say that a significant proportion of these magazines were far more graphic than the standard periodicals such as 'Nuts' or 'Zoo'. Some of the magazines showed explicit sexual acts.

This material was located on a shelf above other magazines which would attract young woman and mothers, and below that magazines that would attract children, there was no safe guarding precautions whatsoever, I would expect material like this to be in a separate part of the shop, for persons to be notified that the material was of an adult nature and for appropriate warnings to be predominantly displayed.

The controlling legislation for such issues is the Indecent Displays (Control) Act 1981.

Section 1 of the Act states;

1. If any indecent matter is publicly displayed, the person making the display and any person causing or permitting the display to be made shall be guilty of an offence.
2. Any matter which is displayed in or so as to be visible from any public place shall, for the purposes of this section, be deemed to be publicly displayed.

I have enclosed the entirety of other relevant sections to assist you in future compliance.

I have also enclosed photographs to demonstrate the explicit nature of the display.

Yours Faithfully

P.C 3842 Lisa Evans
Blackpool Licensing Department
Tel: 01253 604005
Email: Lisa.evans@Lancashire.pnn.police.uk

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