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Blackpool Council

31 October 2017

To: Councillors Hobson and Hutton

The above members are requested to attend the:

LICENSING PANEL

Tuesday, 7 November 2017 at 5.45 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 of 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- PALM BEACH HOTEL (Pages 1 - 14)

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

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:	Mark Marshall, Head of Licensing Services
Date of Meeting :	7 November 2017

APPLICATION TO REVIEW A LICENCE – Palm Beach Hotel

1.0 Purpose of the report:

1.1 To consider an application from the Licensing Authority to review the Premises Licence issued in respect of the Palm Beach Hotel, 595-601 South Promenade.

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 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, the application must be considered by a Licensing Panel.

4.0 Background Information

4.1 Palm Beach Hotel, 595-601 Promenade, Blackpool has the benefit of a premises licence authorising:

Live music, recorded music, performance of dance and any entertainment of a similar description -

Mon-Sat 19.00 to 23.00

Sun 14.30-22.30

Late night refreshment –
Mon-Sun 23.00-23.30

The sale of alcohol for consumption on the premises:

Mon-Sat 11.00 – 23.00

Sundays 12.00 – 22.30

Christmas Day 12.00 – 15.00 and 19.00 – 22.30

Good Friday 12.00 – 22.30

New Year's Eve 11.00-23.00 (12.00-22.30 on a Sunday)

(There are no restrictions on the hours during which alcohol may be sold to residents)

4.2 On 14 September 2017 the Licensing Service received an application from the Licensing Authority to review this licence on the grounds of prevention of crime and disorder, public safety and prevention of public nuisance. A copy of the application is attached at Appendix 4a.

4.3 No representations in support of the application have been received.

4.4 The licence holder and designated premises supervisor is Etoile Monique Patel, though she is no longer contactable and the hotel has been demolished following a fire.

4.5 **Local policy considerations**

None

4.6 **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.

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.

4.7 **Observations**

This licence has the following conditions endorsed upon it:

Annex 1 - Mandatory conditions

1 Alcohol shall not be sold or supplied except during permitted hours. Permitted hours means:

- a) On weekdays, other than Christmas day, Good Friday, or New Year's Eve, 11am to 11pm
- b) On Sundays, other than Christmas Day or New Year's Eve 12noon to 10.30pm
- c) On Good Friday, 12noon to 10.30pm
- d) On Christmas Day, 12noon to 3pm and 7pm to 10.30pm
- e) On New Year's Eve, except on a Sunday, 11am to 11pm
- f) On New Year's Eve on a Sunday from 12noon to 10.30pm
- g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31st December)

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The sale or supply of alcohol to any canteen or mess, being a canteen in which

the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

- h) The taking of alcohol from the premises by a person residing there; or
- i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) The supply of alcohol for consumption on the premises to person employed there for the purposes of business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Where there is no children's certificate:

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

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises that is not a bar and to or from some part of the premises where there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. However, 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.

Alcohol:

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 premises licence must be made or authorised by a person who holds a personal licence.

Where there is a PEL:

1 The terms, conditions and restrictions detailed in the Blackpool Borough Council Entertainments Licences (Standard Conditions) Regulations 1985 must be adhered to at all times.

There are only the mandatory conditions on this licence as it has never been varied since it was converted from a Justices' licence in 2005.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Review Application from the Licensing Authority

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

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

LICENSING ACT 2003

<i>Review requested by:</i>	Licensing Authority
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Built Environment

Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

T: (01253) 47 8572 / 8589
F: (01253) 47 8372

www.blackpool.gov.uk



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. You may wish to keep a copy of the completed form for your records.

I	Mark Marshall
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[insert name of person requesting review]

apply for the review of a premises licence under section 51 or 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.

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.										
Premises Name and Address	Palm Beach									
	595-601 South Promenade	Post Code	F	Y	4	1	N	G		
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)										
Etoile Monique Patel										
Premises Licence or Club Premises Certificate Reference Number (if known)								PL0602		

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority	<small>Please tick</small> <input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input checked="" type="checkbox"/>
3) a member of a club to which this application relates (also complete section 2A below)	<input type="checkbox"/>

(2A) Individual Applicants (fill in as applicable)

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Please tick						
							Yes	No					
Forenames						Surname							
Home address													
						Post Code							
Telephone Number						Mobile Number							
E-Mail Address													

(2B) Other Applicant or Representing Body

Name													
Address													
						Post Code							
Telephone No.													
Email Address													

(2C) Responsible Authority applicant

Name	Mark Marshall												
Address	Municipal Buildings												
	Corporation Street												
	Blackpool					Post Code	F	Y	1	3	A	H	
Telephone Number	01253 478493												
Email Address	Mark.marshall@blackpool.gov.uk												

Part 3 – Reason for Review

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

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

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

On 21/09/2012 the Licensing Authority suspended the said licence for non – payment of the annual licence fee.

The law in relation to this is as follows;

Section 120 of the Police Reform and Social Responsibility Act 2011 came into force in April 2012 giving Licensing Authorities powers to suspend a Premises Licence where the annual renewal fee has not been paid.

Section 120 of the Police Reform and Responsibility Act 2011 inserts a new section into the Licensing Act, that being;

Section 55A – which states

- 1) A Licensing Authority must suspend a Premises Licence if the holder of the licence has failed to pay the authority
- 2) an annual fee that has become due under Section 55(2).
- 3) Subsection (1) does not apply if –
 - a) either -
 - (i) the holders failure to pay the fee at the time it became due was because of an administration error (whether made by the holder, the authority or anyone else) or
 - (ii) before or at the time the fee became due, the holder notified the authority in writing that the holder disputed liability for, or the amount of the fee, and
 - (iii) the grace period for payment of the fees has not expired (21 days)
- 4) If a licensing authority suspends a previous licence under subsection(1) the authority must give the holder of the licence a notice to that effect, specifying the day the suspension takes effect.

- 5) A day specified in a notice under subsection(3) must be at least two working days after the day the authority give the notice
- 6) If the holder of the licence pays the annual fee, the licensing authority must give the holder written acknowledgement of receipt of the fee.
- 7) The acknowledgement of receipt under subsection(5) must-
 - a) specify the day the authority received the fee (the receipt day) and
 - b) be given to the holder as soon as is reasonably practicable but in any event –
 - (i) if the receipt day was a working day, before the end of the first working day after the receipt day
 - (ii) otherwise, before the end of the second working day after the receipt day
- 8) A suspension of a premises licence under subsection(1) –
 - a) takes effect on the day specified in the notice under subsection(3) and
 - b) ceases to have effect on the receipt day, as specified in the acknowledgement of receipt under subsection(5)
- 9) In this section, the grace period for payment of a fee is the period of 21 days, beginning on the day after the day
- 10) the fee became due.

Blackpool Licensing Authority go above the legal requirement by attempting to make telephone contact with the holder prior to suspension taking effect.

The licence holder has not paid their annual renewal fee since 2010 and now owes £480, whilst the debt owed is lawfully recoverable it seems morally wrong to pursue this debt as the premises ceased trading at some point in 2009 and in recent years became fire damaged rendering the premises derelict.

The premises was demolished some time ago and is now occupied by a new development which when completed is to be a Hilton Hotel.

If the licence is not surrendered or revoked it will continue to accrue renewal fees and will remain an administrative burden for the Licensing Authority.

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick	
	Yes	No
		√
	Day	Month
If yes please state the date of that application		
		Year


If you have made representations before relating to this premises, please state what they were and when you made them.

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	Please tick
	√
I understand that if I do not comply with the above requirements my application will be rejected	
	√

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 5) **If signing on the behalf of the applicant please state in what capacity.**

Signed	
Print Name	Mark Marshall
Capacity	Licensing & Health and Safety Manager
Date	26/01/2017

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)

Title:	Mr	Mrs	Miss	Ms	Other						
Forenames					Surname						
Address for Correspondence associated with this application											
					Post Code						
Telephone Number					Mobile Number						
E-Mail Address											

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.
6. This is the address that we shall use to correspond with you about this application.

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