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| <b>Report to:</b>              | <b>Licensing Panel</b>                       |
| <b>Decision or Item number</b> | <b>4</b>                                     |
| <b>Relevant Officer:</b>       | Sharon Davies, Principal Solicitor Licensing |
| <b>Date of Meeting :</b>       | 3 rd July 2014                               |

## **APPLICATION FOR A PREMISES 30-36 TOPPING STREET**

### **1.0 Purpose of the report:**

1.1 To consider an application for a premises licence for 30-36 Topping Street and the relevant representations from Lancashire Constabulary and a member of public.

### **2.0 Recommendation(s):**

2.1 Members will be requested to determine the application.

### **3.0 Reasons for recommendation(s):**

3.1 Once an objection has been received the application and any relevant representation must be considered by the 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, the application and the representations must be considered.

#### **4.0 Background Information**

- 4.1 On 2nd May 2014, the licensing service received an application for the grant of a premises licence at 30-36 Topping Street Blackpool. The following activities are requested

Provision of films, Sunday-Wednesday 1.00 - 01.00 hours

Live & recorded music, Sunday-Wednesday 11.00 - 01.00, Thursday-Saturday 11.00 - 04.00

Late night refreshment Sunday-Wednesday 23.00 - 01.00, Thursday-Saturday 23.00 - 04.00

Sale of alcohol for consumption on the premises Sunday-Wednesday 13.00-01.00, Thursday-Saturday 13.00 - 04.00

The premises would be open to the public Sunday-Wednesday 11.00 - 01.00, Thursday - Saturday 11.00 - 04.00

A copy of the application is attached.

- 4.2 The application has been submitted by Eat Sleep Entertainment Limited.
- 4.3 Representations have been received from Lancashire Constabulary and a member of the public.

#### **4.4 National Guidance**

The following paragraphs of the guidance are relevant:

9.12 " In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis.

9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives.

#### **4.5 Additional Observations**

The application refers to similar premises in the street. Details of the other licenced premises can be found below (times given are for the sale of alcohol)

1. Washington, Sunday-Thursday 10.30 - 23.00, Friday-Saturday 10.30 - 00.00
2. Townsman, 96 Topping Street, Monday-Thursday 10.30 - 02.00, Friday/Saturday 10.00 - 02.00, Sunday 11.00 - 00.00
3. Gillespies, 87-89 Topping Street, 10.00 - 00.00
4. Churchills, 83 Topping Street, Monday-Thursday 10.00 - 02.00, Friday/Saturday 10.00 - 03.00
5. Akash, 76 Topping Street, 18.00 - 02.00
6. AJ's Bistro, 65 Topping Street, 11.00 - 00.00
7. Boonnak Thai, 60 Topping Street, 11.00 - 02.00
8. Wannee Wah-Wah's, 55-57 Topping Street, 11.00 - 00.30
9. Truffles, 51-53 Topping Street, 11.00 - 00.00

This venue has been previously licensed and was known as Liquid Lounge and latterly Fire and Ice. The licence lapsed in December 2013 when the company that held the licence was dissolved. That licence permitted the sale of alcohol 19.00 - 04.00.

4.6 Does the information submitted include any exempt information? No

#### **4.7 List of Appendices:**

Appendix 4a Application for premises licence

Appendix 4b Representations from Lancashire Constabulary

Appendix 4c- Representations from the Public

**5.0 Legal considerations:**

6.1 Please see national policy in the background information.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None