

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	24 October 2016

APPLICATION TO VARY A LICENCE – 136 - 140 Promenade

1.0 Purpose of the report

1.1 To consider an application by Samuel Oyston for a premises licence at 136 - 140 Promenade Blackpool.

2.0 Recommendation(s)

2.1 The Panel is requested to determine the application.

3.0 Reasons for recommendation(s):

3.1 This application must be determined by a panel as representations have been received from the Police.

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 is submitted and representations received it must be considered by the Licensing Panel.

4.0 Background Information

4.1 On 24 August 2016 the Licensing Service received an application from Samuel Oyston for the grant of a premises licence at 136 - 140 Promenade, Blackpool. The application requests permission for the sale of alcohol for consumption on and off the premises, live music and recorded music 11.00 – 02.00 hours daily. A copy of the application is attached at Appendix 4(a).

4.1 Representations have been received from Lancashire Constabulary. A copy of the

representation is attached at Appendix 4(b).

4.2 **Local policy considerations**

This premises is situated within the town centre saturation area.

4.3 4.7.5 The policy will apply to applications including the sale or supply of alcohol on the premises and the provision of late night refreshment for:

- New premises licences
- New club premises certificates
- Provisional statements
- Variations to existing licences (where the modifications are directly relevant to the issue of cumulative impact, for example, extension of trading hours or capacity).

4.4 4.7.6 The effect of the policy is to create a rebuttable presumption that applications listed above will be refused. To rebut this presumption an applicant would be expected to show through the operating schedule and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. The licensing authority expects that applications covered by this policy will be discussed with the responsible authorities in advance of submission. Applications should include detailed proposals dealing with the seating provision for customers (what percentage of proposed trading area will be seated), the provision of food, the type and style of entertainment to be offered. Premises which intend to primarily offer vertical drinking are unlikely to be able to rebut the presumption of refusal.

4.5 4.7.7 This policy does not act as an absolute prohibition on the granting of new licences however the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.

4.6 4.7.8 An application is not likely to be classed as exceptional merely on the ground that the premises have been or will be operated within the terms of its licence or that they are/will be well managed. This is to be expected of any application.

4.7 **National policy considerations**

4.8 9.12 – 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 licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that do so

would not be proportionate for the promotion of the licensing objectives.

4.9 9.42 – The authority’s decision should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

4.10 13.35 – After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case... if the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

4.11 **Observations**

None

4.12 Does the information submitted include any exempt information? No

4.13 **List of Appendices**

Appendix 4(a) – Application
Appendix 4(b) - Representation from Police

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