

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	13 December 2016

## **APPLICATION TO VARY APREMISES LICENCE – Albert Hotel, 117 Albert Road**

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

1.1 To consider an application to vary the Premises Licence in respect of the Albert Hotel.

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

2.1 The panel is requested to consider the application and determine whether the granting of this variation to the Premises Licence would adversely impact on the licensing objectives.

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

3.1 Representations have been received therefore there must be a hearing to determine the application.

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

### **4.0 Background Information**

4.1 On 19 October 2016, the Licensing Service received an application from Manohar Raisinghani to vary Premises Licence PL1678, the Albert Hotel, 117 Albert Road.

4.2 Currently the premises is licensed as follows:

Live music

Sunday-Wednesday 20.00 – 00.00

Thursday – Saturday 20.00 – 01.00

Recorded Music

Monday – Sunday 17.00 – 01.00

Entertainment of a similar description to the above

Monday 20.00 – 00.00

Friday – Saturday 20.00 – 00.00

The sale of alcohol for consumption on the premises

Daily 00.00 – 00.00 to residents only

4.3 The application is to extend the Premises Licence to non-residents for the following purposes:

- To remove condition 1 in Annexe 2
- To allow the provision of licensable activities to non-residents in a microbar to be created on the ground floor
- To enable functions to take place through the year in the lower ground floor bar
- To permit licensable activities as detailed below in the lower ground floor bar only (with the exception of the sale of alcohol which will apply to the ground floor bar as well)

Plays & Films 14.00 – 23.00

Live music 14.00 – 00.00 (Sunday – Wednesday) 14.00 – 01.00 (Thu – Sat)

Recorded music 12.00 – 00.00 (Sun- Wed), 12.00 – 01.00 (Thu – Sat)

Sale of alcohol 12.00 – 00.00 (Sun – Wed), 12.00 – 01.00 (Thu – Sat)

- To authorise extensions to permitted hours for until 02.00 on New Year's Eve, Bank Holiday Sunday and Christmas Eve until 01.00

4.4 A copy of the application is attached at Appendix 4a.

4.5 Representations have been received from members of the public. Copies of the representations are attached at Appendix 4b.

4.6 **Local policy considerations**

None

4.7 **National policy considerations**

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.

9.43 – 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 as well as the potential benefit in terms of promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside those parameters.

#### 4.8 **Observations**

The Police have agreed the following conditions with the applicant which will be endorsed on the licence if the variation is approved:

1. The licence holder and the DPS are to support and rigorously enforce a Challenge 25 Proof of Age policy. 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) UK photo driving licence
- (ii) passport
- (iii) Proof of Age Standards Scheme Card

OR any other nationally or locally approved form of identification which may be introduced in the future.

If no suitable identification is provided, sale of alcohol to them will be refused. Signs promoting this policy shall be displayed in the premises.

2. All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.
3. A notice or notices shall be displayed in the premises where they can be clearly seen and read and will indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
4. An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
5. Any person under the age of 16 must be accompanied by a responsible adult and

remains the responsibility of the accompanying adult at all times when using the premises. Members of staff are not allowed to be in sole supervision of children.

6. Only adults are to be served from the bar area. No minor will be served except when accompanied by an adult, parent or guardian. Children are only permitted in the bar area when accompanied by an adult / parent or guardian.
7. Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular documented checks of toilet areas.
8. An incident book will be maintained, in which shall be recorded:
  - (i) All incidents of crime and disorder
  - (ii) Refused sales to suspected under age / drunken persons
  - (iii) A record of any person refused admission or asked to leave the premises
  - (iv) Details of occasions upon which the Police are called to the premises
  - (v) The use or discovery of drugs
9. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
10. No drinks are allowed to be taken outside of the premises.
11. Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
12. 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.
13. CCTV will be installed internally and externally at the premises and will comply with the following:
  - (i) The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
  - (ii) The system will display on any recording the correct time and date of the recording.
  - (iii) The system will make recordings during all hours the premises are open to the public.
  - (iv) VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for Responsible Authority for inspection upon request.

- (v) The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

- 14. A staff member who is conversant with the operation of the CCTV system will be available to attend the premises within an hour if requested by Police. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous.
- 15. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 16. Bi-annual documented maintenance checks of the CCTV system, including the recording system will be undertaken by the Designated Premises Supervisor to ensure that the system is in good working order and fit for purpose.

The following conditions are currently endorsed on the licence:

**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 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years 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 either a holographic mark, or an ultraviolet feature.

6 The responsible person must ensure that -

(a) where any of the following alcoholic drinks are sold or supplied for

consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

- a. “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where-
  - i. P is the permitted price,
  - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- b. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
  - i. the holder of the premises licence,
  - ii. the designated premises supervisor (if any) in respect of such a licence, or
  - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the Operating Schedule**

- 1 Intoxicants to be served to residents only.
- 2 Entertainment is only to take place in the lounge / bar area on the lower ground floor.
- 3 A proof of age scheme will be in operation at the hotel.
- 4 CCTV is to be installed in the bar area.
- 5 The 'Cutting Edge' initiative will be adopted at the hotel.
- 6 The maximum number of guests permitted in the premises at any one time is 60 people.
- 7 Children are only permitted in the bar area when accompanied by a parent or guardian.

4.9 Does the information submitted include any exempt information? No

### **4.10 List of Appendices:**

Appendix 4a: Application

Appendix 4b: Public representations

### **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