

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	1 February 2017

APPLICATION TO REVIEW A LICENCE – Al Amir

1.0 Purpose of the report:

1.1 To consider an application by Health and Safety to review the Premises Licence issued in respect of Al Amir, 37-39 Talbot Road.

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, once an application for a review of a Premises Licence has been received it must be considered by the Licensing Panel.

4.0 Background Information

4.1 Al Amir, 37-39 Talbot Road, has the benefit of a Premises Licence authorising recorded music 24 hours a day, live music 19.30 – 23.00, late night refreshment 23.00 – 03.00 and the sale of alcohol for consumption on and off the premises 17.00 – 03.00.

4.2 On 8 December 2016, the Licensing Service received an application from Health and Safety to review this licence on the grounds of the prevention of crime and disorder and public safety. A copy of the application is attached at Appendix 4a.

4.3 Representations in support of the review have been received from Lancashire Constabulary at Appendix 4b.

4.4 The licence holder is Mrs Shanaz Rashid and designated premises supervisor is Muhammad Rashid.

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.

- 2 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 sale and 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.

- 3 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.
- 4 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 5 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.
- 6 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined by section 159 of the Act);
- 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;
- d. Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependant on -
 - i. The outcome of a race, competition or other event or process, or
 - ii. The likelihood of anything occurring or not occurring;

7 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

8 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

9 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.

10 The responsible person shall ensure that -

- a. Where any of the following alcoholic drink is 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: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml; and
- b. Customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 The supply of intoxicating liquor will be by waiter/waitress service only and only to persons seated at tables.
- 2 Meals and substantial refreshment will be available at all times the premises are open to the public.
- 3 The licence holder and the DPS are to support and rigorously enforce a 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

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.
- 4 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.
- 5 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.
- 6 Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their absence, whose identity is known by all other staff when such absence occurs.
- 7 At least one Personal Licence Holder will be available, and able to attend at the premises if required, whenever the sale or supply of alcohol is being undertaken. The identity of this Personal Licence Holder will be known by all

persons engaged in the sale of supply of alcohol.

- 8 The premises are to be equipped with a closed circuit television system, which is appropriate to its purpose and provided and maintained to the satisfaction of the enforcement Authorities.
- 9 A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested.
- 10 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 11 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 12 Off sales from the premises shall be in sealed containers only. Any unfinished bottles of wine must be recorked before being taken away from the premises.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Application for a review of the Premises Licence- Al Amir
Appendix 4b: Representation 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