

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	23 March 2017

## **APPLICATION TO REVIEW A LICENCE – Bucharest**

### **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 Bucharest, 47-49 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 Bucharest, 47-49 Talbot Road, has the benefit of a Premises Licence authorising the sale of alcohol for consumption off the premises 7 days a week between the hours of 9am and 6pm.
- 4.2 On 16 January 2017 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 and Weights and Measures at Appendix 4c.

4.4 The licence holder is Claudia Badea and she is also the designated premises supervisor.

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. 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 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.

4 (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"

(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. 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:
  - a. UK photo driving licence
  - b. Passport
  - c. Proof of Age Standards Scheme Card
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. All staff to have received suitable training in relation to not serving to persons suspected of being drunk. Records to evidence this will be made available to an authorised officer upon request. Refresher training shall be conducted every 6 months as a minimum.
4. Ordinarily a member of management team will be on the premises at all times the premises are open to the public. In exceptional circumstances where this is not the case another member of staff will be given responsibility of the premises and all staff will have knowledge of who this person in responsibility is.
5. The primary purpose of the premises is to operate as a food retailer and the sale of alcohol is ancillary to the retail of food.
6. Any alcohol over the ABV of 6% is to be located behind a point of sale area.

7. No single cans of lager, cider or bitter to be sold.
8. CCTV will be installed internally and externally at the premises and will comply with the following: The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas 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. The system will display on any recording the correct time and date of the recording. The system will make recordings during all hours the premises are open to the public. VCR tapes or digital recordings shall be held for a minimum of 21 days after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request. The system will, as a minimum, record images of the heads and shoulders of all person entering the premises.
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 recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.
10. The Licence Holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
11. 1Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
12. 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.

13. 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
- That book shall be available for inspection by a Police Officer or authorised person.

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- Health and Safety

Appendix 4b: Representation from Lancashire Constabulary

Appendix 4c: Representation from Weights and Measures

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