

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	10 August 2017

TEMPORARY EVENT NOTICE – Walkabout

1.0 Purpose of the report:

- 1.1 To consider a Temporary Event Notice submitted by Benjamin Mills in respect of an event taking place on 27 August 2017.

2.0 Recommendation(s):

- 2.1 The panel is requested to consider the objection and determine whether to allow the event to go ahead, add conditions to the Temporary Event Notice or issue a counter notice.

3.0 Reasons for recommendation(s):

- 3.1 An objection has been received therefore there must be a hearing to consider whether to issue a counter notice.

- 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 objection is received to a Temporary Event Notice it must be considered by the Licensing Panel.

4.0 Background Information

- 4.1 On 28 July 2017, the Licensing Service was served with a temporary event notice on behalf of Walkabout, 1-9 Queen Street. This notice relates to the sale of alcohol, and provision of late night refreshment 04.00 – 07.00 hours on 27 August 2017 to show

the boxing between Floyd Mayweather and Conor McGregor which is being televised live from Las Vegas.

The Police have objected to this event taking place on the ground of preventing crime and disorder. A hearing is therefore required to determine whether a counter notice should be issued to prevent the event from taking place.

4.2

Local policy considerations

4.3

None.

National policy considerations

Section 7 – Temporary Event Notices is relevant

The system of permitted temporary activities is intended to be a light touch process where notice is given by the premises user that they intend to carry out specified activities. The police and environmental health team have three working days to object to the notice on the basis of any of the four licensing objectives.

Observations

At the hearing the panel can either let the event go ahead, serve a counter notice to prevent the event going ahead or after considering the representations, the panel may decide that it is appropriate for the promotion of the licensing objectives to impose one or more conditions onto the TEN. The panel can only add existing conditions from the premises licence.

The licence has the following conditions:

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.

- 8 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.
- 9 The terms, conditions and restrictions detailed in the Blackpool Borough Council Entertainments Licences (Standard Conditions) Regulations 1985 must be adhered to at all times.

The premises shall not be used for public entertainment on Sunday except between the hours defined by the schedule and then only for (a) musical entertainment as defined by the Sunday Entertainments Act 1932, and (b) dancing in respect of which an admission charge is not made.

Music must not be excessive in volume and must be under the control of the holder of the licence or his duly appointed representative. The requirements of the Licensing Authority's Environmental Health Division in relation to levels of noise produced inside or outside the premises as a result of, incidental to, or arising from the public entertainment, shall be complied with.

The maximum number of persons to be accommodated in the premises or in any particular part of the premises at any one time shall be as follows:

Ground Floor 550
First Floor 400

- 10 Exhibition of films:

Where the film classification body is specified in the licence, unless the

following applies, admission of children must be restricted in accordance with any recommendations made by that body.

Where -

- a) The film classification body is not specified in the licence,
- or*
- b) The relevant licensing authority has notified the holder of the licence that this condition is applied to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 Non-standard timings for supply of alcohol:
 - a) 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).
 - b) In relation to the morning on which summer time begins, the substitution of references to four o'clock in the morning for references to three o'clock in the morning.
 - c) On Sundays preceding Bank Holidays / Public Holidays permitted hours are extended until 0300 with a 0330 close time.
- 2 During the period from the commencement of licensable activities on Good Friday to the cessation of licensable activities on the trading day of 31 October, the terminal hour for all licensable activities on Thursdays, Fridays, Saturdays and Mondays shall be extended until 04.00 with the premises closing at 04.30.
- 3 The Licence holder is to support and rigorously enforce the 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

- 4 Noise from any regulated entertainment, mechanical ventilation and refrigeration plant should be inaudible at premises within close proximity.
- 5 All doors and windows should be closed during hours of any regulated entertainment, except in the case of an emergency, with the exception of the French windows which can remain open until 22.00 hours.
- 6 The collection and disposal of bottles should not take place between the hours of 2200 and 0800.
- 7 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.
- 8 An adequate number of licensed door supervisors will be on duty as appropriate to any risk assessment and in accordance with the guidance under the 'Nightsafe' scheme.
- 9 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 10 The premises shall fund the employment by the Local Authority of one member of the door supervisor team for a period of one hour after licensable activity has ceased upon the licensed premises.
- 11 All door staff employed at the entrance / exit of the licensed premises will wear a reflective jacket/tabard of a design approved by the Lancashire Constabulary.
- 12 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.
- 13 The Police Licensing Unit shall be notified on any occasion when the CCTV or radio system 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. This does not include occasions where single cameras are not working and are in the process of being replaced but relates to the entire system being significantly defective/out of use.
- 14 The Radiolink equipment will be 'live' and will be monitored by the Head Doorman or another responsible person while the licensed premises are open for business.

- 15 At least one personal licence holder will be available on the licensed premises 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.
- 16 The premises shall be operated in participation with the 'Pubwatch' and 'Radiolink' schemes.
- 17 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.
- 18 Adequate first aid provision is available at all times to include having at least one trained first-aider on the premises at all times the premises are being operated.
- 19 Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an officer or a Responsible Authority.
- 20 The premises shall maintain a drinks pricing policy which complies with any Local Authority resolution made in accordance with approval from the Licensees Forum or any successor liaison body recognised by the Licensing Authority.
- 21 Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.
- 22 Clearly visible notices, in a form prescribed by the Council, shall be displayed advising those attending that 1. It is a condition of entry that customers agree to be searched and 2. Police will be informed if anyone is found in possession of controlled substances or weapons.
- 23 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
- 24 Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.
- 25 Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be available for inspection.

- 26 Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
- 27 A drugs prevention strategy for the venue shall be developed and applied. The strategy shall include arrangements for the location of posters and the distribution of other information relating to drugs risks, the dangers associated with drugs and the legal provisions relating to drug use.
- 28 During the final hour of daily trading appropriate announcements are made or images are projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.
- 29 The volume of amplified sound used in connection with entertainment shall at all times be under the control of the licensee or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
- 30 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 31 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 32 On Mondays, Wednesdays and Thursdays no customers will be admitted to the premises after 02.00. For the avoidance of doubt, this condition shall not apply to those customers who were on the premises prior to 02.00, and who exited the premises for the purpose of smoking. On Fridays, Saturdays, Sundays and Tuesdays no customers will be admitted to the premises after 03.00 hours. For the avoidance of doubt, this condition shall not apply to those customers who were on the premises prior to 03.00 hours, and who exited the premises for the purpose of smoking.
- 33 The external lighting of the premises to be increased to the satisfaction of the Police Crime Prevention Officer.
- 34 The CCTV camera locations to be re-inspected and re-sited to the satisfaction of the Police Crime Prevention Officer.
- 35 On Sundays before Bank Holidays / Public Holidays, permitted activities will have a terminal hour of 0300 with the premises closing at 0330.

- 36 With the exception of bottled beers, wine bottles or jam jars, all alcoholic drinks will be served in polycarbonate or other appropriate non-glass vessels after 22:00 hours on Sundays to Thursdays. However all alcoholic drinks will only be served in polycarbonate or other non-glass vessels:
- 1.1.1. from 19:00hrs on all Fridays
 - 1.1.2. throughout trading hours on all Saturdays,
 - 1.1.3. throughout trading hours on Sundays preceding Bank Holiday Mondays,
 - 1.1.4. From 19:00hrs on Christmas Eve and New Year's Eve.
- 37 Taking the premises overall, 55% of the floor-space available to customers shall be given over to tables and chairs.
- 38 The outside terrace is to have a solid balustrade surrounding it of at least 1.5 metres high.
- 39 If the outside terrace is used as a smoking area there will be a minimum of one SIA registered security staff in this area at all times from 21:00hrs on Mondays, Fridays and Saturdays until the premises is closed. This area is subject to a risk assessment with consideration of further door supervisors.
- 40 No drinks should be taken onto the outside terrace after 22:00hrs on Mondays, Fridays and Saturdays. All other timings should be subject to a risk assessment.
- 41 An electronic/computerised ID monitoring system should be used at each point of entry.
- 42 Meals and substantial refreshments are to be available on the ground floor until 21:00hrs each day.

4.4 Does the information submitted include any exempt information? No

4.5 **List of Appendices:**

Appendix 4a: Temporary Event Notice

Appendix 4b: Objection 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.