

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	18 August 2017

TEMPORARY EVENT NOTICE – Highfield

1.0 Purpose of the report:

1.1 To consider a Temporary Event Notice submitted by Aaron Johnson 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 8 August 2017, the Licensing Service was served with a Temporary Event Notice on behalf of the Highfield, Highfield Road, Blackpool. This notice relates to the sale of alcohol, provision of regulated entertainment and provision of late night refreshment 00.00 – 10.00 hours on 27 August 2017 to show the boxing between Floyd

Mayweather and Conor McGregor which is being televised live from Las Vegas.

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

4.3 **Local policy considerations**
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 Temporary Event Notice. The panel can only add existing conditions from the premises licence.

The licence has the following conditions:

Annex 1 - Mandatory conditions

1 Alcohol shall not be sold or supplied except during permitted hours as stated.

Non-standard timings:

i. Permitted hours for sale of alcohol and all other licensed activities and the opening hours of the premises shall be extended by one additional hour on 1 January, Christmas Eve, Boxing Day, and the Friday - Monday of Easter, May, Spring and August Bank Holiday weekends.

ii. On New Year's Eve hours are extended from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day for the sale of alcohol and all other licensable activities and the opening hours of the premises.

2 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.

3 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

4 (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).

- 5 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
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 - (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.
- 7 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.
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 - (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.

9 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.

- 10 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 Noise from any regulated entertainment will be inaudible at the nearest sensitive premises or, at the discretion of the Local Authority, shall not exceed some other pre-agreed limit, which does not cause unreasonable disturbance to neighbouring residents or their guests.
- 2 All external windows in the function room to remain closed during regulated entertainment except in the event of an emergency.
- 3 A sign to be kept in a conspicuous place, requesting patrons to avoid causing noise nuisance or disturbance to local residents.
- 4 Regular assessments of noise coming from the premises during regulated entertainment to be made and the noise level adjusted accordingly.
- 5 The Designated Premises Supervisor will operate the premises in accordance with Mitchells and Butlers policies and procedures as contained in the Company's Licensing Information folder. Any material amendment or alteration to these policies, which could affect enforcement issues, will be notified to the Police. The Designated Premises Supervisor will ensure that the Company's Duty Management Nomination Form is maintained and that a copy of this is made available for inspection to the Police upon request.
- 6 Where already used, text and/or radio pagers will continue to be used. For those premises within range of the radio link scheme where radio link equipment is already in use, the radio link equipment will continue to be used and will be live and monitored by the head doorman or other responsible person whilst the premises are open for business.
- 7 The premises licence holder is to install a CCTV system to its own standard specification, such system to be installed by the last day of May 2007.
- 8 The Manager is required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in line with the Company's role in the community guidelines.

- 9 No adult entertainment (paid for by the company of a nude physical nature) is permitted at the premises. Any children under the age of 16 remain the responsibility of the accompanying adult when using the premises (and / or exterior area). Staff are not allowed to be in sole supervision of children, which remains the responsibility of the accompanying adult at all times.

Annex 3 - Conditions attached after a hearing by the licensing authority

- 1 An adequate number of Licensed Door Supervisors will be on duty as appropriate to any risk assessment in accordance with Company policy.
- 2 Appropriate measures will be taken to ensure staff do not knowingly allow the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 3 Toughened glass (which could include other appropriate non glass vessels including polycarbonate) will continue to be used in line with the Company's current procedures.
- 4 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.

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
Appendix 4c: Objection from Environmental Protection

6.0 Legal considerations:

6.1 Please see local and national policy in the background information.

7.0 Human Resources considerations:

7.1 None.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 None.