

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	19 September 2017

APPLICATION TO VARY A PREMISES LICENCE – Vidella Hotel

1.0 Purpose of the report:

1.1 To consider an application to vary the Premises Licence in respect of the Vidella Hotel, 80-82 Dickson Road.

2.0 Recommendation(s):

2.1 The panel is requested to consider the application and determine whether the granting of this 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, an application once objections have been received must be considered by the Licensing Panel.

4.0 Background Information

4.1 On 18 July 2017, the Licensing Service received an application from the Lindsey Whiteside to vary the premises licence PL2040, the Vidella Hotel, 80-82 Dickson Road

4.2 Currently the premises is licensed for :
Recorded music 10.00 – 23.00 (12.00-22.30 Sunday)

Late night refreshment 23.00 – 05.00

The sale of alcohol on the premises 11.00 – 23.00 hours (12.00 – 22.00 Sunday) with the premises closing to the public 30 minutes after end of permitted hours for the sale of alcohol.

4.3 The application requests:

Live music 18.00 – 01.00

Recorded music 09.00 – 01.00

Entertainment of a similar description 18.00 – 01.00

Supply of alcohol 09.00 – 02.00

To remove condition 1 in Annexe 2 – alcohol may only be supplied in the dining room by waiter/waitress service

4.4 Representations have been received from members of the public. Copies of the representations are attached.

4.5 **Local policy considerations**

None

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.

4.6 **Observations**

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 There are no restrictions on the sale of alcohol to hotel residents - they may be served 24 hours a day.
- 2 At the end of permitted hours for non-residents, only hotel guests with a supplied resident’s card (issued for the duration of their stay) will be served alcohol.
- 3 CCTV will cover all licensed areas of the building.

- 4 A Challenge 25 proof of age scheme will be in place at the premises.
- 5 Any person causing a nuisance will be asked to leave the premises.
- 6 Notices will be displayed requesting residents and the public to keep noise to a minimum when entering and vacating the premises.
- 7 Children are not permitted in the lounge area function room. Children are only permitted in the dining room and must be resident at the hotel.

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

- 1 Alcohol may only be supplied in the dining room by waiter / waitress service.

4.7 Does the information submitted include any exempt information? No

4.8 List of Appendices:

Appendix 4a: Application for Variation
Appendix 4b: Public representation

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.