

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Mark Marshall, Head of Licensing Services
<b>Date of Meeting :</b>	7 November 2017

## **APPLICATION TO REVIEW A LICENCE – Palm Beach Hotel**

### **1.0 Purpose of the report:**

1.1 To consider an application from the Licensing Authority to review the Premises Licence issued in respect of the Palm Beach Hotel, 595-601 South Promenade.

### **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, the application must be considered by a Licensing Panel.

### **4.0 Background Information**

4.1 Palm Beach Hotel, 595-601 Promenade, Blackpool has the benefit of a premises licence authorising:

Live music, recorded music, performance of dance and any entertainment of a similar description -

Mon-Sat 19.00 to 23.00

Sun 14.30-22.30

Late night refreshment –  
Mon-Sun 23.00-23.30

The sale of alcohol for consumption on the premises:

Mon-Sat 11.00 – 23.00

Sundays 12.00 – 22.30

Christmas Day 12.00 – 15.00 and 19.00 – 22.30

Good Friday 12.00 – 22.30

New Year's Eve 11.00-23.00 (12.00-22.30 on a Sunday)

(There are no restrictions on the hours during which alcohol may be sold to residents)

4.2 On 14 September 2017 the Licensing Service received an application from the Licensing Authority to review this licence on the grounds of prevention of crime and disorder, public safety and prevention of public nuisance. A copy of the application is attached at Appendix 4a.

4.3 No representations in support of the application have been received.

4.4 The licence holder and designated premises supervisor is Etoile Monique Patel, though she is no longer contactable and the hotel has been demolished following a fire.

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 31<sup>st</sup> 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.

Where there is no children's certificate:

1 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 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.

Alcohol:

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 premises licence must be made or authorised by a person who holds a personal licence.

Where there is a PEL:

1 The terms, conditions and restrictions detailed in the Blackpool Borough Council Entertainments Licences (Standard Conditions) Regulations 1985 must be adhered to at all times.

There are only the mandatory conditions on this licence as it has never been varied since it was converted from a Justices' licence in 2005.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Review Application from the Licensing Authority

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.