

# Blackpool Council

## APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

### LICENSING ACT 2003

<b><i>Review requested by:</i></b>	Licensing Authority
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#### Built Environment

Licensing Service  
Blackpool Council  
Municipal Buildings, PO Box 4  
Blackpool, FY1 1NA

#### Contact

T: (01253) 47 8572 / 8589  
F: (01253) 47 8372

[www.blackpool.gov.uk](http://www.blackpool.gov.uk)



## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. You may wish to keep a copy of the completed form for your records.

<b>I</b>	Mark Marshall
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[insert name of person requesting review]

**apply for the review of a premises licence under section 51 or apply for the review of a club premises certificate under section 87, of the Licensing Act 2003 for the premises described in part 1 below.**

### ***Part 1 – Premises Details***

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
<b>Premises Name and Address</b>	Palm Beach								
	595-601 South Promenade	<b>Post Code</b>	F	Y	4	1	N	G	
	State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)								
Etoile Monique Patel									
<b>Premises Licence or Club Premises Certificate Reference Number (if known)</b>								PL0602	

### ***Part 2 – Applicant details***

**I am:**

Please tick

<b>1) an individual, body or business which is not a responsible authority</b>	<input type="checkbox"/>
<b>2) a responsible authority (please also complete 2C below)</b>	<input checked="" type="checkbox"/>
<b>3) a member of a club to which this application relates (also complete section 2A below)</b>	<input type="checkbox"/>

**(2A) Individual Applicants (fill in as applicable)**

<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	Other	<b>I am 18 years old or over</b>	Please tick									
							<b>Yes</b>	<b>No</b>								
<b>Forenames</b>						<b>Surname</b>										
<b>Home address</b>																
						<b>Post Code</b>										
						<b>Telephone Number</b>						<b>Mobile Number</b>				
<b>E-Mail Address</b>																

**(2B) Other Applicant or Representing Body**

<b>Name</b>																
<b>Address</b>																
						<b>Post Code</b>										
	<b>Telephone No.</b>															
<b>Email Address</b>																

**(2C) Responsible Authority applicant**

<b>Name</b>	<b>Mark Marshall</b>														
<b>Address</b>	Municipal Buildings														
	Corporation Street														
	<b>Blackpool</b>					<b>Post Code</b>	<b>F</b>	<b>Y</b>	<b>1</b>	<b>3</b>	<b>A</b>	<b>H</b>			
<b>Telephone Number</b>	<b>01253 478493</b>														
<b>Email Address</b>	<b>Mark.marshall@blackpool.gov.uk</b>														

## Part 3 – Reason for Review

This application to review relates to the following licensing objective(s):

	Please tick
1) the prevention of crime and disorder	√
2) public safety	√
3) the prevention of public nuisance	√
4) the protection of children from harm	

**Please state the ground(s) for review (please read guidance note 2 before completing)**

On 21/09/2012 the Licensing Authority suspended the said licence for non – payment of the annual licence fee.

The law in relation to this is as follows;

Section 120 of the Police Reform and Social Responsibility Act 2011 came into force in April 2012 giving Licensing Authorities powers to suspend a Premises Licence where the annual renewal fee has not been paid.

Section 120 of the Police Reform and Responsibility Act 2011 inserts a new section into the Licensing Act, that being;

Section 55A – which states

- 1) A Licensing Authority must suspend a Premises Licence if the holder of the licence has failed to pay the authority
- 2) an annual fee that has become due under Section 55(2).
- 3) Subsection (1) does not apply if –
  - a) either -
    - (i) the holders failure to pay the fee at the time it became due was because of an administration error (whether made by the holder, the authority or anyone else) or
    - (ii) before or at the time the fee became due, the holder notified the authority in writing that the holder disputed liability for, or the amount of the fee, and
    - (iii) the grace period for payment of the fees has not expired (21 days)
- 4) If a licensing authority suspends a previous licence under subsection(1) the authority must give the holder of the licence a notice to that effect, specifying the day the suspension takes effect.

- 5) A day specified in a notice under subsection(3) must be at least two working days after the day the authority give the notice
- 6) If the holder of the licence pays the annual fee, the licensing authority must give the holder written acknowledgement of receipt of the fee.
- 7) The acknowledgement of receipt under subsection(5) must-
  - a) specify the day the authority received the fee (the receipt day) and
  - b) be given to the holder as soon as is reasonably practicable but in any event –
    - (i) if the receipt day was a working day, before the end of the first working day after the receipt day
    - (ii) otherwise, before the end of the second working day after the receipt day
- 8) A suspension of a premises licence under subsection(1) –
  - a) takes effect on the day specified in the notice under subsection(3) and
  - b) ceases to have effect on the receipt day, as specified in the acknowledgement of receipt under subsection(5)
- 9) In this section, the grace period for payment of a fee is the period of 21 days, beginning on the day after the day
- 10) the fee became due.

Blackpool Licensing Authority go above the legal requirement by attempting to make telephone contact with the holder prior to suspension taking effect.

The licence holder has not paid their annual renewal fee since 2010 and now owes £480, whilst the debt owed is lawfully recoverable it seems morally wrong to pursue this debt as the premises ceased trading at some point in 2009 and in recent years became fire damaged rendering the premises derelict.

The premises was demolished some time ago and is now occupied by a new development which when completed is to be a Hilton Hotel.

If the licence is not surrendered or revoked it will continue to accrue renewal fees and will remain an administrative burden for the Licensing Authority.

**Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)**

## Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick	
	Yes	No
		√
	Day	Month
If yes please state the date of that application		
		Year


**If you have made representations before relating to this premises, please state what they were and when you made them.**

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	√
I understand that if I do not comply with the above requirements my application will be rejected	√

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

## Part 5 – Signatures (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (Please read guidance note 5) **If signing on the behalf of the applicant please state in what capacity.**

<b>Signed</b>	
<b>Print Name</b>	Mark Marshall
<b>Capacity</b>	Licensing & Health and Safety Manager
<b>Date</b>	26/01/2017

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)													
Title:	Mr	Mrs	Miss	Ms	Other								
Forenames					Surname								
Address for Correspondence associated with this application													
					Post Code	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>							
Telephone Number					Mobile Number								
E-Mail Address													

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.
6. This is the address that we shall use to correspond with you about this application.