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| Report to: | Licensing Panel |
| Date of Meeting: | 27 March 2018 |

APPLICATION TO VARY A PREMISES LICENCE – Home and HQ, Talbot Square

1.0 Purpose of the report:

1.1 To consider an application to vary Premises Licence PL1248 issued in respect of Home and HQ, Talbot Square, Blackpool.

2.0 Recommendation(s):

2.1 The panel is requested to consider the application and determine whether the granting of this variation 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, once representations have been received the application

4.0 Background Information

4.1 On 2 February 2018, the Licensing Service received an application from Nordwind Developments Limited to vary the premises licence issued in respect of Home and HQ, Talbot Square, Blackpool, FY1 1LB.

- 4.2 The licence currently authorises the sale of alcohol for consumption on the premises, exhibition of films, live music, recorded music, performance of dance and entertainment of a similar description Monday to Sunday 10.00 to 04.00.

Extended hours are currently permitted until 05.00 on bank holidays and licensable activities are permitted through the evening on New Year's Eve to New Year's Day.

- 4.3 The application requests permission to extend the hours for recorded music, entertainment of a similar description and sale of alcohol to 06.00 on Friday and Saturday evenings and the addition of late night refreshment as a licensable activity on Friday and Saturday from 23.00 to 05.00 in the Headquarters (first floor) section of the premises. A copy of the application is attached at Appendix 4a.

- 4.4 Representations have been received from Lancashire Constabulary and the Licensing Authority. Copies of the representations are attached at Appendices 4b and 4c.

4.5 **Local policy considerations**

This premises is situated within the town centre saturation area. The effect of this policy is to create a rebuttable presumption that applications will be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule, and where appropriate with supporting evidence, that the operation of the premises during the increased hours will not add to the cumulative impact already being experienced. The following section of the policy is relevant:

4.8.4 An application is not likely to be classed as exceptional merely on the grounds that the premises have been operated within the terms of its licence or that they are well managed. This is to be expected of any application.

4.6 **National policy considerations**

9.12 – The police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that do so would not be proportionate for the promotion of the licensing objectives.

9.43 – 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.

14.36 – After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case... if the licensing authority decides that an application should be refused, it will still need to show that the grant of the

application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

4.7 **Observations**

The current conditions on the licence are as listed below. No new conditions have been volunteered with the application.

Annex 1 - Mandatory conditions

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

The restrictions on permitted hours do not prohibit:

- a) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- b) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The taking of alcohol from the premises by a person residing there; or
- e) 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
- f) 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.

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.

6 (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.

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

- 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:

- a) On Friday to Monday of the Easter, Spring, May and August Bank Holidays until 0500 hours the following day, with the premises closing at 0530.

- b) 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.

2 The licence holder and the Designated Premises Supervisor shall ensure that an appropriate number of licensed door supervisors are on duty whenever the premises are open for the purpose of a licensable activity or when patrons are upon the premises. The number of door staff shall be in accordance with the following schedule:

3 The licence holder and the Designated Premises Supervisor shall arrange adequate supervision of any queue, which may form to gain entry to the premises.

4 The licence holder and the Designated Premises Supervisor shall ensure sufficient door staff are employed to ensure the dispersal of patrons from the curtilage and grounds of the licensed premise immediately after the end of each period of licensable activity.

5 The licence holder and the Designated Premises Supervisor shall ensure that the door supervisors take appropriate measures to prevent the removal of bottles or glasses from the licensed premises.

6 All door staff will comply with SIA requirements relating to the availability of registration documents for inspection.

7 All door staff employed at the entrance / exit of the licensed premises will wear a reflective jacket of a design approved by the Lancashire Constabulary.

8 The licence holder and the Designated Premises Supervisor shall ensure that the premises are equipped with a closed circuit television system, which is provided and maintained to the satisfaction of the Lancashire Constabulary.

9 The CCTV control room will be notified:

- a) On any occasion when the premises CCTV or radio system is inoperative.
- b) When the CCTV or radio system has been brought back into use.

10 The Licence holder or DPS shall notify the Police Licensing Unit 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.

11 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.

12 The licence holder and the Designated Premises Supervisor shall ensure that only toughened glass vessels are used to dispense beverages to customers.

13 The licence holder and the Designated Premises Supervisor shall ensure that the arrangement for the storage of empty bottles prevents unauthorised access to those bottles.

14 The licence holder and the Designated Premises Supervisor shall ensure that the premises are operated in accordance with the standards described in the attached 'Nightsafe' leaflet.

15 The licence holder and the Designated Premises Supervisor shall ensure that the premises are operated in compliance with the recommendations contained in Safer Clubbing.

16 The licence holder and the Designated Premises Supervisor shall erect and maintain signage (in a form approved by the licensing authority) on or adjacent to all staffed exits advising patrons of the Street Drinking Order and the intention of door staff to enforce a 'no exit with a bottle' policy.

17 The licence holder and the Designated Premises Supervisor shall permit, facilitate and assist in the display upon the premises of health education and crime prevention campaign materials in a form agreed with the Licensees Forum or any successor liaison body recognised by the Licensing Authority.

18 The licence holder shall erect and maintain suitable and sufficient conspicuous signage on the exterior of their premises advising patrons that causing any disturbance or disorder in a queue will result in admission being refused.

19 The licence holder and the Designated Premises Supervisor 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.

20 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.

21 The licensee shall erect a clearly visible notice in a form prescribed by the Council 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.

22 The licensee shall ensure that the security arrangements are sufficient to

discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.

23 The licensee shall exclude any customers known to have been previously convicted of committing criminal offences relating to drugs.

24 The licensee shall maintain a record of incidents involving the use and/or detection of drugs and make those records available for inspection.

25 The licensee shall store, dispose, transfer confiscated and found drugs in accordance with procedures agreed with the Lancashire Constabulary.

26 The licensee shall develop and apply a drugs prevention strategy for the venue. 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.

27 The licence holder and the Designated Premises Supervisor shall ensure that the maximum number of persons allowed onto the premises shall not exceed the capacity determined by the Lancashire Fire & Rescue Service.

28 Frequent collection of glasses and bottles will be undertaken to ensure empty containers do not accumulate in or around the licensed premises.

29 The licensee shall ensure that the ventilation to the premises is maintained to satisfy the appropriate Building Regulations.

30 The licensee shall ensure free cold drinking water is available on request and shall have adequate supplies of chilled soft drinks and bottled water available for sale at the bar(s).

31 During the final hour of daily trading the licence holder and the Designated Premises Supervisor shall ensure that 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.

32 The licence holder shall erect and maintain in a prominent position at every exit a clear and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents.

33 The licence holder and the Designated Premises Supervisor shall ensure sufficient door staff are employed at exits from the premises to remind departing patrons of the need to avoid causing nuisance or disturbance to local residents.

34 The licence holder shall not permit the admission of persons under 18 years of age to the licensed premises.

35 Noise from any regulated entertainment, mechanical ventilation or refrigeration plant shall be inaudible within the nearest sensitive properties or, at the discretion of the Local Authority, shall not exceed some other pre-agreed limit, which does not cause unreasonable disturbance to the residents of these properties or their guests.

36 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.

37 Vibration produced as a result of any regulated entertainment shall not be perceptible in any adjoining or nearby sensitive properties.

38 All internal lobbied doors to any entrance / exit point, fire exit doors and external windows should be closed during hours of any regulated entertainment except in the case of an emergency, save for the purposes of access and egress.

39 All staff will 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 on request.

40 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.

41 No performances of hypnotism or similar will take place upon the premises.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Application

Appendix 4b: Representation from Lancashire Constabulary

Appendix 4c: Representation from 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.