

Report to:	Licensing Panel
Date of Meeting :	16 April 2018

APPLICATION TO REVIEW A LICENCE – Spice Grill

1.0 Purpose of the report:

1.1 To consider an application by the Licensing Authority to review the licence issued in respect of Spice Grill, 49-51 Red Bank Road.

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 the Licensing 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, once a review application is submitted it must be considered by the Licensing Panel.

4.0 Background Information

4.1 Spice Grill, 49-51 Red Bank Road, Blackpool has the benefit of a premises licence authorising the supply of alcohol 11.00 to Midnight Monday-Saturday and 12.00 to 23.30 Sunday.

4.2 On 20 February 2018, an application was received from the Licensing Authority to review this licence on the grounds of the prevention of crime and disorder and public safety. A copy of the application is attached at Appendix 4a.

4.3 Representations in support of the review have been received from the Child Protection Licensing Officer attached at Appendix 4b.

4.4 The licence holder is currently Mr Nasir Uddin (who is also the Designated Premises Supervisor).

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. Suspend the licence for up to three months
5. Revoke the licence.

4.7 **Observations**

This licence has no other conditions endorsed upon it in addition to the following mandatory conditions:

Annex 1 - Mandatory conditions

- 1 Alcohol may be sold or supplied:
 - a) On weekdays, other than Christmas Day, Good Friday or New Year’s Eve from 11 a.m. to 12 midnight.

- b) On Sundays, other than Christmas Day, or New Year's Eve and Good Friday, from 12 noon to 11.30 p.m.
- c) On Christmas Day, 12 noon to 11.30 p.m.
- d) On New Year's Eve, except on a Sunday, 11 a.m. to 12 midnight;
- e) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.

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 31st December).

2 The premises shall be used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

3 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as ancillary to his meal.

4 Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

5 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.

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

7 (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).

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

9 (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.

10 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.

11 (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.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Application for a review submitted by the Licensing Authority

Appendix 4b: Representation from Child Protection Licensing Officer

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.