

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	27 th November 2014

APPLICATION TO REVIEW A LICENCE – MARTON INSTITUTE

1.0 Purpose of the report:

- 1.1 Marton Institute, Oxford Square, Blackpool has the benefit of a Premises Licence permitting the sale of alcohol and provision of regulated entertainment. Alcohol may be sold 11.00 until 02.00. Regulated entertainment is permitted indoors and outdoors 11.00 – 01.00. The licence holder is Kerry Anne Boyd. The designated premises supervisor is Lynda Newton.
- 1.2 On 30th September 2014, the licensing service received an application to review the licence on the grounds of public nuisance.
- 1.3 The review application was submitted by the Licensing Authority. Representations in support of the licence holder have been received.

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

4.0 **Background Information**

4.1 **Annex 1 - Mandatory conditions**

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 premise licence must be made or authorised by a person who holds a personal licence.
- 3 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined by section 159 of the Act);
- 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;
- d. Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependant on -
- i. The outcome of a race, competition or other event or process, or
 - ii. The likelihood of anything occurring or not occurring;
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 year 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 a holographic mark.
- 7 The responsible person shall ensure that -
- a. Where any of the following alcoholic drink is 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: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml; and
 - b. Customers are made aware of the availability of these measures.

Exhibition of films

- 8 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
- 9 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.

4.2 **Annex 2 - Conditions consistent with the Operating Schedule**

- 1 No entertainment of an adult nature will take place on the premises.
- 2 The premises operate as a private members club. Guests may attend the premises but must be signed in by a member and pay the entrance fee.
- 3 Non members can attend the premises for open days, private functions and entertainment taking place in the concert room. On these occasions non-members must sign in and pay the entrance fee.
- 4 On New Year's Eve alcohol may be supplied from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- 5 In the lounge bar children under 16 must be supervised at all times and are only permitted until 20.00 hours. Young people aged 16-17 can remain in the lounge bar after 20.00 hours if they are accompanied by a responsible adult.
- 6 Children under 16 are not permitted in the first floor bar at any time. Young people aged 16-17 can use this room to play snooker as long as they are supervised by a responsible adult.
- 7 Notices will be displayed in prominent positions reminding members and guests to keep noise levels to a minimum when entering and leaving the premises.
- 8 Doors and windows will be kept closed when live bands are performing at the premises to control the escape of noise.
- 9 A door person will be on duty at peak times to check persons entering the premises. Entry will not be permitted to anyone who appears aggressive or drunk. On occasions when no door person is on duty, the committee and staff can view the entrance on CCTV monitors located in the office and behind the bar. Only members can gain entry with their membership card. There is a buzzer at the entrance which allows patrons to talk to and be seen (on CCTV) by the office and bar staff who then decide whether to allow entry to non

members.

- 10 Empty glasses and bottles will be frequently collected from the premises.
- 11 The premises has a health and safety policy that is reviewed regularly.
- 12 Regular checks will be made of the fire alarm system and the electrical equipment in the premises.
- 13 CCTV, which complies with the following criteria, will be installed both inside and outside at the premises:
 - a. The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary.
 - b. The system shall display on any recording the correct time and date of the recording;
 - c. The system shall be recording during all hours the premises are open to the public;
 - d. VCR tapes or digital recording shall be held for a minimum of 31 days and 21 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
 - e. The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.
 - f. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police, or any officer acting for a Responsible Authority, recent data or footage with the absolute minimum of delay when requested.
- 14 The licence holder shall notify the Police Licensing Unit on any occasion when the CCTV 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.
- 15 At least one personal licence holder (whose identity will be known to all other staff engaged in the sale or supply of alcohol) will be available whilst the sale or supply of alcohol is being undertaken, except in the case of emergency.
- 16 The premises will operate a zero tolerance drugs policy.
- 17 Any drugs found shall be confiscated, stored, disposed of or transferred in accordance with procedures agreed with the Lancashire Constabulary.

- 18 Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be made available to the Police for inspection upon request.
- 19 Security arrangements will be sufficient to discourage the sale and consumption of drugs: such arrangements to include regular checks of toilet areas.
- 20 An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises. All staff involved in sales will be at least 18 years of age and will receive training to promote the licensing objectives. All training to be documented and records made available on request to Lancashire Police or any authorised officer.
- 21 There will be a "Challenge 25" scheme in operation at the premises, requiring any individual who appears to be under the age of 25 to provide identification to prove that they are over the age of eighteen. In the event that the individual is unable to provide said identification, then the sale of alcohol will be refused. The only forms of identification which will be accepted as proof of age are:
- a valid UK Passport;
 - a valid UK photocard driving licence;
 - A PASS card; and / or,
 - any other form of identification previously agreed with representatives from the Blackpool Police Licensing Unit.
 - any other nationally or locally approved form of identification which may be introduced in the future

Signs promoting this policy shall be prominently displayed at public entrances and alcohol sales areas.

- 22 All staff to 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 upon request.
- 23 An incident book will be maintained, in which shall be recorded :
- (a) All incidents of crime and disorder
 - (b) Refused sales to suspected under age / drunken persons
 - (c) A record of any person refused admission or asked to leave the premises
 - (d) Details of occasions upon which the Police are called to the premises
 - (e) The use or discovery of drugs

That book shall be available for inspection by a Police Officer or authorised person.

4.3 Does the information submitted include any exempt information? No

4.4 **List of Appendices:**

Appendix 4a: Application Form for Review

Appendix 4b: Support Representations

6.0 **Legal considerations:**

6.1 Please see local and national policy in the background information.

7.0 **Human Resources considerations:**

7.1 None

8.0 **Equalities considerations:**

8.1 None

9.0 **Financial considerations:**

9.1 None