

Report to: **Licensing Panel**

Date of Meeting : 30 May 2018

APPLICATION TO VARY A PREMISES LICENCE – La Casa, 14 Dickson Road

1.0 Purpose of the report:

1.1 To consider an application to vary premises licence PL1868 issued in respect of La Casa, 14 Dickson Road.

2.0 Recommendation(s):

2.1 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 an application is submitted and representations received it must be considered by the Licensing Panel.

4.0 Background Information

4.1 On 19 March 2018, the Licensing Service received an application from Janafarag Limited to vary the Premises licence issued in respect of La Casa, 14 Dickson Road Blackpool.

- 4.2 The licence currently authorises the playing of recorded music, late night refreshment and the sale of alcohol for consumption on the premises during the following times:

Recorded music and Alcohol: Sun-Thu 17.30-01.00, Fri-Sat 17.30-03.00

Late Night Refreshment: Sun-Thu 23.00- 01.00, Fri-Sat 23.00-03.00

The application requests permission to extend the hours for late night refreshment to 05.00 daily with the addition of a number of conditions. A copy of the application is attached.

Representations have been received from Lancashire Constabulary, the Licensing Authority and a member of the public. Copies of the representations are attached.

4.3 **Local policy considerations**

This premise is situated within the town centre saturation area which, due to concerns about crime and disorder and anti-social behaviour arising from the number of takeaways in the area, includes applications for late night refreshment. 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 will not add to the cumulative impact already being experienced. The following sections of the policy are relevant:

4.7.7 "...the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it."

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

4.4 **National policy considerations**

9.12 –The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations.

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.

14.44 – After receiving relevant representations in relation to a new application or for 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 or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

4.5 **Observations**

The current conditions on the licence are as follows:

Annex 1 - Mandatory conditions

- 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 (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).

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

5 (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.

6 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.

7 (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.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 No alcohol will be allowed to be consumed outside.
- 2 Windows and doors will be kept closed after 2200.
- 3 Alcohol 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 the meal.
- 4 The supply of alcohol will be by waiter/waitress service only and only to persons seated at tables.
- 5 The Licence Holder and the Designated Premises Supervisor are to support and rigorously enforce a Challenge 25 Proof of Age policy. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
 - (a) UK photo driving licence
 - (b) Valid passport
 - (c) Proof of Age Standards Scheme Card

OR

 - (d) any other nationally or locally approved form of identification which may be introduced in the future.

If no suitable identification is provided, sale of alcohol to them will be refused.
- 6 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.

- 7 A notice or notices shall be displayed in the premises where they can be clearly seen and read and will indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
- 8 An authorisation of sales, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
- 9 A personal licence holder (whose identity will be known to all other staff engaged in the sale or supply of alcohol) will be available to attend the premises whenever the sale or supply of alcohol is being undertaken, except in the case of emergency.
- 10 The licence holder and the Designated Premises Supervisor shall nominate another person, who will deputise for the Designated Premises Supervisor in the his/her absence, and shall ensure that the identity of the deputy is known by all other staff when such absence occurs.
- 11 Any person under the age of 16 must be accompanied by a responsible adult and remains the responsibility of the accompanying adult at all times when using the premises in the licensed areas of the premises. Members of staff are not allowed to be in sole supervision of children.
- 12 No person in possession of an alcoholic drink in an unsealed container shall be allowed to enter or leave the premises. Appropriate measures will be taken to ensure staff prevent the removal of bottles and glasses from the curtilage and grounds of the licensed premises. The Licence holder and the Designated Premises Supervisor shall erect and maintain signage on or adjacent to all exits advising patrons of this policy and the intention of staff to enforce a no exit with a bottle policy.
- 13 The Licence Holder and the Designated Premises Supervisor shall ensure that only toughened glass or polycarbonate vessels are used to dispense beverages to customers.
- 14 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 15 An incident book will be maintained, in which shall be recorded:
 - (i) All incidents of crime and disorder
 - (ii) Refused sales to suspected under age / drunken persons

- (iii) A record of any person refused admission or asked to leave the premises
- (iv) Details of occasions upon which the Police are called to the premises
- (v) The use or discovery of drugs

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

- 16 An adequate number of licensed door supervisors will be on duty as appropriate to any risk assessment at the premises.
- 17 All door staff employed at the entrance/exit of the licensed premises will wear a reflective jacket/tabard of a design approved by the Lancashire Constabulary.
- 18 Risk assessments carried out by or on behalf of the Licence holder which relate to a licensing objective will be available for inspection by a police officer or any authorised officer of a responsible authority.
- 19 CCTV will be installed internally and externally at the premises and will comply with the following; the CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
 - ☐ The system will display on any recording the correct time and date of the recording.
 - ☐ The system will make recordings during all hours the premises are open to the public.
 - ☐ VCR tapes or digital recording shall be held for a minimum of 31 days and 28 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.
 - ☐ The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
- 20 A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.
- 21 The Licence Holder or Designated Premises Supervisor 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.

- 22 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 23 Annual documented maintenance checks of the CCTV system, including the recording system will be undertaken by the Designated Premises Supervisor to ensure that the system is in good working order and fit for purpose.
- 24 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
- 25 Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
- 26 The licence holder and the Designated Premises Supervisor shall arrange adequate supervision of any queue which may form to gain entry to the premises.
- 27 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.
- 28 The licensee shall ensure that staff arriving before 0900 or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.
- 29 The premises licence holder will arrange for litter dropped in the vicinity of the licensed premises to be collected and removed at the licence holder's expense at a frequency of not less than 60 minute intervals during opening hours.
- 30 For the purposes of the condition above, the collection and removal of litter should be taken to include the washing away to the gutter of spilled food and similar materials so as to leave the footway in a clean, safe and wholesome condition.
- 31 The premises licence holder will be expected to accept the Council's voluntary code of practice for litter and refuse. The code of practice is available from the Director of Technical Services.

- 32 When food for consumption off the premises is sold, adequate waste receptacles for use by patrons shall be provided in the local vicinity. The positioning of the receptacles shall be agreed by the Council, and the responsibility for disposing of the collected waste shall rest with the licensee.
- 33 The licensee shall ensure that noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be disturbed. To this end sound insulation shall be provided and regard must be had to the ventilation requirements for the premises. All sound insulation shall be installed to the satisfaction of the Council.
- 34 The licensee shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to nearby properties, and that the premises shall be adequately ventilated to the satisfaction of the Head of Environmental Services.
- 35 Flashing or bright lights on or outside the licensed premises shall be positioned or screened in such a manner so as not to cause inconvenience to nearby properties.

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
Appendix 4d: Representation from member of the public (Mr M Laurence)

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.