

Report to: **Licensing Panel**

Date of Meeting : 11 December 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 a variation application is received and representations submitted it must be considered by the Licensing Panel.

4.0 **Background Information**

4.1 On 18 October 2018, the Licensing Service received an application from Janafarag Limited to vary the Premises Licence issued in respect of La Casa, 14 Dickson Road.

4.2 The licence currently authorises the playing of recorded music (indoors) and the sale of alcohol (for consumption on the premises) during the following times:

Sunday to Thursday 17.30 to 01.00

Friday to Saturday 17.30 to 03.00

Late night refreshment is also currently authorised:

Sunday to Thursday 23.00 to 01.00

Friday to Saturday 23.00 to 03.00

There are a number of conditions currently on the licence, including the requirement that "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."

4.3 The application requests permission to remove the condition restricting sales of alcohol to those taking table meals at the premises. It also requests that the start time for the supply of alcohol is brought forward to 11am and requests the addition of permitted regulated entertainment:

Performance of plays, exhibition of films, indoor sporting events, live music, recorded music, performance of dance and any other entertainment of a similar description –

Sunday to Thursday 11.00 – 01.00

Friday to Saturday 11.00 – 03.00

A copy of the application is attached. During the consultation period the following conditions were agreed with the Child Protection Licensing Officer:

"Persons under the age of 18 years shall not be permitted to be on the premises after 22.00 hours."

"Whenever children are allowed on the premises, any entertainment offered within the premises shall be suitable for young persons."

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

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 will not add to the cumulative impact already being experienced. The following sections of the policy are relevant:

4.7.8 An application is not likely to be classed as exceptional merely on the grounds 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.

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

4.6 **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. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.

9.43 – The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

14.40 – Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.

14.44 - 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

4.7 Observations

The following conditions are currently attached to the Premises Licence in addition to the mandatory conditions:

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 CardOR
 - (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 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 Environmental Protection

Appendix 4d: 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.