

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	23 <sup>rd</sup> April 2015

## **APPLICATION TO REVIEW A LICENCE – STALL 13 ABINGDON STREET MARKET.**

### **1.0 Purpose of the report:**

1.1 Stall 13 Abingdon Street Market, Blackpool has the benefit of a Premises Licence permitting the sale of alcohol for consumption off the premises Monday-Saturday 09.00 – 17.00, Sunday 10.00 – 16.00. The Licence Holder and DPS is Kailasben Gandhi

1.2 On 4<sup>th</sup> February 2015, the licensing service received an application to review the licence on the grounds of prevention of crime and disorder and public safety.

1.3 The review application was submitted by Weights and Measures. Representations have been received from the Licensing Authority, Health and Safety and a member of the public.

### **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, once a review application has been submitted, it must be considered by the Licensing Panel.

#### 4.0 **Background Information**

#### 4.1 **Local policy considerations**

None

#### 4.2 **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.

- 4.3 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. Remove the DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

#### 4.4 **Observations**

The licence has the following conditions endorsed on the licence:

##### **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 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.

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

1 No entertainment of an adult nature will take place on the premises.

2 Alcohol is to be sold only in sealed containers.

3 The Licence holder is to support and rigorously enforce the Challenge 21 proof of age policy.

Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card

OR 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 will be refused.

4 A refusals book will be kept at the premises.

5 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.

- 6 The premises licence holder, Kailasben Gandhi, and her husband will undertake the personal licence holder's course run by Blackpool Council. Such course to be completed by 30<sup>th</sup> April 2013.
- 7 The licence holder will exclude all persons properly notified to them by the police or other responsible authorities. Exclusions will include the refusal of all alcoholic drinks. Notifications will be given in writing with photographs and will be implemented on service until further notification from the servicing authority.
- 8 CCTV will be installed internally at the premises and will comply with the following:
  - a) The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. The entrance, the till and alcohol fridge areas 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.
  - b) The system will display on any recording the correct time and date of the recording.
  - c) The system will make recordings 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 Responsible Authority for inspection upon request.
  - e) The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
- 9 A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises is open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous.
- 10 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.

4.5 Does the information submitted include any exempt information?

No

**4.6 List of Appendices:**

Appendix 4a: Application for Review

Appendix 4b: Representations from the Licensing Authority

Appendix 4c: Representations from Health and Safety

Appendix 4d: Representations from the public

**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