

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	13 th August 2015

APPLICATION TO VARY A PREMISES LICENCE – Christine’s Hotel

1.0 Purpose of the report:

1.1 To consider an application to vary the Premises Licence at Christine’s Hotel, 1 Lord Street.

2.0 Recommendation(s):

2.1 The panel is requested 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 and representations have been received they must be considered by the Licensing Panel.

4.0 Background Information

4.1 On 1st July 2015, the Licensing Service received an application from Sylvia Tetley Harrison to vary the premises licence for Christine’s Hotel, 1 Lord Street.

4.2 The application requests amendments to the licence conditions which would have the effect of allowing non-residents to be served alcohol until 02.00 hours each day without the requirement to have a table meal. A copy of the application is attached.

4.3 Representations have been received from Lancashire Constabulary and members of the public. Copies of the representations are attached.

4.4 **Local policy considerations**

This premises is situated within the Town Centre Saturation area. This creates the rebuttable presumption that applications relating to the sale of alcohol will be refused unless the applicant can demonstrate that the variation would not adversely impact on the licensing objectives.

4.5 **National policy considerations**

9.12 – The police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that do so would not be proportionate for the promotion of the licensing objectives.

9.42 – 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.

4.6 **Observations**

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 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.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to residents of the hotel and their bona fide guests and / or to persons taking table meals in the Bistro Restaurant and for consumption by such persons as ancillary to a meal.
- 2 Sales of alcohol to non-residents shall be by waiter / waitress service only and only to persons seated at tables.
- 3 Licensable activities may only take place until 23:00 hours with the premises closing to non-residents at 23:30 hours each day except on the Fridays and Saturdays of Bank Holiday weekends when the times detailed above will be extended by one hour, and New Years Eve when the times detailed above will be extended by two hours.
- 4 There are no restrictions on the hours during which intoxicants can be served to residents in the lounge area.
- 5 The terrace must be closed at 22:00 hours each day.
- 6 Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their absence, whose identity is known by all other staff when such absence occurs.
- 7 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.

- 8 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.
- 9 Unsupervised children do not have access to the premises and children staying at the hotel or in the restaurant should be under the supervision of their parent / carer.
- 10 There will be sufficient members of staff to ensure that the restaurant / bistro is operated efficiently with tables being cleared and glasses and ashtrays being removed on a regular basis.
- 11 Staff will ensure that no bottles or glasses are taken off the premises.
- 12 When the bistro is closing the exit doors will be manned by staff to prevent any persons attempting to gain access from outside or take alcohol off the licensed premises. If required taxis can be arranged for customers. Excessive drinking or drunken behaviour will be actively discouraged.
- 13 Bottle bins are kept behind the bar where customers have no access to them.
- 14 Drinks promotions will not be encouraged. Free drinking water will be provided with all meals served in the Bistro.
- 15 Drug awareness is promoted and the premises will operate a zero tolerance policy. Regular toilet checks are undertaken to ensure that no drug activity can take place.
- 16 The means of escape should be easily openable in case of emergency without the use of a key, free from any obstruction and checked prior to the public being admitted on the premises. Checks shall be documented and records available for inspection by a Fire Officer, Police Officer or authorised officer of the Council.
- 17 A fire risk assessment to be completed by a competent person and the significant findings made available for inspection by a Fire Officer, Police Officer or authorised Officer of the Council.
- 18 An electrical fire alarm system to be provided. The fire alarm to be tested in

accordance with BS 5839 part 1, this shall be recorded and records made available for inspection by a Fire Officer, Police Officer or authorised Officer of the Council.

- 19 Escape routes are to be indicated and illuminated by emergency escape lighting which is to be tested in accordance with BS 5266 this shall be recorded and records made available for inspection by a Fire Officer, Police Officer or authorised Officer of the Council.
- 20 An adequate number of Licensed Door supervisors will be on duty as appropriate to any risk assessment and in accordance with the guidance under the "Nightsafe" scheme. Such risk assessment will be documented and kept on the premises and produced to the enforcement authorities on request.
- 21 Risk assessment carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by the enforcement authorities.
- 22 A clear legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 23 At any time that regulated entertainment is taking place on the premises all internal lobbied doors and all external windows will be kept closed except for the purposes of entering and leaving the premises or in the case of emergency.
- 24 Noise from any regulated entertainment shall not exceed the background noise levels at the nearest sensitive premises.
- 25 The volume of amplified sound used in connection with regulated entertainment shall at all times be under the control of the licence holder or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the general public.
- 26 The maximum capacity of the Bistro shall be 40.
- 27 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 display on any recording the correct time and date of the recording.
- The system will make recordings during all hours that the premises are open to the public.
- The VCR tapes or digital recording will 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.

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 recent data or footage with the absolute minimum of delay, when requested.

The Licence Holder or Designated Premises Supervisor will 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.

Appropriate signs informing customers that CCTV is recording will be displayed in conspicuous positions on the premises.

Monthly documented maintenance check of the CCTV system, including the recording system, will be carried out by the Designated Premises Supervisor to ensure that the system is in good working order and fit for purpose.

- 28 The exterior of the premises is covered by CCTV and the outside decking area is fully lit with exterior lighting.

4.7 Does the information submitted include any exempt information? No

4.8 **List of Appendices:**

Appendix 4a: Application

Appendix 4b: Representation from Lancashire Constabulary

Appendix 4c: Representations from members of 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