

# Public Document Pack

# Blackpool Council

27<sup>th</sup> May 2014

To: Councillors Hunter, Hutton, O'Hara and Mrs Taylor (Reserve)

The above members are requested to attend the:

## **LICENSING PANEL**

Thursday, 5 June 2014 at 10.00 am  
in Committee Room A, Town Hall, Blackpool

## **A G E N D A**

### **1 APPOINTMENT OF CHAIRMAN**

To appoint a Chairman for the meeting.

### **2 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head of Democratic Services in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

### **3 PROCEDURE FOR THE MEETING**

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (This includes a party and any person assisting or representing a party)

**4 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- BOARS HEAD, 38  
PRESTON OLD ROAD (Pages 1 - 38)**

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- Boars Head
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- Boars Head

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: , e-mail

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Decision or Item number</b>	<b>4</b>
<b>Relevant Officer:</b>	Sharon Davies, Principal Solicitor Licensing
<b>Date of Meeting :</b>	5 <sup>th</sup> June 2014

## **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- BOAR'S HEAD**

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

1.1 To consider an application for the variation of the Premises Licence for the Boar's Head submitted by the Premises Licence Holder, Dorbiere Limited and the relevant representations.

### **2.0 Recommendation(s):**

2.1 Members will be requested to determine the application.

### **3.0 Reasons for recommendation(s):**

3.1 Once an application and relevant representations have been received the application must be considered by the Licensing 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, the application and the representations must be considered.

## **4.0 Background Information**

### **4.1 Application**

The Boars Head, 38 Preston Old Road, Blackpool has the benefit of a premises licence authorising:

Exhibition of films, live music and entertainment of a similar description 11.00 - 00.00 hours daily

Recorded music 24 hours a day

Late night refreshment 23.00 - 00.30

Sale of alcohol on and off the premises 11.00 - 00.00

The premises may be open to the public 10.00 - 00.30

On 20th March 2014, the licensing service received an application to vary the licence:

1. To extend the hours for the sale of alcohol on Fridays and Saturdays until 01.00
2. To extend the premises opening times on Fridays and Saturdays until 01.30
3. To remove the condition prohibiting amplified music on Fridays and Saturdays.

### **4.2 Local policy considerations**

None

### **4.3 National policy considerations**

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing decisions should be made on a case by case basis. They should take into account any representations or objections that have been received.

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.

The licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and track record of the business.

#### 4.4 Observations

The following conditions are currently endorsed on the premises licence:

##### Annex 1 - Mandatory conditions

1 Alcohol shall not be sold or supplied except during permitted hours. Permitted hours means:

- a) Monday - Sunday 1100 to midnight
- b) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31st December)

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- c) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- d) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- e) The sale of alcohol to a trader or club for the purposes of the trade or club;
- f) The taking of alcohol from the premises by a person residing there; or
- g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) The supply of alcohol for consumption on the premises to person employed there for the purposes of business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2 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.

3 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

4 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;

5 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).

6 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7 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.

8 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.

#### 9 Exhibition of films:

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.

#### 10 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.

11 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

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

1 The performance of live music is restricted to a maximum of two performers and should not involve any amplified music.

2 Recorded music should be background or incidental only.

3 No karaoke will take place at the venue during permitted hours.

4 On occasions of local, national or international significance, charitable events or functions the finish time will be extended on no more than 12 occasions per year (in addition to Temporary Event Notices). An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions is to be completed where appropriate. A minimum of 10 days notice is to be given to the Police and Licensing Authority and the Police shall have an absolute veto in respect of these occasions.

5 A zero tolerance policy towards drugs will be enforced at all times.

6 If CCTV is installed at the premises, it will continue to operate during the additional hours of trading and notices will be displayed.

7 All instances of crime and disorder will be reported to the Police and will be kept in an incident log book.

8 Free drinking water, soft drinks and non-alcoholic refreshment will be available at all times.

9 Additional patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.

10 Where already used text/radio pagers will continue to be used for any additional hours of trading and will be monitored by a responsible member of staff.

11 When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons. Children will be required to be supervised by the accompanying adult at all times and a no smoking area will be provided.

12 A recognised proof of age policy will be enforced, for example 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

13 The licence holder shall adopt and maintain suitable training for door staff and sales staff in relation to the proof of age scheme to be applied upon the premises. The training records will be made available to an authorised officer on request.

14 The Licence Holder and the Designated Premises Supervisor shall ensure that only toughened glass vessels are used to dispense beverages to customers.

15 The Licence Holder and the Designated Premises Supervisor shall ensure that the premises are operated in accordance with the standards described in the 'Nightsafe' leaflet.

16 The Licence Holder and the Designated Premises Supervisor shall participate in the 'Pubwatch' scheme (Radio link if applicable).

17 The Licence Holder and the Designated Premises Supervisor shall maintain a drinks policy which complies with any local authority resolution made in accordance



with approval from the licensees forum or any successor liaison body recognised by the Licensing Authority.

18 The licensee shall ensure that the security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.

19 The licensee shall maintain a record of incidents involving the use and / or detection of drugs and make those records available for inspection.

20 During the final hour of daily trading the Licence Holder and the Designated Premises Supervisor shall ensure that appropriate announcements are made or images are projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.

21 Noise from any regulated entertainment will be inaudible at the nearest sensitive premises or, at the discretion of the Local Authority, shall not exceed some other pre-agreed limit, which does not cause unreasonable disturbance to neighbouring residents or their guests.

22 There shall be no audible noise or perceptible vibration through the fabric of the building or structure to any habitable part of any adjoining property. (Habitable part means any part of the building or outdoor space in substantial use at the time of the entertainment and does not include bathrooms, toilets, corridors or access lobbies.)

23 All external windows and doors in the function room will be kept closed during regulated entertainment except in the event of an emergency.

24 The volume of amplified sound used in connection with entertainment shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.

25 Regular assessments of the noise coming from the premises during regulated entertainment shall be made and the noise level adjusted accordingly.

26 Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

27 Any external beer garden serving the premises shall be closed from 2300 hours for the consumption of alcohol and / or any late night refreshment.

28 Lighting will be provided to ensure that the outside areas used in the hours of

darkness are adequately lit.

29 Regular checks of the outside area will be made by the outlet team. Any customers involved in excessive loud behaviour will be asked to desist.

Annex 3 - Conditions attached after a hearing by the licensing authority

1 The beer garden, car park and pavement immediately outside the premises shall be cleared of refuse on a daily basis.

The applicant has agreed the following conditions with the Police which will be added to the licence if the variation is granted:

1. CCTV will be installed internally and externally 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
- b. 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.
- c. The system will display on any recording the correct time and date of the recording.
- d. The system will make recordings during all hours the premises are open to the public
- e. VCR tapes or digital recordings 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 on request
- f. 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 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 by a police officer.

Bi-annually documented maintenance checks of the CCTV system , including the recording system will be undertaken by the DPS to ensure that the system is in good working order and fit for purpose

Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.

Does the information submitted include any exempt information?

No

**List of Appendices:**

Appendix 4a Application Form

Appendix 4b Representations from members of the public

**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

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From: Roy & Geraldine Edmonds,

23 APR 2014

To: Licensing Department,  
Municipal Building,  
P.O. Box 4,  
Corporation Street,  
Blackpool,  
FY1 1NA.

April 20 2014.

Dears Sirs,

*Application for Amplified Music and Late Opening at Boar's Head 38, Preston Old Road.*

We wish to object to this application, before the May 2 deadline. As in the past, when similar applications have been made for these premises, residents nearby naturally object to the nuisance of noise and late-night disturbance.

Even with triple glazing at the Boar's Head, there will be noise nuisance through patrons entering and leaving, smoking outside and, in summer, opening doors and windows.

We also fear more disturbance from patrons when leaving the premises. This, at times, is a problem already for us - despite living several doors away and ourselves having double glazing.

While we are pleased that the owners are investing in the area, we don't want to see the relative peace of the neighbourhood disrupted further.

The refurbished premises will provide improved amenities we intend to use and enjoy. However, this is a closely built-up, residential area and late-night opening and amplified music are inappropriate and likely to cause considerable distress.

Incidentally, I'm sure you would receive a much truer representation of local feeling if notices of the application had been distributed and displayed more widely in the area, rather than a small notice on a window of the Boar's Head that necessitates standing close to the premises and taking notes.

Most people in the area welcome any improvements and appreciate the commercial investment - but don't want late disturbance and noise. After all, if such an application was to be granted would there be any police presence at closing and 'throwing out' time? No.

We're sure that, run with their managerial expertise, the improved premises can be popular and successful with local people within normal licensing hours in a residential area.

Yours faithfully,



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02 MAY 2014

30/4/14

Re Application for music licence  
at "Boats Head" Preston Rd.

Dear Sir

I am writing to you over  
yet another attempt to gain an  
application for a music licence  
at the above address.

Over the past years every time  
a new landlord is installed we  
seem to go through the same  
procedure, and every time we  
have the same outcome, licence  
denied, I cannot believe that  
after all the failed attempts  
that this licence should ever  
be considered owing to the  
location, disruption and



RYAN UNSWORTH  
LICENSING SERVICE  
MUNICIPAL BUILDINGS  
P.O. BOX 4  
BLACKPOOL

V.A. - SLOSARCYK

01 MAY 2014

FYI LNA

RE- BOARS HEAD  
30/4/14

Dear Mr. Unsworth

Following my  
phone call to register my objection  
to the Boars Head being granted  
a licence to play amplified music  
and to stay open later at weekends,  
as requested I am putting my  
objection in writing.

This is a  
residential area with a mixture of

elderly people and families with young children, this is not a suitable area to have late openings and amplified music being played, there is already enough disturbance from customers of the pub without increasing the potential noise & nuisance levels to the neighbourhood.

I realise the owners/landlords have spent a lot of money, they informed me personally the windows being installed to reduce the noise cost £25000 but that will do nothing for the noise having the doors constantly opening & closing with customers entering & leaving



or in and out to the smoking area opposite where I live.

The landlord/owner told me a licence is granted on a provisional licence and if the noise is too loud for the neighbours or anyone complains the licence will not be made permanent, you then informed me this was not true. This has made me doubt the integrity of the Bears Head commitment to the upset & well being of the neighbours peace & stress levels? I was going to suggest a trial period to have the noise and disturbance levels assessed and monitored but now I

4  
object strongly to the granting  
of the Licence applied for by  
the Bears Head full stop as I  
do not think the owners will be  
able to control the noise to  
minimise distress to the neighbours,  
there is already problems with  
litter and parking at weekends  
encouraging more customers by  
wanting to play live music and  
stay open later will be a nightmare  
for the residents, and the landlord  
has already proven to me he is  
prepared to lie to get his  
own way.

I know most of my  
neighbours feel the same way I do

5

remember this is not a town  
centre it is a residential area;  
amplified noise, loud music, live  
bands, taxi's coming and going  
and numerous noisy customers  
slamming car doors, laughing &  
singing, shouting and talking at 0130  
is not acceptable, or fair to the  
people living in the vicinity.

Please reject the application  
made by the Boars Head Pub

Thank you.

V.A. SŁUSARCZYK

VA Słusarczyk-

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**From:** Bill Westhead [REDACTED]  
**Sent:** 30 April 2014 22:38  
**To:** Licensing la2003; (Cllr) Jim Elmes  
**Cc:** Licensing; Mark Marshall  
**Subject:** Objection to Boars Head Preston Old Road - Application to vary license conditions

Dear Blackpool Licensing,

The premises, Boars Head Preston Old Road has made an application to vary license conditions, specifically to extend opening hours. Whilst it is accepted that the 'new' management and license owners have made an extensive effort to modernise and improve the property, fundamental breaches of the four licensing objectives have not been addressed.

Specific license conditions prohibit the use of the outside beer garden after 23:00 to avoid causing a public nuisance to the surrounding properties. This condition is not enforced by the DPS. Customers continue to use the beer garden after 23:00 and even after the premises has closed. Customers on the beer garden after 23:00 continue to consume alcohol purchased both on and off the premises. This frequently leads to outbreaks of violence and abusive behaviour. Customers also continue to use the side entrance, into the beer garden to enter and exit the premises.

Customers frequently take drinks (glasses and bottles) outside of the premises curtilage, to other properties and vehicles. They continue to consume alcohol purchased within the premises in the surrounding environs.

Notwithstanding the refurbishment and relaunching of the business, the clientèle and breaches have continued. On Saturday 26th April 2014 at 23:40, two male patrons who had purchased drinks from the premises and had friends within the premises commenced singing football chants for over half-an-hour while sat on a garden wall opposite the premises. This activity was ended by the smashing of their empty bottles in the street. Shortly afterwards two females came out of the premises and began to leave with the males. This resulted in abuse from the males and violent actions toward the females.

The premises has become known as drug tolerant which has resulted in open and blatant consumption of white powders, tablets and pastes from small ziplock bags. The new management have not restricted service to any of these customers. The most shocking result of this and the new marketing policy is that children and families (who seem tolerant of drug users) have been encouraged to frequent the property without apparent concern that children are exposed to harmful adult actions, specifically drug taking.

The applied for extension to operating hours, without direct enforcement of the current licensing conditions and preventative measures for the above customer issues will result in an increase of public nuisance and disruptive behaviour, specifically shouting and violence in the beer garden after 23:00 and in the surrounding areas after hours.

Children are at risk from the behaviour of adult patrons, specifically violence, abuse and exposure to drugs. This includes not only children of patrons, but also residents and those visiting the children's dance school opposite the premises,

Public safety is endangered by the increasing number of vehicles which are often left double-parked overnight, although it has been observed that some patrons have driven their vehicles whilst intoxicated.

Criminal behaviour, specifically drug taking, supply and distribution continues without any



recrimination or consequences. Indeed it was reported by a previous DPS of the premises that the CCTV system was inoperable or even failed to cover certain locations; a fact exploited by patrons for drug use.

If the licensing committee is minded to grant the application of the premises despite resident and other objections, then it is strongly requested that specific preventative and enforced conditions be applied in order to potentially mitigate the increased disruption that is likely to occur;

- that the current condition to cease use of the beer garden at 23:00 be enforced and patrons prevented from entering or exiting the premises from the side doors.
- that drug prevention policies be enforced. one such measure could include the installation of a UV light by the bar area which would quickly highlight any customer that may have consumed powder nasally; residual powder on people's faces would be illuminated
- that children be excluded from the premises at all times for their own protection and that an approved ID checking system (ID Scan or similar) be installed to ensure a think 25 policy is enforced
- that the premises be required to employ doorstaff from a suitably approved SIA registered contractor, so that all licensing conditions are clearly and publicly enforced

Whilst it goes beyond the remit of the licensing committee it is also requested that Lancashire Constabulary pursue a pro-active drug prevention policy with the premises and that drug distribution and sale be prevented at the premises.

Several other residents of the surrounding streets may also have made objection to the proposed application to vary premises conditions and it is hoped that the opinions and observations vented above may augment other objections presented.

Please feel free to contact me if further details are required.

Regards,

Bill Westhead

Resident [REDACTED]

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From

D WINTERBOTTOM +  
ANDREW WINDSOR

23 APR 2016

To Licensing Department

Dears Sirs,

Application for Amplified Music and Late Opening at Boar's Head 38, Preston Old Road.

We wish to object to this application, before the May 2 deadline. As in the past, when similar applications have been made for these premises, residents nearby naturally object to the nuisance of noise and late-night disturbance.

Even with triple glazing at the Boar's Head, there will be noise nuisance through patrons entering and leaving, smoking outside and, in summer, opening doors and windows.

We also fear more disturbance from patrons when leaving the premises. This, at times, is a problem already for us - despite living several doors away and ourselves having double glazing.

While we are pleased that the owners are investing in the area, we don't want to see the relative peace of the neighbourhood disrupted further.

The refurbished premises will provide improved amenities we intend to use and enjoy. However, this is a closely built-up, residential area and late-night opening and amplified music are inappropriate and likely to cause considerable distress.

Incidentally, I'm sure you would receive a much truer representation of local feeling if notices of the application had been distributed and displayed more widely in the area, rather than a small notice on a window of the Boar's Head that necessitates standing close to the premises and taking notes.

Most people in the area welcome any improvements and appreciate the commercial investment - but don't want late disturbance and noise. After all, if such an application was to be granted would there be any police presence at closing and 'throwing out' time? No.

We're sure that, run with their managerial expertise, the improved premises can be popular and successful with local people within normal licensing hours in a residential area.

Yours faithfully,

D Winterbottom  
A Windsor

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