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Blackpool Council

14 November 2014

To: Councillors Green, Hutton, O'Hara and G Coleman (Reserve)

The above members are requested to attend the:

LICENSING PANEL

Friday, 21 November 2014 at 1.00 pm
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 Governance 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 TO VARY THE DESIGNATED PREMISES SUPERVISOR- TANGERINE TAVERN

(Pages 1 - 14)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE VARIATION OF THE DESIGNATED PREMISES SUPERVISOR- Tangerine Tavern
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE VARIATION OF A DESIGNATED PREMISES SUPERVISOR- Tangerine Tavern

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: 01253 477157, e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	Licensing Panel
Decision or Item number	4
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	21 st November 2014

APPLICATION TO VARY DPS – TANGERINE TAVERN

1.0 Purpose of the report:

- 1.1 Tangerine Tavern, 3-5 St Annes Road, Blackpool has the benefit of a premises licence permitting the sale of alcohol and provision of regulated entertainment. Alcohol may be sold until 00.00 Sunday-Thursday and until 01.00 on Friday and Saturday. The designated premises supervisor was Peter Thomas Flynn.
- 1.2 On 22nd October 2014 the licensing service received an application to vary the designated premises supervisor to Philip Beckett.
- 1.3 Representations have been received from Lancashire Constabulary. A copy of the representation is attached

2.0 Recommendation(s):

- 2.1 The panel is requested to consider the application and determine whether varying the licence to name Philip Beckett as DPS would undermine the crime prevention objective.

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

4.0 **Background Information**

4.1 **Local policy considerations**

None

4.2 **National policy considerations**

4.27 – The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where for example, a DPS is first specified in relation to a particular premises and the specification of that DPS in relation to that premises gives rise to exceptional concerns. For example where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children and then transfers into premises known for underage drinking.

4.28 – Where the police do object, the licensing authority must arrange for a hearing at which the issues can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately, in such cases the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision.

4.3 **Observations**

When determining the application the panel may only consider the impact on the crime prevention objective.

4.4 Does the information submitted include any exempt information?

No

4.5 **List of Appendices:**

Appendix 4a: Application

Appendix 4b: Representation from Lancashire Constabulary

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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Transfer / Vary DPS / T.E.N. – Tracking Sheet

Lalpac Number

Name of Premises TANGERINE TAVERN

Type of Application Transfer Vary DPS T.E.N.

Check: Gaming Machine Permit ARF Outstanding Insolvency Register

	Required	Received	Approved
Received Council <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Payment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Received Licensing <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> T.E.N. form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Received Police * <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Application to transfer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Received EP (TENs only) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Consent to transfer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Application starts <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Application to vary DPS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Last date for representations <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> DPS Consent Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing licence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cheque Cash Card Postal order

Amount T/S

Notes / Police representation received

* Can't take effect until Police also receive transfer. TO: PHILIP SYDNEY BECKETT

Granted Refused Date

Checked by LaIPac Authorised by Officer for Issue Date

Blackpool Council

22 OCT 2014

APPLICATION TO VARY THE DESIGNATED PREMISES SUPERVISOR

Name of Licence
Holder(s):

~~THOMPSON~~ ~~TROEN~~ LTD N AND P POISS

Built Environment

Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

T: (01253) 47 8572 / 8589
F: (01253) 47 8372
www.blackpool.gov.uk



Schedule 5

Application to vary a premises licence to specify an individual as Designated Premises Supervisor under the Licensing Act 2003

Please read the following instructions first:

Before completing this form please read the guidance notes at the end of this form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Full name/s of the premises licence holder/s:
1) TANGERING TAVERN LTD 2) N + P PUBS 3) 4)

I/We the premises licence holder/s named above, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises Licence number:
PL 1969

Part 1 – Premises Details

Premises	TANGERING TAVERN							
Name &	3-5 St Annas Rd BeachPod							
Address		Post Code	F	7	4	2	A	N
Telephone Number	01253 319362	Mobile Number						
E-Mail Address	Tango.Tax@gmail.com							

Description of premises (please read guidance note 1)
Public House.

Part 2

Please give the full name of the proposed Designated Premises Supervisor										
Title:	<input checked="" type="radio"/> Mr	<input type="radio"/> Mrs	<input type="radio"/> Miss	<input type="radio"/> Ms	<input type="radio"/> Other					
Surname	Beckett			Forenames	RUTH SYDNEY					
State any previous names										
Please Tick										
They are 18 years old or over	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No		Their Date of Birth	Day	Month	Year		
Home Address	129 MARTON DRIVE									
	Beachpool									
					Post Code	F	7	4	3	E
Telephone Number	347058			Mobile Number						
E-Mail Address										
Personal Licence Number:	PA 2479									
Expiry Date:	1 ST MAY 2017									
Name and address of the issuing Authority of the Personal Licence:	Beachpool Council									
Full name of the existing designated premises supervisor (if any)										
Surname	Flynn			Forenames	PETER THOMAS					

If yes please tick

- I would like this application to have immediate effect under section 38 of the Licensing Act 2003
- I have enclosed the premises licence and summary.

If you have not enclosed the premises licence or the relevant part of it, you are required to give reasons why not:

Reasons why I have failed to enclose the premises licence or the relevant part of it.

Part 2 continued:


If yes please tick

- I have made or enclosed payment of the fee (£23)
- I will give a copy of this application to the Chief Officer of Police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence and summary or have given reasons why not
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

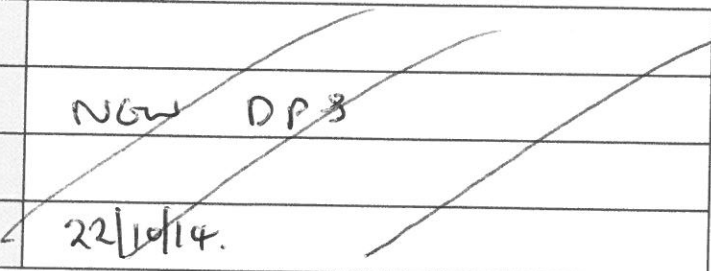
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION


Part 3 – Signatures (please read guidance note 2)

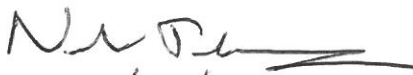
Signature of applicant or applicant’s solicitor or other duly authorised agent. (please see guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature:	
Capacity:	NEW DPS
Print Name:	MURRAY SANDREY BECKETT 17.
Date:	22/10/14

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature:	
Capacity:	NEW DPS
Print Name:	
Date:	22/10/14.


 DIRECTOR OF N+P PUBS
 NICHOLAS JOHN LOWE


 22/10/14

Contact name (where not previously given) and address for correspondence associated with this notice (please see guidance note 5).

Full Name:	
Contact Address:	
Telephone number:	
Email address:	

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, the applicants or their respective agents must sign the application form.
5. This is the address that we shall use to correspond with you about this application.

Blackpool Council

22 OCT 2014

CONSENT OF DPS FORM

**Premises Licence
holder(s):**

TANGERINE TUNORN LTD

Built Environment

Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

T: (01253) 47 8572 / 8589
F: (01253) 47 8372
www.blackpool.gov.uk



Schedule 11

Consent of an individual to being specified as a premises supervisor

Full name of the prospective premises supervisor:	Type of Licensing Application:
Philip Stanley Bennett	D.P.S.

Home address of the prospective premises supervisor:
129 MARLOW DRIVE BRACKPOOL FY4 3EY


Full name(s) of Premises Licence holder:	Premises Licence number (if any):
TANGORING TAVORN LTD N+P PUBS	PL 1969

Name and address of the premises to which the application relates:
TANGORING TAVORN LTD 3-5 ST ANNES RD BRACKPOOL FY4 2AN

I, the prospective premises supervisor named above, of the address specified above, hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the licence named above by the applicant named above, relating to the premises licence number specified as above if any, for the premises the application relates to listed above and any premises licence to be granted or varied in respect of this application made by the above mentioned applicant concerning the supply of alcohol at the premises the application relates to specified above. I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details as set out below.

Personal Licence Number:	P.A. 2449.
Expiry Date on Personal Licence:	01 MAY 2017.


Name of Personal Licence issuing authority:	Brackpool Council.
Address of issuing authority:	Brackpool.
Telephone of issuing authority:	477 477

Signed by proposed DPS:	
Print Name:	Philip Stanley Bennett.
Date:	22-10-14.

Blackpool Council Licensing Service

**Representation made by a Responsible Authority
to an application for the grant / variation of a Premises
Licence / Club Premises Certificate**

Responsible Authority

Name of Responsible Authority	LANCASHIRE CONSTABULARY		
Name of Officer <i>(please print)</i>	Police Staff 12973 Sue Slater		
Signature of Officer			
Contact telephone number	01253 604073		
Date representation made	03	11	14
Do you consider mediation to be appropriate			NO

Premises Details

Premises Name	Tangerine Tavern
Address	St Annes Road
	Blackpool
Post Code	FY4 2AN

Reasons for making representations

Lancashire Constabulary objects to the application to transfer the Premises Licence [1969] currently held by Tangerine Tavern Limited to N & P Pubs Limited. Peter Flynn is a Director of Tangerine Tavern Limited and was a Director of N & P Pubs Limited until he resigned on 16th October 2014. The transfer has been submitted to attempt to show a change in ownership of the business but it is clear that Peter Flynn is involved in both companies. Peter Flynn has recently been convicted of Carrying on Licensable Activity on/from premises other than in accordance with an authorisation under the Licensing Act 2003 s.136 (1)(a). He was made to pay a fine for £355, costs for £300, a victim surcharge of £35, and the forfeiture of his personal licence was ordered. It is his involvement in the running of the premises which led to a review being submitted by Lancashire Constabulary on 19th September 2014.

Lancashire Constabulary takes the view that granting the transfer and vary DPS applications would undermine the crime prevention objective of the Licensing

Act 2003, by allowing Peter Flynn to remain in operational control of the premises, when he has been recently convicted of offences under the Licensing Act 2003 and has had his Personal Licence revoked”

It is recommended that the licence should only be granted if the application is amended, or if conditions are applied, as detailed below.

N / A