

# Public Document Pack

## Blackpool Council

12 July 2016

To: Councillors Hobson, Singleton and L Taylor and Cox(Reserve)

The above members are requested to attend the:

### **LICENSING PANEL**

Thursday, 21 July 2016 at 6.00 pm  
in Committee Room B, Town Hall, Blackpool

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

#### **1 APPOINTMENT OF CHAIRMAN**

To appoint a Chairman for the meeting.

#### **2 DECLARATION OF INTEREST - LICENSING**

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 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 FOR THE REVIEW OF A PREMISES LICENCE- NORTHLANDS HOTEL** (Pages 1 - 20)

a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report

b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Northlands Hotel, Hornby Road

c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Northlands Hotel, Hornby Road

**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](mailto:lennox.beattie@blackpool.gov.uk)

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<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	21 July 2016

## APPLICATION TO REVIEW A LICENCE – Northlands Hotel

### 1.0 Purpose of the report:

1.1 To consider an application from the Licensing Authority to review the licence issued in respect of the Northlands Hotel, 31-33 Hornby Road Blackpool.

### 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 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, once a review application is submitted it must be considered by a Licensing Panel.

### 4.0 Background Information

4.1 The Northlands Hotel, 31-33 Hornby Road Blackpool has the benefit of a Premises Licence authorising live music, recorded music, and the sale of alcohol for consumption on the premises to residents and their bona-fide guests 24 hours a day.

4.2 On 26<sup>th</sup> May 2016, the Licensing Service received an application from the licensing authority to review this licence on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the application is attached at Appendix 4a.

- 4.3 No other representations have been received
- 4.4 The Licence Holder is Kelly Suzanne Tuffs and the Designated Premises Supervisor is Peter Martin Greetham.
- 4.5 The Licensing Service has sent two letters to the Premises Licence Holder. The first advising her of the review application being received and the second containing details of the review hearing. Both letters were sent to her last known address which is the Northlands Hotel. Both of these letters have been returned by the Royal Mail stating that the address is inaccessible.

4.6 **Local policy considerations**

None

**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.

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.

#### 4.7 Observations

This licence has the following conditions endorsed upon it:

##### **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 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, 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 -
  - (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 in a manner which carries a significant risk of undermining a licensing objective;
  - (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 in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years 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 either a holographic mark, or an ultraviolet feature.

6 The responsible person must ensure that -

(a) where any of the following alcoholic drinks are 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: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

- 7 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) In this condition:-
- a. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-
    - i. P is the permitted price,
    - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
    - i. the holder of the premises licence,
    - ii. the designated premises supervisor (if any) in respect of such a licence, or
    - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

- 1 All licensable activities permitted at the premises are available to residents and their invited guests only.
  - 2 A "No proof - No sale" policy will be operated in respect of alcohol sales. The only forms of ID accepted will be PASS accredited proof of age cards, photo driving licences and passports.
  - 3 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.
  - 4 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.)
  - 5 All external windows and doors in the function room will be kept closed during regulated entertainment except in the event of an emergency and for access and egress.
  - 6 The volume of amplified sound used in connection with entertainment shall at all times be under the control of the Licensee or Management.
  - 7 The performance of live music shall be restricted to singing with backing tapes and / or acoustic instruments.
- 4.8 Does the information submitted include any exempt information? No
- 4.9 **List of Appendices:**
- Appendix 4a: Application
- 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

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# Blackpool Council

## APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

### LICENSING ACT 2003

**Review  
requested by:**

Mark Marshall

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](http://www.blackpool.gov.uk)



## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the 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. You may wish to keep a copy of the completed form for your records.

<b>I</b>	Mark Marshall, Licensing and Health and Safety Manager
----------	--

[insert name of person requesting review]

**apply for the review of a premises licence under section 51 or apply for the review of a club premises certificate under section 87, of the Licensing Act 2003 for the premises described in part 1 below.**

### ***Part 1 – Premises Details***

<b>Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.</b>									
<b>Premises Name and Address</b>	Northlands Hotel								
	31-33 Hornby Road								
	Blackpool	<b>Post Code</b>	F	Y	1		4	Q	G
<b>State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)</b>									
Kelly Tuffs									
<b>Premises Licence or Club Premises Certificate Reference Number (if known)</b>								PL1619	

### ***Part 2 – Applicant details***

**I am:**

Please tick

<b>1) an individual, body or business which is not a responsible authority</b>	<input type="checkbox"/>
<b>2) a responsible authority (please also complete 2C below)</b>	<input checked="" type="checkbox"/>
<b>3) a member of a club to which this application relates (also complete section 2A below)</b>	<input type="checkbox"/>



**(2A) Individual Applicants (fill in as applicable)**

<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	Other	<b>I am 18 years old or over</b>	Please tick				
							<b>Yes</b>	<b>No</b>			
<b>Forenames</b>					<b>Surname</b>						
<b>Home address</b>											
					<b>Post Code</b>						
<b>Telephone Number</b>					<b>Mobile Number</b>						
<b>E-Mail Address</b>											

**(2B) Other Applicant or Representing Body**

<b>Name</b>											
<b>Address</b>											
					<b>Post Code</b>						
<b>Telephone No.</b>											
<b>Email Address</b>											

**(2C) Responsible Authority applicant**

<b>Name</b>	<b>Mark Marshall</b>										
<b>Address</b>	Health and Safety										
	Bickerstaffe House, 1 Bickerstaffe Square										
					<b>Post Code</b>	<b>F</b>	<b>Y</b>	<b>1</b>		<b>3</b>	<b>A</b>
<b>Telephone Number</b>	<b>01253-478493</b>										
<b>Email Address</b>	<b>Mark.marshall@blackpool.gov.uk</b>										

## Part 3 – Reason for Review

This application to review relates to the following licensing objective(s):

Please tick

1) the prevention of crime and disorder	<b>X</b>
2) public safety	X
3) the prevention of public nuisance	X
4) the protection of children from harm	

Please state the ground(s) for review (please read guidance note 2 before completing)

### Prevention of Crime and Disorder

The current Licence holder has left the premises, numerous attempts have been made to contact her at her last known address and by phone. Separate attempts have also been made to contact the DPS at his address at Livingston Road and by phone without success, the position is we believe that the all sales of alcohol are not authorised by a personal licence holder and there is no one responsible to deal with day to day compliance issues.



### Public Safety

**19<sup>th</sup> March 2016**

The safety of the premises looked poor, but rather than anything specifically dangerous it generally looked unfit and unsuitable for the public to use. 2 males were temporarily sleeping in what was the dining room as can be seen from the photograph above. At the time the male in control of the premises was Aron Bishop. He claimed that the male who was responsible for the premises was called Shane but was unaware of his surname. Further issues at the premises are as follows;



General condition of the walls in the dining area and evidence of a water leak.



Ceiling tiles in the main reception hall, unsightly condition rather than dangerous.



Large crack in the glass to the main front, further evidence of disrepair.





The bar area looked disused however there was evidence of some alcohol which was apparently for personal use.

## **Prevention of Public Nuisance**

### **12<sup>th</sup> November 2015**

Nicky Todd received a complaint regarding from the occupants of a hotel across the road-99 Coronation Street, Blackpool.

### **17<sup>th</sup> March 2016**

The complaint was sent to Environmental Protection via Customer First Nicky Todd contacted the complainant who explained that people were coming and going from premises from 10pm - 6am most weekdays and the music was blasting from the bar area

The complainant who operates a nearby hotel was concerned when the season starts as she won't be able to have guests in the rooms that face the hotel because the noise is really loud outside and inside the Northlands Hotel.

### **Friday 18<sup>th</sup> March 2016**

Nicky Todd visited the Northlands Hotel with Jason Bramwell and a teenage boy answered the door, approximately 16 years of age, there was no music at time of visit and Shane Finn was not present to be able to be spoken too, it was observed that there was a poster on the front door saying '24 Hour Party call Shane'

In the rear garden there is an accumulation of commercial waste and soft furnishings, this has not been removed and the case file has been passed to Legal for prosecution.

## **Conclusion**

It is clear that the premises is run down and not being operated correctly at all with numerous on going issues, the licence holder and DPS are uncontactable and have not been at the premises for some considerable months.

The view of this authority is the Premises Licence should be revoked.



Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

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## Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick						
	Yes	No					
If yes please state the date of that application	Day		Month		Year		

**If you have made representations before relating to this premises, please state what they where and when you made them.**

--

Please tick

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	<input type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected	<input type="checkbox"/>

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 5 – Signatures (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (Please read guidance note 5) **If signing on the behalf of the applicant please state in what capacity.**

<b>Signed</b>	
<b>Print Name</b>	Mark Marshall
<b>Capacity</b>	Licensing and Health and Safety Manager
<b>Date</b>	26 <sup>th</sup> May 2016

<b>Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)</b>							
<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	<b>Other</b>		
<b>Forenames</b>					<b>Surname</b>		
<b>Address for Correspondence associated with this application</b>							
					<b>Post Code</b>		
<b>Telephone Number</b>	01253 478493			<b>Mobile Number</b>	07796994786		
<b>E-Mail Address</b>	Mark.marshall@blackpool.gov.uk						

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