

# Public Document Pack

## Blackpool Council

2 November 2016

To: Councillors G Coleman, Scott and L Taylor

The above members are requested to attend the:

### **LICENSING PANEL**

Thursday, 10 November 2016 at 4.00 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 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 VARIATION OF A PREMISES LICENCE- MA KELLY'S FOXHALL ROAD** (Pages 1 - 26)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- Ma Kelly's Foxhall Road
- c. ANNOUNCEMENT OF THE DECISION FOR THE VARIATION OF A PREMISES LICENCE- Ma Kelly's Foxhall Road

**5 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- MA KELLY'S TALBOT ROAD** (Pages 27 - 52)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE VARIATION OF A PREMISES LICENCE- Ma Kelly's Talbot Road
- c. ANNOUNCEMENT OF THE DECISION FOR THE VARIATION OF A PREMISES LICENCE- Ma Kelly's Talbot 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)

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>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	10 November 2016

## **APPLICATION TO VARY A PREMISES LICENCE – Ma Kelly’s Foxhall Road**

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

1.1 To consider an application to vary a Premises Licence in respect of Ma Kelly’s Foxhall Road.

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

2.1 The Panel is requested to consider the application and determine whether the granting of this licence 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 representations have received the application must be considered by the Licensing Panel.

### **4.0 Background Information**

4.1 On 16 September 2016, the Licensing Service received an application from Paul Anthony Kelly to vary the premises licence PL1174, Ma Kelly’s, Foxhall Road

4.2 Currently the premises is licensed for the sale of alcohol 10.30 – 00.30 Monday-Thursday, 10.30 – 01.30 Friday-Saturday and 11.00 – 01.00 Sunday; the provision of regulated entertainment until 01.00 hours daily and late night refreshment until 23.30 Monday-Wednesday and 003.0 Thursday - Saturday with the premises closing to the public by 01.00 hours Monday – Thursday and 02.00 Friday – Sunday.

4.3 The application requests an extension of the hours for the sale of alcohol and provision of regulated entertainment until 03.00 on Friday and Saturday with the premises closing to the public at 03.30. A copy of the application is attached at Appendix 4a.

4.4 Representations have been received from Environmental Protection. A copy of the representation is attached at Appendix 4b.

4.5 **Local policy considerations**  
None

4.6 **National policy considerations**

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.

9.43 – Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder as well as the potential benefit in terms of promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside those parameters.

4.6 **Observations**

The following conditions are currently endorsed on the licence:

**Annex 1 - Mandatory conditions**

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

- a) Monday to Thursday 1030 - 0030 the following morning
- b) Friday and Saturday 1030 - 0130 the following morning
- c) Sunday 1100 - 0100 the following morning

- d) On the Friday and Saturday of Easter, May, Spring and August Bank Holiday weekends, and 24th, 26th, 27th and 28th December permitted hours for sale of alcohol shall be 1030 - 0200 the following day. The premises shall close one hour after (0300).
- e) 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 31<sup>st</sup> December)

The above restrictions do not prohibit:

- a) During the first sixty minutes after the above hours the consumption of the alcohol on the premises;
- b) 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;
- c) 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;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The taking of alcohol from the premises by a person residing there; or
- h) 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
- i) 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 (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).
- 5 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

- 6 (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.

7 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.

8 (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.

- 9 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 Noise generated by way of regulated entertainment shall be under the direct control of the licensee and such control shall not be accessible to a member of the public and artistes.
- 2 During the provision of regulated entertainment all windows in the premises shall remain closed, the door entrance on the south elevation shall remain closed except for access and egress except in an emergency, and the middle doors to the west elevation shall remain closed except for access and egress by patrons.
- 3 Access and egress by patrons shall be by the door on the west elevation only after midnight each evening.
- 4 Noise generated shall be inaudible, or at a level set by the local authority, so



as not to give rise to nuisance in adjacent or nearby residential and holiday accommodation.

- 5 The premises are operated in accordance with the principles outlined by the 'Nightsafe' Scheme, as are relevant to those premises, and indicated in the associated leaflet.
- 6 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.
- 7 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 8 The existing closed circuit television system will be maintained appropriate to its purpose and to the satisfaction of the enforcement authorities.
- 9 Where Radiolink equipment is in use it will be 'live' and will be monitored by the Head Doorman or another responsible person while the licensed premises are open for business (if applicable).
- 10 Where possible only toughened glass vessels are used to dispense beverages to customers.
- 11 At least one personal licence holder will be contactable while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.
- 12 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.
- 13 Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by a police officer or a responsible authority.
- 14 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 15 There will be no irresponsible drinks promotions which may encourage binge drinking.
- 16 Staff will be fully trained in relation to sales of alcohol to persons under the

age of 18. No persons under the age of 18 are allowed on the premises at any time.

- 17 A drugs policy is to be in force and operational at the premises.
- 18 The maximum number of persons to be permitted to the premises at any one time shall be 200.
- 19 There will be annual testing and inspection of the gas installation, electrical installation, emergency lighting and fire alarm system at the premises by qualified engineers.
- 20 Signs will be posted at exits reminding customers of the need to leave the premises quietly and with respect for local residents.
- 21 A free phone taxi service is to be available for use by customers.
- 22 Empty bottles shall not be disposed of outside the premises between the hours of 22.00 - 08.00.

### **Annex 3 - Conditions attached after a hearing by the Licensing Authority**

- 1 An individual shall be nominated who has the power to deal with complaints concerning noise as they arise. The details of this person should be made available to Mr and Mrs Devine of 9 Bairstow Street.
- 2 The smoking area shall be closed and the rear exit must only be used as a fire exit.
- 3 Outside lights must be switched off no later than 30minutes before the premises is to close.
- 4 Curtains in the windows must be drawn no later than 22:00hours.
- 5 The CCTV system installed at the premises shall comply with the following:
  - i. 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 incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
  - ii. The system will display on any recording the correct time and date of the recording.
  - iii. The system will make recordings during all hours the premises are open to

the public.

- iv. Digital recording shall be held for a minimum of 28 days, 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.
- v. The system will, as a minimum, shall record images of the head and shoulders of all persons entering the premises.

6 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 to a Police Officer or to a Local Authority Enforcement Officer.

7 The Licence Holder or Designated Premises Supervisor shall 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.

4.7 Does the information submitted include any exempt information? No

4.8 **List of Appendices:**

Appendix 4a: Application

Appendix 4b: Environmental Protection representation

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

# Blackpool Council

16 SEP 2016

## APPLICATION TO VARY A PREMISES LICENCE

<b>Applicant Name(s):</b>	PAUL ANTHONY KELLY.
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PAGES NOT INCLUDED AS IRRELEVANT: 3, 6.

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



# Application to vary a Premises Licence 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.

<b>Full name/s of the premises licence holder/s:</b>
1) PAUL ANTHONY KELLY
2)
3)

I/We the premises licence holder/s named above, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1

<b>Premises Licence number:</b>	PL 1174
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## Part 1 – Premises Details

<b>Premises Address</b>	MA KELLYS.					
	62 FOXHALL ROAD					
	BLACKBOL	<b>Post Code</b>	F	Y	1	5 B W.
<b>Telephone Number of premises (if any)</b>						
<b>Non-domestic rateable value of premises</b>	15,000.					

## Part 2 – Applicant details

<b>Title:</b>	MR	Mrs	Ms	Other	<b>Forename(s)</b>	PAUL ANTHONY		
<b>Surname</b>	KELLY				<b>Date of Birth</b>	Day	Month	Year
<b>Home address</b>	[Redacted]							
	THORNTON CLEVELLYS							
					<b>Post Code</b>	F	Y	5
<b>Telephone Number</b>	[Redacted]				<b>Mobile Number</b>			
<b>E-Mail address</b>	[Redacted]							

### Part 3 – Variation

If yes please tick

Do you want the proposed variation to have effect as soon as possible?

If not, when do you want the variation to take effect from?

Day		Month		Year			

If your proposed variation would mean that 5,000 or more people could be expected to attend the premises at any one time, please state the number expected to attend

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)

Increase in hours for licensable activities on Friday and Saturday nights with adjustment to closing time. All activities to 3:00 am and closing at 3:30 am. Save for Late Night Refreshment to be unchanged.

## Part 4 – Operating Schedule

Please complete those parts of the Operating Schedule below that would be subject to change if this application to vary is successful.

### Provision of regulated entertainment:

If yes please tick

- a) A performance of a play (if ticking yes, fill in box A)
- b) An exhibition of a film (if ticking yes, fill in box B)
- c) An indoor sporting event (if ticking yes, fill in box C)
- d) Boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) A performance of live music (if ticking yes, fill in box E)
- f) Any playing of recorded music (if ticking yes, fill in box F)
- g) A performance of dance (if ticking yes, fill in box G)
- h) Entertainment of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L, and M**

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variation for performing plays (please read guidance note 4)		
Thu					
Fri			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please see guidance note 5)		
Sat					
Sun					



**D**

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)		Indoors	
					Outdoors	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variation for boxing or wrestling entertainment (please read guidance note 4)			
Thu						
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please see guidance note 5)			
Sat						
Sun						

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variation for performance of live music (please read guidance note 4)			
Thu						
Fri	12.00	03.00	Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please see guidance note 5)			
Sat	12.00	03.00				
Sun	unchanged					

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the performance of recorded music take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	<del>UNCHANGED</del>		Please give further details here (please read guidance note 3)		
Tue					
Wed	<del>UNCHANGED</del>		State any seasonal variation for playing recorded music (please read guidance note 4)		
Thu					
Fri	12.00	03.00	Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please see guidance note 5)		
Sat	12.00	03.00			
Sun					

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	<del>UNCHANGED</del>		Please give further details here (please read guidance note 3)		
Tue					
Wed	<del>UNCHANGED</del>		State any seasonal variation for the performance of dance (please read guidance note 4)		
Thu					
Fri	11.00	03.00	Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please see guidance note 5)		
Sat	11.00	03.00			
Sun	<del>UNCHANGED</del>				

**H**

<b>Anything of a similar description to that falling within (E), (F) or (G)</b>  Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing								
			Will this entertainment take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)								
Mon			State any seasonal variation for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)								
Tue											
Wed											
Thu											
Fri	11.00	03.00									
Sat	11.00	03.00									
Sun											
Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please see guidance note 5)											

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)								
Mon			State any seasonal variation for the provision of late night refreshment (please read guidance note 4)								
Tue											
Wed											
Thu											
Fri											
Sat											
Sun											
Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please see guidance note 5)											

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol for consumption be on the premises, off the premises or both (Please read guidance note 7)	On the Premises	
Day	Start	Finish		Off the premises	
Mon	<del>cinema (see)</del>		State any seasonal variation for the supply of alcohol (please read guidance note 4)	Both	X
Tue					
Wed					
Thu					
Fri	10.30	03.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please see guidance note 5)		
Sat	10.30	03.00			
Sun	cinema (see)				

K

Please highlight any adult entertainment or services, activities, other entertainment or matter ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

L

Hours premises are open to the public			State any seasonal variations (please read guidance note 4)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please see guidance note 5)
Mon			
Tue			
Wed			
Thu			
Fri	10.30	03.30	
Sat	10.30	03.30	
Sun			

**Please identify those conditions currently imposed on the licence that you believe could be removed as a consequence of the proposed variation you are seeking**

NONE.

I have enclosed the existing premises licence and summary  If yes please tick

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes you are required to give your reasons for not including the licence, or any part of it below.

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

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (See guidance note 9)**

AS ON PRESENT LICENCE

**b) The prevention of crime and disorder**

AS ON PRESENT LICENCE

**c) Public Safety**

AS ON PRESENT LICENCE

**d) The prevention of public nuisance**

AS ON PRESENT LICENCE

**e) The protection of children from harm**

AS ON PRESENT LICENCE

If yes please tick

- I have made or enclosed payment of the fee
- I have sent copies of this application, a copy of the plan and a photocopy of the existing premises licence to responsible authorities and others where applicable
- I understand that I must advertise my application
- I have enclosed the premises licence or relevant part of it or an explanation why not
- 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 5 – Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on the behalf of the applicant please state in what capacity.

Signed	<i>Ed solicitor Michael</i>
Print Name	MICHAEL WOOSNAM.
Capacity	SOLICITOR FOR APPLICANT.
Date	12.9.2016.

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signed	
Print Name	
Capacity	
Date	

Contact name (where not previously given) and address for correspondence associated with this application. (Please read guidance note 13)

Title:	Mr	<del>Mrs</del>	Miss	Ms	Other	
Forenames	MICHAEL			Surname	WOOSNAM	
Address for Correspondence associated with this application	ROLAND ROBINSONS & FENTONS					
	87 ADELAIDE STREET.					
	Blaugdon	Post Code	F	Y	1	4 L X
Telephone Number	01253 621432			Mobile Number		
E-Mail Address	mwe@rfsolicitors.com					

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Appendix 4b

From: Nicky Todd  
Sent: 14 October 2016 10:16  
To: Sharon Davies  
Subject: FW: Ma Kellys -Foxhall

Dear Licensing Authority.

As an authorised Officer from Environmental Protection I wish to formally lodge a representation to the variation submitted by Ma Kellys, Foxhall Road.

The basis for our concerns are that the applicant has not offered any measures as to how they will control noise from regulated entertainment. The area is heavily populated with small hotels and guest houses and this extra hour will mean that the premises will be open later than most others in the locality and therefore could quickly become busier than residents have become used to during this later hour.

Through Mark Marshall we have contacted the applicant solicitor to discuss some reasonable measures that we think will be effective, a copy of this e mail is attached along with a follow up e mail that unfortunately to date have received no satisfactory response.

Regards  
Nicky Todd  
Environmental Protection Officer  
Tel - 01253 478318  
Mobile - 07788353486

Public Protection Division | Community and Environmental Services  
Department | Blackpool Council |  
PO BPX 4 |Blackpool | FY1 1NA

From: Michael Woosnam [mailto:MW@rrfsolicitors.com]  
Sent: 05 October 2016 13:32  
To: Mark Marshall  
Subject: Re: Ma Kellys -Foxhall

Hi Mark  
No he hasn't come back to me so I will chase again  
Michael

Sent from my iPhone

On 4 Oct 2016, at 06:29, Mark Marshall <mark.marshall@blackpool.gov.uk> wrote:

Hi Michael

Any update with your instructions ?

Mark Marshall  
Licensing and Health & Safety Manager  
Blackpool Council  
01253478493

From: Michael Woosnam [mailto:MW@rrfsolicitors.com]  
Sent: 23 September 2016 10:01  
To: Mark Marshall  
Subject: Re: Ma Kellys -Foxhall

Many thanks Mark  
I will get some instructions and get back to you  
Michael

Sent from my iPhone

On 23 Sep 2016, at 09:58, Mark Marshall <mark.marshall@blackpool.gov.uk>  
wrote:  
Dear Michael

You may be aware that Ma Kellys - Foxhall was subject to a review  
about 5 years ago on the grounds of Public Nuisance ( regular  
disturbance from the entertainment ) since the review I have to say  
there has been no negative feedback from residents.

Following discussions with EP they have concerns that the extra hour  
may cause significant impact, I have explained the need for an evidence  
base should they wish to object as the onus is on the Responsible  
Authority in such cases where the premises falls outside a Cumulative  
Impact area.

However I do note that there are no additional controls mentioned on  
the application with regards to preventing public nuisance in this extra  
hour and I write to canvass your view on noise limiting equipment being  
installed and pre agreed limits being set with EP.

Clearly a reasonable lead in period could be negotiated such as; 3  
months from the grant of the variation, the basis of the concerns will be  
that the premises will be operating later than most in the area and this  
last hour could see a real upturn in occupancy arriving late on, for  
example Reflex ( formally the Fox hall has terminal hour of 2m for  
alcohol ) .

From recollection the premises at one point did have some limiting  
equipment installed so just agreeing a reasonable limit to safe guard the  
residents in the vicinity I'm sure would not be a big ask.

I am contacting you on behalf of EP just to make the initial introduction  
but if you are agreeable to the proposal perhaps you could liaise  
directly  
with Nicky Todd who will facilitate the practicalities of the agreed  
noise  
limit and any mediation form to confirm the wording and time limit for  
the condition to be in place.

Mark Marshall

Licensing and Health & Safety Manager  
Blackpool Council  
01253478493

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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>	10 November 2016

## **APPLICATION TO VARY A PREMISES LICENCE – Ma Kelly’s Talbot Road**

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

1.1 To consider an application to vary a Premises Licence in respect of Ma Kelly’s Talbot Road.

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

2.1 The Panel is requested to consider the application and determine whether the granting of this licence 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 representations have received the application must be considered by the Licensing Panel.

### **4.0 Background Information**

4.1 On 16 September 2016, the Licensing Service received an application from Paul Anthony Kelly to vary the premises licence PL0881, Ma Kelly’s, Talbot Road.

4.2 Currently the premises is licensed for the sale of alcohol and the provision of regulated entertainment until 01.00 hours Monday-Wednesday, 02.00 Thursday and Sunday and 03.00 Friday-Saturday; late night refreshment until 02.00 Monday-Wednesday, 03.00 Thursday/Sunday and 04.00 Friday-Saturday with the premises closing to the public one hour after the permitted time for the sale of alcohol ceases.

4.3 The application requests an extension of the hours for the sale of alcohol and provision of regulated entertainment until 04.00 on Friday and Saturday with the premises closing to the public at 04.30. A copy of the application is attached at Appendix 5a.

4.4 Representations have been received from Lancashire Constabulary. A copy of the representation is attached at Appendix 5b

#### 4.5 **Local policy considerations**

This premises is situated in the town centre saturation area.

4.7.5 The policy will apply to applications including the sale or supply of alcohol on the premises and the provision of late night refreshment for:

- New premises licences
- New club premises certificates
- Provisional statements
- Variations to existing licences (where the modifications are directly relevant to the issue of cumulative impact, for example, extension of trading hours or capacity).

4.7.6 The effect of the policy is to create a rebuttable presumption that applications listed above will be refused. To rebut this presumption an applicant would be expected to show through the operating schedule and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. The licensing authority expects that applications covered by this policy will be discussed with the responsible authorities in advance of submission. Applications should include detailed proposals dealing with the seating provision for customers (what percentage of proposed trading area will be seated), the provision of food, the type and style of entertainment to be offered. Premises which intend to primarily offer vertical drinking are unlikely to be able to rebut the presumption of refusal.

4.7.7 This policy does not act as an absolute prohibition on the granting of new licences however the policy will only be overridden in genuinely exceptional

cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.

4.7.8 An application is not likely to be classed as exceptional merely on the ground that the premises have been or will be operated within the terms of its licence or that they are/will be well managed. This is to be expected of any application.

#### 4.6 **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.

9.43 – Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder as well as the potential benefit in terms of promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside those parameters.

3.35 – After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case... if the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

#### 4.7 **Observations**

The following conditions are currently endorsed on the licence:

## **Annex 1 - Mandatory conditions**

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

- a) On Monday to Wednesday 10.00 to 01.00 hours the following day
- b) On Thursday 10.00 to 02.00 hours the following day
- c) On Friday to Saturday 10.00 to 03.00 hours the following day
- d) On Sunday 10.00 to 02.00 hours the following day
- e) On the Friday to Monday of Easter, May, Spring and August Bank Holidays, the Thursday before Easter and on Christmas Eve, an additional hour will be permitted
- f) 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 31<sup>st</sup> December)

The above restrictions do not prohibit:

- a) During the first sixty minutes after the above hours the consumption of the alcohol on the premises;
- b) 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;
- c) During the first sixty 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;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The taking of alcohol from the premises by a person residing there; or
- h) 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
- i) 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.

The sale of alcohol must be ancillary to the use of the premises for music



and dancing and substantial refreshment.

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 premise licence must be made or authorised by a person who holds a personal licence.

4 (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).

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

6 (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.

7 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.

8 (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.

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.

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.

- 10 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.
- 11 The terms, conditions and restrictions detailed in the Blackpool Borough Council Entertainments Licences (Standard Conditions) Regulations 1985 must be adhered to at all times.
- 12 The premises shall not be used for public entertainment on Sunday except between the hours defined by the schedule and then only for (a) musical entertainment as defined by the Sunday Entertainments Act 1932, and (b) dancing in respect of which an admission charge is not made.
- 13 Music must not be excessive in volume and must be under the control of the holder of the licence or his duly appointed representative. The requirements of the Licensing Authority's Environmental Health Division in relation to levels of noise produced inside or outside the premises as a result of, incidental to, or arising from the public entertainment, shall be complied with.
- 14 The maximum number of persons to be accommodated in the premises or in any particular part of the premises at any one time shall be as follows:

Ground Floor Bar	600
Basement	500

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

- 1 The non-standard hours for the provision of Regulated Entertainment, Late Night Refreshment and the Premises Opening Hours are as follows:

On the Friday to Monday of Easter, May, Spring and August Bank Holidays, the Thursday before Easter and on Christmas Eve, an additional hour will be permitted.

- 2 Where appropriate soft drinks and non-alcoholic refreshment will be available during the period between the cessation of the supply of alcohol and the closure of the premises.
- 3 The premises will respect the Spirit Group's Approach to Responsible Drinking.
- 4 When door staff are used they will be Security Industry Authority (SIA) approved and operate in accordance with the security industry guidelines.
- 5 A zero tolerance towards illegal drugs will be enforced at all times.
- 6 If a disc jockey is used on any night then he / she will ask customers to leave quietly.
- 7 All instances of crime and disorder will be reported to the police and will be kept in an incident log book.
- 8 The existing CCTV system will continue to operate and be kept in good working order.
- 9 Free drinking water will be available at all times.
- 10 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.
- 11 Notices will be displayed asking our customers to respect our neighbours when leaving the premises.
- 12 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.
- 13 A no smoking area will be provided.
- 14 A recognised proof of age policy will be enforced.
- 15 The premises shall be operated in participation with the 'Pubwatch' and 'Radiolink' schemes.
- 16 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.

- 17 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.
- 18 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 19 All door staff employed at the entrance / exit of the licensed premises will wear a reflective jacket/tabard of a design approved by the Lancashire Constabulary.
- 20 The Local Authority CCTV control room will be notified
  - a) On any occasion when the premises CCTV or radio system is operative.
  - b) When the CCTV or radio system has been brought back into use
- 21 The Police Licensing Unit shall be notified on any occasion when the CCTV or radio system 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.
- 22 The Radiolink equipment will be 'live' and will be monitored by the Head Doorman or another responsible person while the licensed premises are open for business.
- 23 Only toughened glass vessels are used to dispense beverages to customers.
- 24 At least one personal licence holder will be available on the licensed premises while the supply or sale of alcohol is being undertaken (who's identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.
- 25 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.
- 26 Adequate first aid provision is available at all times to include having at least one trained first-aider on the premises at all times the premises are being operated.
- 27 Risk assessments carried out by or on behalf of the Licence holder which relate to a licensing objective will be available for inspection by an officer or a

Responsible Authority.

- 28 Clearly visible notices, in a form prescribed by the Council, shall be displayed advising those attending that 1. It is a condition of entry that customers agree to be searched and 2. Police will be informed if anyone is found in possession of controlled substances or weapons.
- 29 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
- 30 Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be available for inspection.
- 31 Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
- 32 A drugs prevention strategy for the venue shall be developed and applied. The strategy shall include arrangements for the location of posters and the distribution of other information relating to drugs risks, the dangers associated with drugs and the legal provisions relating to drug use.
- 33 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.
- 34 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 35 All external windows and doors should be closed during hours of Regulated Entertainment, except in the case of an emergency.
- 36 Noise from ant Regulated Entertainment or Mechanical Ventilation will be inaudible within the nearest sensitive properties or, at the discretion of the Local Authority, shall not exceed some other pre-agreed limit, which does not cause unreasonable disturbance to the residents of these properties or their guests.
- 37 Vibration produced as a result of any Regulated Entertainment shall not be perceptible in any adjoining or nearby sensitive properties.

4.8 Does the information submitted include any exempt information? No

**4.9 List of Appendices:**

Appendix 5a: Application

Appendix 5b: Lancashire Constabulary representation

**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



# Blackpool Council

16 SEP 2016

## APPLICATION TO VARY A PREMISES LICENCE

**Applicant Name(s):**

PAUL ANTHONY KELLY

*Pages 6 not included - not relevant*

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



# Application to vary a Premises Licence 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)	PAUL ANTHONY KELLY
2)	
3)	

I/We the premises licence holder/s named above, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1

Premises Licence number:	PL 0881
--------------------------	---------

## Part 1 – Premises Details

Premises Address	MA KELLYS.					
	77 TALBOT ROAD					
	Blackpool.	Post Code	F	Y	I	L
Telephone Number of premises (if any)	01253 299889.					
Non-domestic rateable value of premises	50,000 —					

## Part 2 – Applicant details

Title:	MR	Mrs	Ms	Other	Forename(s)	PAUL ANTHONY				
Surname	KELLY				Date of Birth	Day	Month	Year		
Home address	[Redacted]									
	THORNTON CLEVELYS									
					Post Code	F	Y	S		
Telephone Number					Mobile Number	[Redacted]				
E-Mail address	[Redacted]									

# Part 5 – Variation

If yes please tick

Do you want the proposed variation to have effect as soon as possible?

If not, when do you want the variation to take effect from?

Day		Month		Year			

If your proposed variation would mean that 5,000 or more people could be expected to attend the premises at any one time, please state the number expected to attend

**Please describe briefly the nature of the proposed variation** (Please see guidance note 1)

TO INCREASE THE HOURS ON FRIDAY AND SATURDAY NIGHTS FOR PERFORMANCE OF LIVE MUSIC, PLAYING RECORDED MUSIC, ENTERTAINMENT OF A SIMILAR DESCRIPTION AND SALE OF ALCOHOL TO 04:00 HOURS WITH THE PREMISES CLOSING AT 04:30 HRS. THIS APPLIES TO BOTH THE GROUND FLOOR BAR AND BASEMENT. ALL OTHER ACTIVITIES AND OPERATING HOURS TO REMAIN AS AT PRESENT.

## Part 4 – Operating Schedule

Please complete those parts of the Operating Schedule below that would be subject to change if this application to vary is successful.

### Provision of regulated entertainment:

If yes please tick

- a) A performance of a play (if ticking yes, fill in box A)
- b) An exhibition of a film (if ticking yes, fill in box B)
- c) An indoor sporting event (if ticking yes, fill in box C)
- d) Boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) A performance of live music (if ticking yes, fill in box E)
- f) Any playing of recorded music (if ticking yes, fill in box F)
- g) A performance of dance (if ticking yes, fill in box G)
- h) Entertainment of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L, and M**

### A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variation for performing plays (please read guidance note 4)		
Thu					
Fri			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please see guidance note 5)		
Sat					
Sun					

**D**

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variation for boxing or wrestling entertainment (please read guidance note 4)		
Thu					
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please see guidance note 5)		
Sat					
Sun					

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors, outdoors or both – please tick accordingly (Please read guidance note 2)	Indoors	X
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)  FOR BOTH GROUND FLOOR BAR AND BASEMENT	Both	
Tue					
Wed			State any seasonal variation for performance of live music (please read guidance note 4)		
Thu					
Fri	10.00	04.00	Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please see guidance note 5)		
Sat	10.00	04.00			
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of recorded music take place indoors, outdoors or both – please tick accordingly</b> (Please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
Day	Start	Finish	Both		
Mon	<del>UNCHANGED</del>		<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variation for playing recorded music</b> (please read guidance note 4)		
Thu					
Fri	10.00	04.00	<b>Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please see guidance note 5)		
Sat	10.00	04.00			
Sun	<del>UNCHANGED</del>				

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors, outdoors or both – please tick accordingly</b> (Please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish	Both		
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variation for the performance of dance</b> (please read guidance note 4)		
Thu					
Fri			<b>Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please see guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (E), (F) or (G)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>								
			<b>Will this entertainment take place indoors, outdoors or both – please tick accordingly</b> (Please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)								
Mon			<b>State any seasonal variation for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)								
Tue											
Wed											
Thu											
Fri	13.00	04.00									
Sat	10.00	04.00									
Sun	UNCHANGED										

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors, outdoors or both – please tick accordingly</b> (Please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)								
Mon			<b>State any seasonal variation for the provision of late night refreshment</b> (please read guidance note 4)								
Tue											
Wed											
Thu											
Fri											
Sat											
Sun											

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol for consumption be on the premises, off the premises or both (Please read guidance note 7)	On the Premises	
Day	Start	Finish		Off the premises	
Mon	<del>UNCHANGED</del>		State any seasonal variation for the supply of alcohol (please read guidance note 4)	Both	X
Tue					
Wed					
Thu					
Fri	10.00	04.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please see guidance note 5)		
Sat	10.00	04.00			
Sun	UNCHANGED				

K

Please highlight any adult entertainment or services, activities, other entertainment or matter ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE,



<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		
<b>Mon</b>	UNCHANGED			
<b>Tue</b>				
<b>Wed</b>		<b>Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list</b> (please see guidance note 5)		
<b>Thu</b>				
<b>Fri</b>	09.00			04.30
<b>Sat</b>	09.00			04.30
<b>Sun</b>	UNCHANGED			

**Please identify those conditions currently imposed on the licence that you believe could be removed as a consequence of the proposed variation you are seeking**

NONE.

If yes please tick

I have enclosed the existing premises licence and summary

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes you are required to give your reasons for not including the licence, or any part of it below.

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

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (See guidance note 9)**

NONE. EXISTING OPERATING SCHEDULE COVERS ALL ISSUES.

**b) The prevention of crime and disorder**

NONE

**c) Public Safety**

NONE

**d) The prevention of public nuisance**

NONE

**e) The protection of children from harm**

NONE

If yes please tick

- I have made or enclosed payment of the fee
- I have sent copies of this application, a copy of the plan and a photocopy of the existing premises licence to responsible authorities and others where applicable
- I understand that I must advertise my application
- I have enclosed the premises licence or relevant part of it or an explanation why not
- 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 5 – Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on the behalf of the applicant please state in what capacity.

Signed	<i>RF solicitors MWA</i>
Print Name	<i>MICHAEL WOODSNAM</i>
Capacity	<i>SOLICITOR FOR APPLICANT</i>
Date	<i>12.9.2016</i>

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signed	
Print Name	
Capacity	
Date	

Contact name (where not previously given) and address for correspondence associated with this application. (Please read guidance note 13)

Title:	Mr	Mrs	Miss	Ms	Other	
Forenames	MICHAEL			Surname	WOODSNAM	
Address for Correspondence associated with this application	ROLAND ROBINSONS & FENTONS					
	87 ADELAIDE STREET					
	Blackpool	Post Code	F	4	1	4 L X
Telephone Number	01253 621432			Mobile Number		
E-Mail Address	<i>mwa rfsolicitors.com</i>					

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<b>Blackpool Council Licensing Service</b>				
Representation made by a Responsible Authority to an application for the grant / variation of a Premises Licence / Club Premises Certificate				
<b>Responsible Authority</b>				
Name of Responsible Authority	<b>LANCASHIRE CONSTABULARY</b>			
Name of Officer <i>(please print)</i>	PS1747 Helen Parkinson			
Signature of Officer				
Contact telephone number	<b>01253 604074</b>			
Date representation made	<b>10</b>	<b>10</b>	<b>16</b>	
Do you consider mediation to be appropriate				NO
<b>Premises Details</b>				
Premises Name	<b>Ma Kelly's</b>			
Address	77 Talbot Road			
	Blackpool			
	Lancashire			
Post Code	FY1 1LL			
<b>Reasons for making representations</b>				
<p>I am in receipt of an application for a Major Variation to the Premises Licence for the above address.</p> <p>The variation includes increasing the hours for recorded music and the supply of alcohol on Friday and Saturday nights from 03:00 to 04:00 and the closing time extended to 04:30.</p> <p>On behalf of the Chief Officer of Police, having reviewed the application the Police make formal objections on the following grounds:</p> <p>The police base this objection on the following points:</p> <ol style="list-style-type: none"> <li>1) The premises falls within the current Town Centre Saturation area as part of the Council's Cumulative Impact Policy.</li> <li>2) The number of current issues around crime and disorder the area is experiencing.</li> <li>3) Issues already experienced at the premises themselves.</li> </ol> <p>When the current Saturation area was reviewed in 2013 a large part was removed leaving only those areas which currently require significant resourcing from police and other responsible authorities and the area where Ma Kelly's is located remains within this area. The issues in this area of the Town Centre are mainly caused due to the behaviour of customers of all the premises together and not just one individual venue due to high concentration of late night licences already in place, both on-licences</p>				

and take-aways. The Cumulative Impact Policy applies to applications to vary existing licences, as well as new licences, where modifications are directly relevant to this issue. Police believe that in this case, an extension to current trading hours will have a detrimental impact.

Within the last 6 months police have identified 373 recorded incidents within the close vicinity (approx. ¼ mile radius) of Ma Kelly's between the hours of 02:00 – 06:00. These incidents range from public order, nuisance, concerns for safety, assault and suspicious circumstances. Of those incidents, 118 were recorded where a disturbance has taken place between Ma Kelly's and the junction of Dickson Road & Queen Street near Kaos and 44 of those have crimes recorded against them.

It is not only the number of on licences that impact on this but also the number of take-aways with late night licences in the vicinity. This increases the number of people that gather in this area into the early hours, once they have left the drinking establishment. With premises in the area already having 04:00 licences another premise opening to this hour will just intensify this issue as well as increase the availability of alcohol.

In relation to incidents at the premises themselves, there have been 30 calls to the venue in the last 6 months at all times of the day and night. There are three significant incidents in last 6 weeks between 02:30 – 05:00 directly related. These involve a male being assaulted, a female assaulted outside after drinking inside the venue and finally a large disturbance at 03:30hours.

Lancashire Constabulary has significant concerns that crime and disorder will increase if this premises is allowed to increase the licensable hours. This will add to the cumulative impact already being experienced within the Town Centre Saturation Area and would lead to further alcohol fuelled crime and disorder and contribute to the stress and further burden on the emergency services.

**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