

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	17 May 2016

APPLICATION TO REVIEW A LICENCE – Cressington Hotel

1.0 Purpose of the report:

1.1 To consider an application by Health and Safety to review the licence issued in respect of Cressington Hotel, 8-10 Barton Avenue.

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 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 an application for the Review of a Premises Licence is submitted it must be considered by the Licensing Panel.

4.0 Background Information

4.1 The Cressington Hotel, 8-10 Barton Avenue has the benefit of a Premises Licence authorising live music, recorded music, a performance of dance and entertainment of a similar description 19.00 -0.00 hours daily. The sale of alcohol for consumption on the premises to residents and their bona fide guests is permitted 24 hours a day.

4.2 On 23 March 2016, the Licensing Service received an application from Health and Safety 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 and Designated Premises Supervisor is Karl Matthew Grainger

4.5 **Local policy considerations**

None

4.6 **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 Designated Premises Supervisor
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 The premise shall be used for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals.
- 2 Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption, with or otherwise as an ancillary to, meals served in the licensed premises.
- 3 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends, bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.
- 4 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.
- 5 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 6 (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).

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

8 (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.

9 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.

10 (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 Non-standard timings for permitted regulated entertainment are as follows:
 - (i) 24th December - 28th December, 7.00 p.m. to 01.00 a.m.
 - (ii) 31st December - 2nd January, 7.00 p.m. to 01.00 a.m.
- 2 The karaoke will not be used for more than 2 hours in any 24 hour period.
- 3 Noise from any regulated entertainment will be inaudible at the nearest sensitive premises or if pre-agreed with the Local Authority will not exceed some other reasonable limit.
- 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.
- 6 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.
- 7 Regular assessments of the noise coming from the premises during regulated entertainment shall be made and the noise level adjusted accordingly.

4.8 Does the information submitted include any exempt information?

No

4.9 List of Appendices:

Appendix 4a: Application for the Review of a Premises Licence

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