

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Decision or Item number</b>	<b>4</b>
<b>Relevant Officer:</b>	Sharon Davies, Principal Solicitor Licensing
<b>Date of Meeting :</b>	25 <sup>th</sup> June 2014

## **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- EMPRESS HOTEL**

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

1.1 To consider an application for the review of the Premises Licence for Empress Hotel submitted by Health and Safety and the relevant representation.

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

2.1 Members will be requested to determine the application.

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

3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Licensing Panel.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, the application and the representations must be considered.

## **4.0 Background Information**

### **4.1 Application**

The Empress Hotel, 59 Exchange Street Blackpool has the benefit of a premises licence permitting:

1. Sale of alcohol on and off the premises

- a. Sunday-Wednesday 10.00 - 00.00
- b. Thursday-Saturday 10.00 - 01.30

2. Regulated entertainment

- a. Sunday-Wednesday 12.00 - 00.00
- b. Thursday 12.00 - 00.30
- c. Friday-Saturday 12.00 - 01.00

3. Late night refreshment

- a. Monday-Thursday 23.00 - 23.30
- b. Friday-Saturday 23.00 - 01.00

The premises may be open to the public

- 1. Sunday - Wednesday 10.00 - 01.00
- 2. Thursday - Saturday 10.00 - 02.30

On 8th April 2014, the licensing service received an application to review this premises licence on the grounds of public safety. A copy of the application is attached.

The licence holder is Richard Crawley

The designated premises supervisor is Kevin Scott.

### **4.2 Local policy considerations**

The licensing authority will view particularly seriously applications for the review of any premises licence where it involves the:

- 1. Underage purchase and consumption of alcohol
- 2. Continuous breaches or contraventions of licence conditions
- 3. Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
- 4. Where serious risks to children have been identified
- 5. Not operating the premises according to the agreed operating schedule

#### 4.3 **National policy considerations**

Where the licensing authority considers that action under its statutory powers are appropriate, it may take the following steps:

1. Modify the conditions of the premises licence
2. Exclude a licensable activity
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period not exceeding three months
5. Revoke the licence.

#### 4.4 **Observations**

This is the third review application submitted in respect of this premises

The first was submitted by Lancashire Constabulary in December 2007. At a hearing in February 2008, the panel determined the review by

1. Removing the designated premises supervisor
- 2, Suspending the licence for two weeks or until such time as all outstanding work has been attended to the satisfaction of the health and safety department.

The licence was in the name of a different person at that time.

The second review was submitted by health & safety in June 2013. The licence holder at that time was Harris Properties and the Designated Premises Supervisor, Paul Greenwood. The review lapsed when the premises licence was surrendered in July 2013, The premises licence was reinstated by way of a transfer application made later that month. The review should also have been re-instated but was not due to an administrative error.

The licence is currently subject to the following conditions:

##### Annex 1 - Mandatory conditions

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

- a) Sunday to Wednesday 1000 - midnight
- b) Thursday to Saturday 1000 - 0130
- c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31st December)

The above restrictions do not prohibit:

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

5 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. Games or other activities which require or encourage, or are designed to require or encourage individuals to -

- i Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- ii. Drink as much alcohol as possible (whether within a time limit or otherwise);
- b. Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined by section 159 of the Act);
- c. Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d. Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependant on -
  - i. The outcome of a race, competition or other event or process, or
  - ii. The likelihood of anything occurring or not occurring;

6 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

8 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 year of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9 The responsible person shall ensure that -

- a. Where any of the following alcoholic drink is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - i. Beer or cider: ½ pint;
  - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
  - iii. Still wine in a glass: 125ml; and

- b. Customers are made aware of the availability of these measures.

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

1 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.

2 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.

3 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.

4 Only toughened glass vessels are used to dispense beverages to customers.

5 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.

6 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.

7 Another member of staff shall be nominated to act for the DPS, in their absence, whose identity is known by all other staff when such absence occurs.

8 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.

9 During the final hour of daily trading appropriate announcements are made or images are projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises. This will apply when entertainment is provided.

10 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.

11 Before any regulated entertainment may take place, the applicant should employ the services of a reputable sound consultant to undertake a detailed noise assessment, which should then be furnished to Environmental Services Division for their comments and recommendations. Any sound attenuation works should be carried out in accordance with the noise assessment and to the satisfaction of the Head of Environmental Services.

12 Noise from any 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.

13 The volume of amplified sound used in connection with any regulated 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.

14 Vibration produced as a result of any regulated entertainment shall not be perceptible in any adjoining or nearby sensitive properties.

15 All internal lobbied doors to any entrance / exit point, fire exit doors and external windows should be closed during hours of any regulated entertainment, except in the event of an emergency, save for the purposes of access and egress.

16 Suitable receptacles shall be provided for the storage of waste and these shall be constructed in such a way that they prevent the breaking open of these receptacles and removal of the waste by vandals, thieves, animals, accident and weather.

17 There will be no irresponsible drinks promotions which may encourage binge drinking.

18 All members of staff concerned with sales of alcohol will be trained in relation to sales of alcohol to persons under the age of 18 years.

19 CCTV is installed both internally and externally, including covering the main entrance.

20 A zero tolerance drugs policy is in place at the premises.

21 A maximum capacity of 200 persons is applicable to the premises, plus 50 persons in the resident's lounge.

22 Annual testing of the gas installation, emergency lighting and fire alarm system will take place by a qualified engineer.

23 There shall be signs posted at the exits reminding customers to leave quietly and with respect for local residents.

24 Children under the age of 16 years are only allowed in the family room and residents' lounge.

25 No persons under the age of 18 will be allowed access to any part of the premises after 2100 on any day (with the exception of persons resident at the premises.)  
Does the information submitted include any exempt information? No

**List of Appendices:**

Appendix 4a Application for review from Licensing Authority

Appendix 4b Representations from Lancashire Constabulary

**6.0 Legal considerations:**

6.1 Please see local and national policy in the background information.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None