

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

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- UNDERBAR

1.0 Purpose of the report:

1.1 To consider an application for the review of the Premises Licence for Underbar submitted by Licensing Authority and the relevant representations.

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

Underbar, Bank Hey Street Blackpool has the benefit of premises licence PL 1878 issued in March 2012 authorising regulated entertainment and the sale of alcohol 10.00 - 03.00 hours daily and the provision of late night refreshment 23.00 - 04.00 hours daily. The premises may open to the public 10.00 - 04.00 hours.

The venue was previously licensed under PL1371 between 2005 and February 2012 when the licensed was found to have lapsed as the company holding the licence had been dissolved.

On 25th April 2014, the licensing service received an application to review this premises licence on the grounds of crime & disorder, public safety and public nuisance. A copy of the application is attached.

The premises licence holder is Underbar Blackpool Limited. The Designated Premises Supervisor is Steven James Lawrence.

4.2 Local policy considerations

The section on reviews (page 12 and 13) is relevant

4.3 National policy considerations

The panel should have regard to section 11 of the Secretary of States' Guidance, in particularly paragraphs 11.16 - 11.23 which deals with the licensing authority's powers when determining a review.

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

The licence is currently subject to the following conditions:

Annex 1 - Mandatory conditions

1 No supply of alcohol may be made under the premises licence -

a) At a time when there is no designated premises supervisor in respect of the premises licence,

or

b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.

3 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;

4 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).

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

6 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.

7 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 Permitted hours for all licensable activities and the opening hours of the premises shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

2 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.

3 At least one personal licence holder will be available on the licensed premises 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.

4 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.

5 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.

6 The premises shall maintain a drinks pricing policy which complies with any Local Authority resolution made in accordance with approval from the Licensees Forum or any successor liaison body recognised by the Licensing Authority.

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

8 The premises are operated in accordance with the principles outlined by the 'Nightsafe' Initiative, as are relevant to those premises, and indicated in the associated leaflet.

9 The premises shall be operated in participation with the 'Pubwatch' and 'Radiolink' schemes, where reasonably available.

10 The premises shall be operated in compliance with the recommendations contained in Safer Clubbing.

11 A minimum of two door supervisors will be posted at the front door of the premises on a Friday or Saturday evening from the last weekend in April to the first weekend in November from 21.00 until the terminal hour of opening at the premises, except in the case of emergency. At all other times, a minimum of one door supervisor will be posted at the front door of the premises on a Friday and Saturday evening from 21.00 until the terminal hour of opening at the premises, except in the case of emergency.

12 The premises are to be equipped with a closed circuit television system, which is appropriate to its purpose and provided and maintained to the satisfaction of the enforcement Authorities.

13 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

14 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.

15 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, when this equipment is in operation.

16 Toughened glasses or polycarbonate drinking vessels are to be used.

17 The premises has a zero tolerance policy on drugs.

18 Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.

19 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.

20 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.

21 Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.

22 Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be available for inspection.

23 Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.

24 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.

25 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises. Signs with regard to the street ban on bottles / glasses are in place.

26 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.

27 The volume of amplified sounds 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.

28 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.

29 Noise from any regulated entertainment will be inaudible at the nearest sensitive premises or, at the discretion of the Local Authority, shall not exceed some other pre-agreed limit, which does not cause unreasonable disturbance.

30 All reasonable measures shall be taken to ensure that noise from regulated entertainment shall be contained within the premises, and any noise break out shall

not dominate the background noise environment in the streets or other public places.

31 Regular assessments of the noise coming from the premises during regulated entertainment shall be made and the noise level adjusted accordingly.

32 All staff who are involved in the sales of alcohol will have achieved a minimum qualification of BII Level 1 or the equivalent within 28 days of commencing their employment or commencing the role involving them with the sale of alcohol. Records to evidence this shall be available for inspection to a Police Officer or authorised officer on request.

33 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.

34 The Licence holder and DPS are to support and rigorously enforce a Challenge 25 proof of age policy.

Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following forms of identification will be acceptable:

- i. Passport;
- ii. UK photo driving licence;
- iii. PASS accredited holographic Proof of Age card; or
- iv. Any other form of identification which may be agreed with Lancashire Constabulary Licensing Unit.

Does the information submitted include any exempt information?

No

List of Appendices:

Appendix 4a Application for review from Licensing Authority

Appendix 4b Representations from Health and Safety

Appendix 4c Representations from Lancashire Constabulary

Appendix 4d- Representations from Enterprise Inns

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