

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

APPLICATION TO REVIEW A LICENCE – North Parade Guest House trading as Casey’s Bar

1.0 Purpose of the report:

1.1 To consider an application from the Licensing Authority to review the licence issued in respect of the North Parade Guest House, 68-70 Dickson Road.

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

4.0 Background Information

4.1 The North Parade Guest House, 68-70 Dickson Road, has the benefit of a Premises Licence authorising live music, recorded music, and the sale of alcohol for consumption on the premises to residents 24 hours a day. Alcohol may also be sold to non-residents 11.00 – 23.00 Monday-Thursday, 11.00 – 01.00 Friday – Saturday, 11.00 – 00.00 Sunday.

- 4.2 On 8 August 2016 the Licensing Service received an application from the Licensing Authority to review this licence on the grounds of the prevention of crime and disorder, the prevention of public nuisance and protection of children from harm. A copy of the application is attached at Appendix 4a.
- 4.3 Representations have been received from Lancashire Constabulary and the Child Protection Licensing Officer. Copies of the representations are attached at Appendices 4b and 4c.
- 4.4 The licence holder is Casey's Carvery Limited and the designated premises supervisor is Patrick William Buckley.

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 DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

4.7 Observations

Since the review was submitted discussions have been taking place between the licence holder and the Responsible Authorities. As a result of these discussions the panel will be asked to consider the following conditions:

- Any person under the age of 18 must be accompanied by a responsible adult and remains the responsibility of the accompanying adult at all times when using the premises. Members of staff are not allowed to be in sole supervision of children,
- There shall be no persons under 18 on the premises from 21.30 other than residents. Residents who are under 18 are not permitted in the licensed area or in the beer garden after 21.30 unless in the case of emergency or for access reasons only,
- All members of staff shall receive suitable training with regard to serving drunks and are to receive regular refresher training at intervals of a maximum of six months. Records to evidence this shall be made available to an authorised officer upon request,
- Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the venue. Any person within the premises who appears to be intoxicated or who is behaving in a disorderly manner shall be given care and consideration in leaving the venue,
- From 20.00 on Friday and Saturday evenings there will be one SIA registered door supervisor employed until all non-residential customers have left the premises,
- Whenever regulated entertainment is taking place after 21.00 all windows and doors will be kept closed except for access and egress,
- Condition 11 in Annexe 2 shall be amended to read “whenever regulated entertainment is taking place, regular assessments taken by a competent member of staff shall be made of any noise emanating from the premises. Wherever said assessments indicate that noise is likely to cause nuisance to any residents or businesses in the vicinity, steps will be taken to reduce the level of noise”.

The Licensing Authority, Police and Child Protection Licensing Officer all agree with the proposed conditions although the licence holder will be asked to volunteer to attend the Child Sexual Exploitation Awareness Session to be held on 11 November 2016.

This licence currently has the following conditions endorsed upon it:

Annex 1 - Mandatory conditions

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

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

or

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

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

3 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 live music, recorded music, any other entertainment of a similar description and late night refreshment shall be extended to 01.00 on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day and on the Friday, Saturday, Sunday and Monday of Bank Holiday weekends.
- 2 Alcohol shall not be sold to non-residents of the premises other than between the following hours:
11:00 and 23:00 on a Monday, Tuesday, Wednesday or Thursday;
11:00 and 01:00 on a Friday or a Saturday;
11:00 and 00:00 on a Sunday.
Irrespective of the week day, alcohol may be sold to non-residents between 11:00 and 01:00 on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

- 3 All staff who are involved in the sale of alcohol will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Said training will be documented and will be made available to an authorised officer upon request.
- 4 All staff involved in sales shall be at least 18 years of age.
- 5 A comprehensive CCTV system shall be installed at the premises and will meet the following criteria:
 - The system will display on any recording the time and date of said recording;
 - The system will be recording whenever the premises is open to the public;
 - Any recordings will be retained for a minimum of 30 days after they are made and will be produced to an authorised officer upon request;
 - As a minimum, the system will capture images of the head and shoulders of any person entering the premises through the main public entrance.
- 6 The management of the premises will notify the Police Licensing Unit on any occasion that the CCTV will be inoperative for a period greater than one working day, and shall provide a certificate from a competent person stating the reasons for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
- 7 Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.
- 8 An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
- 9 The premises shall operate a zero tolerance drugs policy.
- 10 The capacity of the premises will be 80 people and as a minimum, seating shall be provided for 60 people.
- 11 Whenever regulated entertainment is taking place, regular assessments shall be made of any noise emanating from the premises. Wherever said assessments indicate that noise is likely to cause nuisance to any residents or businesses in the vicinity, steps will be taken to reduce the level of noise.

- 12 A clear, legible and conspicuous notice shall be displayed at each public exit requesting patrons to avoid causing noise, nuisance or disturbance upon leaving the premises.
- 13 A “Challenge 25” Policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:
- A Passport;
 - A UK Photocard Driving Licence;
 - Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder;
 - Any other form of identification agreed with a representative of the Police Licensing Unit.
- 14 All staff who are involved in the sale of alcohol will be trained in relation to the “Challenge 25” policy upon the commencement of their employment, following which they will undertake refresher training at suitable intervals. Said training will be documented and will be made available to an authorised officer upon request.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Review Application from the Licensing Authority
 Appendix 4b: Representations from Lancashire Constabulary
 Appendix 4c: Representations from Child Protection Licensing Officer

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