

<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>	18 <sup>th</sup> July 2014

## **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- ROYAL FOOD AND WINE**

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

1.1 To consider an application for the review of the Premises Licence for Royal Food and Wine submitted by the 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

Royal Food and Wine, 274 Lytham Road, Blackpool has the benefit of a premises licence authorising the sale of alcohol for consumption off the premises 08.00 - 23.00.

On 22nd May 2014, the Licensing Service received an application to review the premises licence on the grounds of prevention of crime and disorder and public safety. A copy of the application is attached.

The licence holder and Designated Premises Supervisor is Parameswaran Nagaratnam

#### 4.2

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

The section of the policy on reviews is relevant, however please see observations below from Licensing Authority on the work done by the licence holder since the review was submitted.

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

Section 11 reviews is relevant in particular paragraph 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 taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response."

#### 4.4 **Observations**

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. In this condition, permitted hours means:

- a) Monday to Saturday, 8 a.m. to 11 p.m.
- b) Sundays, 10 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a) 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;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;

d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;

2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

3 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.

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

5 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.

Annex 2 - Conditions consistent with the Operating Schedule

1 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 to prove that they are over the age of 18. The following are the only forms of identification acceptable:

- a. UK photo driving licence
- b. Passport
- c. Proof of age standards scheme card

2 There shall be no less than two members of staff working in the premises at any time that the premises are open beyond 18:00 hours.

3 No person under the age of 18 will be allowed to sell alcohol.

4 CCTV shall be installed internally and externally at the premises and will comply with the following:

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 display on any recording the correct time and date of the recording.

The system will make recordings during all hours the premises are open to the public. VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, 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.

The system will as minimum, record images of the head and shoulders of all persons entering the premises.

5 A staff member who is conversant with the operation of the CCTV system will be available at all times the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested.

6 The Licence Holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV or radio system is to be inoperative for a period of one working day and shall provide a certificate from a competent person stating reason for the system being operative and the measures which have been taken to satisfy the licence conditions.

7 Appropriate signs informing customers that CCTV is recording will be displayed in conspicuous positions on the premises.

8 All staff are to have received suitable training on relation to the proof of age scheme to be applied at the premises. Records to evidence this will be made available to an authorised officer on demand.

9 A refusals book will be used to record all occasions on which a sale of alcohol has been refused.

10 The premises will operated in accordance with the principles of the Nightsafe initiative as are relevant to the business and set out in the associated leaflet.

11 A clear, legible notice will be displayed in a conspicuous position at every exit point from the premises asking customers to avoid causing noise nuisance or disturbance to local residents.

The licensing authority wish to highlight the fantastic response from the licence holder since the review was submitted. Details will be provided at the hearing, As a result of the response the authority recommends that the review is dealt with by adding the following condition to the licence

At least one personal licence holder will be contactable and able to attend the premises within one hour 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.

4.5 Does the information submitted include any exempt information? No

4.6 **List of Appendices:**

Appendix 4a Application for review from Licensing Authority

Appendix 4b Representations from Health and Safety

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