

Report to:	Licensing Panel
Decision or Item number	4
Relevant Officer:	Sharon Davies, Principal Solicitor Licensing
Date of Meeting :	18 th July 2014

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- THE GAZETTE

1.0 Purpose of the report:

1.1 To consider an application for the review of the Premises Licence for The Gazette 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

The Gazette, 154 Lytham Road, Blackpool has the benefit of a premises licence authorising the sale of alcohol for consumption off the premises 08.00 - 00.00 each day.

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

The licence holder is Ahsan Khan. When the review was submitted, the Designated Premises Supervisor was Elankeeran Rajakulam. On the 25th June 2014, Nakulendran Kandasamy was named as Designated Premises Supervisor.

4.2 Local policy considerations

The section of the policy on reviews is relevant, however please see observations from the 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 Sunday 0800 - midnight

(See Annex 2 for non-standard timings)

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.

6 (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 The hours for the sale of alcohol will be extended until 0200 during the following periods:

- a. From the weekend prior to Valentines Day until 0200 hours on the Monday of the next weekend
- b. From the weekend prior to Mother's Day until 0200 hours on the Monday after Mother's Day
- c. From the weekend prior to Scottish weekend until 0200 hours on the Monday of the next weekend
- d. From the weekend prior to Bank Holiday weekends until 0200 hours on the Monday of the next weekend
- e. From the weekend before Easter until 0200 hours on the Monday of the following weekend
- f. From 1st June until the end of the Illuminations
- g. From 15th December until 2nd January

2 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.

3 The Licence Holder supports and will continue to rigorously enforce the 'Challenge 21' or similar company proof of age policy:

Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card

4 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.

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

6 Access of spirits will be restricted to the secure staff area and sale and supply will be by assistant only.

7 An SIA registered door supervisor will be employed at any time the premises are available for the sale of alcohol after midnight.

8 Two additional CCTV cameras will be placed on the outside of the premises facing the shop door.

9 If required for the purposes of the additional cameras, additional lighting shall be placed outside the premises.

Since the review was submitted, significant work including a full refurbishment has been undertaken at the premises which satisfies the concerns the authority had. An officer from the Licensing Authority will provide further information to the panel at the hearing.

As a result of the improvements made, the Licensing authority recommend that the panel deal with the review by adding the following conditions:

1. CCTV will 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, with the exception of the toilets. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
- 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.
- Recording shall be held for a minimum of 28 days after the recording is made and will be made available to an authorised officer upon request.
- The system will record images of the head and shoulders of all persons entering the

premises.

2. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises

3. 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. The premises licence holder will personally inspect the premises at least once per calendar month to ensure that systems and procedures are being complied with. This condition will cease to have effect six months after the review decision takes effect.

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 Weights and Measures

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