

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

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- BAR 137

1.0 Purpose of the report:

1.1 To consider an application for the review of the Premises Licence for Bar 137 submitted by the Lancashire Constabulary 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

Bar 137, 137 Church Street Blackpool has the benefit of a Premises Licence which authorises regulated entertainment, late night refreshment and the sale of alcohol for consumption on and off the premises.

The sale of alcohol is permitted Monday-Thursday 11.00 - 02.00, Friday - Saturday 11.00 - 04.00, Sunday 12.00 - 02.00

The premises may open to the public Sunday-Thursday 11.00 - 02.20, Friday - Saturday 11.00 - 04.20.

On 11th June 2014, the Licensing Service received an application to review this Premises Licence on the ground of crime and disorder and public safety.

At the time the review application was submitted, the licence was held by Alan Ogden (snr) and the Designated Premises Supervisor was Louise McArthur. On 25th June 2014, an application was then received to transfer the licence to Ian Lennon Walker, who was also nominated as Designated Premises Supervisor. The Police objected to these applications on 8th July 2014, the same day an application was received to transfer the licence to Swift Stock Takers Ltd and to nominate Glenn Taylor as Designated Premises Supervisor

4.2 Local policy considerations

The section of the policy on reviews is relevant, in particular the following paragraphs:

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

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 operating schedule
6. Use of licensed premises for the sale and distribution of illegal drugs/firearms
7. Where the police are frequently called to attend incidents of disorder

At a first review hearing, responsible authorities will be encouraged to propose a package of new conditions to be added to the licence designed to combat the

identified problem. This package will be supplemented where appropriate by:

- a. removal of the DPS
- b. suspension of the licence for up to 3 months
- c. restriction on trading hours
- d. a clear warning that a further review will give rise to a presumption of revocation

The Licensing Authority retain the right to revoke the licence at the first review hearing where they feel that such action is necessary to promote the licensing objectives

4.3 **National policy considerations**

Section 11 - reviews is relevant.

11.17-11.19 details the range of powers available to the panel

- a. Take no action
- b. Issue an informal warning
- c. Modify the conditions of the premises licence
- d. Exclude a licensable activity
- e. Remove the DPS
- f. Suspend the licence for up to 3 months
- g. Revoke the licence.

11.23 - It will always be important that any detrimental financial impact that may result from the 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.

4.4 **Observations**

This licence was originally issued in 2005, being converted from a Magistrates' Court licence. The management of the premises appeared to be consistent until 2012. The chronology since 2012 is detailed below

07.09.12 application to transfer licence to Tracey Reeves

20.11.12 application to transfer licence and vary Designated Premises Supervisor to Emma Thackray

21.12.12 licence surrendered by Emma Thackray

21.12.12 application to transfer licence and vary Designated Premises Supervisor to Ian Roche

08.05.13 application to transfer licence to Barry Bates

10.05.13 application to transfer licence to Ian Roche (Bates had left premises)

17.05.13 application to transfer and vary Designated Premises Supervisor DPS to Erika Hindle
24.06.13 application to transfer and vary Designated Premises Supervisor to Julie Kelly
10.07.13 licence surrendered
17.07.13 application to transfer licence to Ian Roche
12.08.13 application to vary Designated Premises Supervisor to Louise McArthur
12.01.14 licence surrendered
13.01.14 application to transfer licence by Alan Ogden (snr)
11.06.14 application to review premises licence
25.06.14 application to transfer and vary Designated Premises Supervisor to Ian Lennon Walker
08.07.14 application to transfer to Swift Stock Takers Limited and name Glenn Taylor as Designated Premises Supervisor

The licence is currently issued 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) Monday to Thursday 1100 - 0200
- b) Friday and Saturday 1100 - 0400
- c) Sunday 1200 - 0200
- d) 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 twenty 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 person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

a) He is the child of the holder of the premises licence.

b) He resides in the premises, but is not employed there.

c) He is in the bar solely for the purpose of passing to or from some part of the premises that is not a bar and to or from some part of the premises where there is no other convenient means of access or egress.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. However, an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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 premises licence must be made or authorised by a person who holds a personal licence.

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.

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

11 The terms, conditions and restrictions detailed in the Blackpool Borough Council Entertainments Licences (Standard Conditions) Regulations 1985 must be adhered to at all times.

12 There must be a substantial disc jockey booth adjacent to the dance floor.

13 At least 20% of the floor area must be designated as a dance floor.

14 The dance floor area is to be clearly delineated from the remaining floor area.

15 Adequate provision will be made to convey the food from the downstairs kitchen up to the bar area, the proposal agreed upon being a "dumb waiter".

16 The Premises will sign up to the 'Nightsafe' initiative.

Annex 2 - Conditions consistent with the Operating Schedule

1 Permitted hours for Live Music, Recorded Music, Late Night Refreshment, Supply of Alcohol and the opening hours of the premises may be extended on Christmas Eve and New Year's Eve and any other Bank Holiday from 11.00 - 03.00 if it falls on a weekday

2 Notwithstanding the consent of the Licensing Authority to the hours sought the licence holder will not operate outside the hours imposed by the current or any future planning consent relating to the use of the premises.

3 The licence holder shall adopt and maintain suitable training in relation to the Challenge 25 proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.

4 The licence holder and the Designated Premises Supervisor shall arrange adequate supervision of any queue which may form to gain entry to the premises.

5 The Licence Holder shall erect and maintain suitable and sufficient conspicuous signage on the exterior of the premises advising patrons that causing any disturbance or disorder in a queue will result in admission being refused.

6 An adequate number of licensed door supervisors will be on duty as appropriate to any risk assessment. However, there will always be at least two door supervisors employed at the premises on Fridays and Saturdays between 22.00 hours on the day and until the premises closes the following day.

7 The licence holder and the Designated Premises Supervisor shall ensure that sufficient door staff are employed to ensure the dispersal of patrons from the curtilage and grounds of the licensed premises immediately after the end of each period of licensable activity.

8 The licence holder and the Designated Premises Supervisor shall ensure that sufficient door staff are employed at exits from the premises to remind departing patrons of the need to avoid causing nuisance or disturbance to local residents.

9 All door staff will comply with the SIA requirements relating to the availability of registration documents for inspection.

10 Appropriate measures will be taken by the Licence holder and the DPS to ensure that the door supervisors prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.

11 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. 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.
- 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 a minimum, record images of the head and shoulders of all persons entering the premises.

12 A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.

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

14 Annual documented maintenance checks of the CCTV system, including the recording system will be undertaken by the Designated Premises Supervisor to ensure that the system is in good working order and fit for purpose.

15 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.

16 Only toughened glass vessels are to be used to dispense beverages to customers.

17 The Licence Holder and Designated Premises Supervisor shall ensure that the arrangement for the storage of empty bottles prevents unauthorised access to those bottles.

18 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.

19 The premises shall be operated in participation with the 'Pubwatch' and 'Radiolink' schemes.

20 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.

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

22 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.

23 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.

24 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.

25 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.

26 The licensee shall erect a clearly visible notice, in a form prescribed by the Council advising those attending that:

a) It is a condition of entry that customers agree to be searched

b) Police will be informed if anyone is found in possession of controlled substances or weapons.

27 The licensee shall ensure that security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure that such arrangements include

regular checks of toilet areas.

28 The licensee shall exclude any customers known to have been previously convicted of committing criminal offences relating to drugs.

29 The licensee shall maintain a record of incidents involving the use and/or detection of drugs and those records shall be available for inspection.

30 The licensee shall store, dispose, transfer confiscated and found drugs in accordance with procedures agreed with the Lancashire Constabulary.

31 The licensee shall develop and apply a drugs prevention strategy for the venue. 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.

32 During the final hour of trading the Licence Holder and Designated Premises Supervisor shall ensure that 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.

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

34 The licence holder shall erect and maintain in a prominent position at every exit a clear and conspicuous notice requesting patrons to respect the needs of local residents and avoid causing noise, nuisance or disturbance when leaving the premises and the area.

35 The Licence Holder and the Designated Premises Supervisor shall permit, facilitate and assist in the display upon the premises of health education and crime prevention campaign materials in a form agreed with the Licensees Forum or any successor liaison body recognised by the Licensing Authority.

36 No patrons shall remain on the licensed premises (except for a period of 20 minutes to enable 'drinking-up') following the termination of licensable activity.

37 The Licence Holder and the Designated Premises Supervisor shall ensure that the maximum number of persons allowed onto the premises shall not exceed the capacity determined by the Lancashire Fire and Rescue Service.

38 The Licensee shall ensure that the ventilation to the premises is maintained to satisfy the appropriate Building Regulations.

39 The Licensee shall ensure that free cold drinking water is available on request and shall have adequate supplies of chilled soft drinks and bottled water available for sale at the bar(s).

40 The Licensee shall ensure that staff arriving before 0900 hours or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbances to nearby residents.

41 The Licensee shall ensure that noise or vibration shall not emanate from outside the premises such as to cause persons in the neighbourhood to be disturbed. To this end sound insulation shall be provided and regard must be had to the ventilation requirements for the premises.

42 The Licensee shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to nearby properties, and that the premises shall be adequately ventilated to the satisfaction of the Head of Environmental Services.

43 The Licence Holder shall not permit the admission of persons under 18 years of age into the licensed premises.

44 The Licence Holder shall erect and maintain a sufficient number of signs at each bar or alcohol sales point informing customers that sales will not be made to persons under 18 years of age.

45 The Licence holder and the Designated Premises Supervisor shall erect and maintain signage on or adjacent to all exits advising patrons of the Street Drinking Order and the intention of staff to enforce a no exit with a bottle/ glass policy.

46 An incident book will be maintained, in which shall be recorded:

- (i) All incidents of crime and disorder
- (ii) Refused sales to suspected under age / drunken persons
- (iii) A record of any person refused admission or asked to leave the premises
- (iv) Details of occasions upon which the Police are called to the premises

That book shall be available for inspection by a Police Officer or authorised person.

47 At least one personal licence holder (whose identity will be known to all other staff engaged in the sale or supply of alcohol) will be available on the premises whenever the sale or supply of alcohol is being undertaken, except in the case of emergency.

48 All external doors will be closed at midnight to prevent noise escaping from the

- premises.
- 4.5 Does the information submitted include any exempt information? No
- 4.6 **List of Appendices:**
- Appendix 4a Application for review from Lancashire Constabulary
- Appendix 4b Representations from Health and Safety
- Appendix 4c Representations from the Licensing Authority
- 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