

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	10 th February 2015

APPLICATION TO VARY A PREMISES LICENCE – NEW SANDRINGHAM COURT HOTEL

1.0 Purpose of the report:

- 1.1 On 16th December 2014, the licensing service received an application from Blackpool Party Hotels Limited to vary the premises licence issued in respect of the New Sandringham Court Hotel, 65-69 Reads Avenue, Blackpool
- 1.2 Currently the hotel is licensed for the sale of alcohol 11.00 – 23.00 weekdays and 12.00 – 22.30 Sundays to people having a meal or attending organised functions at the venue. Residents of the hotel may be sold alcohol 24 hours a day.
- 1.3 The application is to allow regulated entertainment (live music, recorded music and entertainment of a similar description) 11.00 – midnight weekdays, 11.00 - 23.30 Sundays and 01.00 New Year’s Eve; late night refreshment 23.00 – midnight weekdays, 23.00-23.30 Sundays and 01.00 New Year’s Eve; and the sale of alcohol 11.00 – midnight weekdays, 11.00-23.30 Sundays and 11.00-01.00 New Year’s Eve. The application also requests the amendment of two conditions on the licence. A copy of the application is attached.
- 1.4 Representations have been received from members of the public. Copies of the representations are attached.

2.0 Recommendation(s):

- 2.1 The Panel is requested to consider the application and determine whether the granting of this licence would adversely impact on the licensing objectives.

3.0 Reasons for recommendation(s):

- 3.1 Representations have been received therefore there must be a hearing to determine the application.

- 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 an application has been received and objections have been received it must be considered by Licensing Panel.

4.0 **Background Information**

4.1 **Local policy considerations**

None

4.2 **National policy considerations**

9.42 – The authority's decision should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

4.3 **Observations**

This licence was reviewed by the Licensing Panel in December 2013 at the request of a member of the public due to noise nuisance. Whilst the licence holder has now changed, the problems referred to were noise from amplified music and karaoke in the bar area and disturbance from people drinking and congregating outside of the hotel. It appears from the representations to the current application that problems persist despite the change in licence holder.

4.4 The licence currently has the following conditions:

Annex 1 - Mandatory conditions

1 Intoxicating liquor shall be sold/supplied only to:

- a) Residents in the hotel and their bona fide guests
- b) Persons having a bona fide meal at a cost not less than the usual tariff rate for lunch and dinner and only during such meals
- c) Persons attending organised functions, not organised by the Licensee

2 There are no off sales.

3 Alcohol shall not be sold or supplied except during permitted hours. Permitted hours means:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day, or New Year's Eve from 12 noon to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3.00 p.m. and 7 p.m. to 10.30 p.m.
- d) On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- e) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.

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 taking of alcohol from the premises by a person residing there; or
- g) 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
- h) 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.

4 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.

5. 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.

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

7 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;

8 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).

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

10 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.

11 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.

12(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 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.
- 2 At least one personal licence holder will be available 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.
- 3 An incident book will be maintained, in which shall be recorded:
 - a. All incidents of crime and disorder
 - b. Refused sales to suspected under age/drunken persons
 - c. A record of any person refused admission or asked to leave the premises
 - d. Details of occasions upon which the Police are called to the premises
 - e. The use or discovery of drugs
- 4 No drinks are allowed to be taken outside of the premises.
- 5 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 6 CCTV will be installed internally and externally at the premises and will comply with the following:
 - a. 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

b. The system will display on any recording the correct time and date of the recording.

c. The system will make recordings during all hours the premises are open to the public

d. 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

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

7 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 by a Police officer or local authority enforcement officer.

8 The licence holder shall notify the police licensing unit on any occasion when the CCTV 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.

9 Signs informing customers of the street drinking ban will be placed in all exit points.

10 Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.

11 When live music is taking place all doors and windows should be closed save for entry and exit. Section 177A Licensing Act 2003 does not apply.

4.5 Condition 11 in annexe 2 above refers to doors and windows being closed during live music because of the provisions of the Live Music Act 2012. This Act permits live music without a licence from 08.00 – 23.00 hours daily in premises licensed for the sale of alcohol where the audience is less than 200.

4.6 Does the information submitted include any exempt information? No

4.7 **List of Appendices:**

Appendix 4a: Application Form

Appendix 4b: Representations from members of the public

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