

Report to:

LICENSING PANEL

Relevant Officer:

Sarah Chadwick, Licensing Officer

Date of Meeting :

9 July 2020

APPLICATION TO VARY A PREMISES LICENCE – MARDI GRAS HOTEL, 41-43 LORD STREET, BLACKPOOL, FY1 2BD

1.0 Purpose of the report:

1.1 To consider an application to vary Premises Licence PL1566 issued in respect of the Mardi Gras Hotel, 41-43 Lord Street, Blackpool, FY1 2BD.

2.0 Recommendation(s):

2.1 The Panel is requested to consider the application and determine whether the granting of this variation 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

4.0 Background Information

4.1 On 12 May 2020, the Licensing Service received an application from John Paul Street to vary the Premises Licence issued in respect of the Mardi Gras Hotel, 41-43 Lord Street, Blackpool.

4.2 The licence currently authorises the following licensable activities:

Exhibition of Films (indoors) – Mon-Sat 19.00-03.00, Sun 10.00-03.00

Recorded Music (indoors) – Mon-Sun 11.00-03.00

Entertainment of a Similar Description Mon-Sun 11.00-03.00

Sale of alcohol (for consumption “on” the premises) 24 hours a day

The provision of the above activities is currently subject to the following condition:
“The hotel is open and licensable activities are available to residents and their bona fide guests only.”

4.3 The application requests permission to allow up to 30 members of the public in to the premises at any one time to partake in permitted licensed activities. Initially this was requested until 02.00, but following discussions with the Police an agreement was made to reduce the terminal hour for non-residents to 00.30 (see 4.7 – Observations – below). A copy of the application as originally submitted is attached.

4.4 10 representations have been received from members of the public - 5 in support and 5 in objection to the application. Copies of the representations are attached.

4.5 **Local policy considerations**

None

4.6 **National policy considerations**

9.43 – 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.

4.7 **Observations**

This Premises Licence for the Mardi Gras Hotel was first granted in February 2006. The applicant, John Street, has been the Premises Licence holder since February 2020.

The conditions currently on the licence are as follows:

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 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, 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 -
- (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5 (1) The Premises Licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the Premises Licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years 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 either a holographic mark, or an ultraviolet feature.
- 6 The responsible person must ensure that -
- (a) where any of the following alcoholic drinks are 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: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 7 (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.

8 Exhibition of films:

Where the film classification body is specified in the licence, unless the following applies, admission of children must be restricted in accordance with any recommendations made by that body.

Where -

- a) The film classification body is not specified in the licence,
- or*
- b) The relevant licensing authority has notified the holder of the licence that this condition is applied to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 The hotel is open and licensable activities are available to residents and their bona fide guests only.
- 2 The Licence holder is to support and rigorously enforce a Challenge 21 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

- 3 CCTV cameras shall be installed in all public drinking areas.
- 4 Fire doors are to be kept clear at all times and checked regularly. All Health and Safety regulations are to be complied with in full.
- 5 No bookings are to be taken for children under the age of 16.
- 6 Any persons aged between 16 - 18 years staying at the hotel will not be served alcohol and will not be permitted to take part in or view any other licensed activities.
- 7 Noise from any regulated entertainment, mechanical ventilation or refrigeration plant shall be inaudible within the nearest sensitive properties or, at the discretion of the Local Authority, shall not exceed some other pre-agreed limit, which does not cause unreasonable disturbance to the residents of these properties or their guests.
- 8 The volume of amplified sound used in connection with any regulated entertainment shall, at all times, be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
- 9 All internal doors to any entrance / exit point, fire exit doors and external windows shall be closed during hours of any regulated entertainment except in the event of an emergency, save for the purpose of access and egress.

- 10 Vibration produced as a result of any regulated entertainment shall not be perceptible in any adjoining or nearby sensitive properties.
- 11 There shall be placed at all exit points from the premises in a place where they can be seen and easily read by the public, clear and legible notices requiring customers to leave the premises and the area quietly so as to minimise disturbance to nearby residents.

Throughout the 28 day consultation period for this variation application, a number of amendments were made and conditions added to the application following discussions with Lancashire Constabulary and Environmental Protection. As a result of these agreements, no objections were received from any of the Responsible Authorities.

The agreement with Environmental Protection is to close the outside terrace/patio area for the consumption of alcohol at 22.00 (it may be used after this time as a smoking area). A similar condition was also agreed with the Police along with a number of other conditions (16 in total) as well as a reduction in the terminal hour for non-residents to 00.30. A copy of the Police mediation agreement is attached.

On 11 June the applicant, John Street, provided some further background information in regards to his application by email. Confirmation was received that live music will only take place up to 11pm as permitted for licensed premises under the Live Music Act. This is attached at Appendix 4(c).

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4(a) - Application

Appendix 4(b) - Police mediation agreement

Appendix 4(c) - Email from applicant with further information (11 June 2020)

Appendix 4(d) - Representation (in support) from Scott Benton MP

Appendix 4(e) - Representation (in support) from David Hatton & Paul Lackerstein

Appendix 4(f) - Representation (in support) from Angie Baddely & Frances Joyce

Appendix 4(g) - Representation (in support) from Stephen Blanchard

Appendix 4(h) - Representation (in support) from Veronica McCullough

Appendix 4(i) - Representation (in objection) from Cllr Ivan Taylor

Appendix 4(j) - Representation (in objection) from Virnetta Collings

Appendix 4(k) - Representation (in objection) from Ashley Harris
Appendix 4(l) - Representation (in objection) from Geoff Brankston
Appendix 4(m) - Representation (in objection) from Iain Ferguson

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