

Report to:	Licensing Panel
Relevant Officer:	Judith Brooks-Brennan, Licensing Officer
Date of Meeting :	10 September 2021

TEMPORARY EVENT NOTICES – Shadow Bar

1.0 Purpose of the report:

1.1 To consider two Temporary Event Notices (TENs) for Shadow Bar, 19-23 Clifton Street, Blackpool, FY1 1JD.

2.0 Recommendation(s):

2.1 The panel is requested to consider the Temporary Event Notices and determine whether to allow the events to go ahead would adversely impact on the licensing objectives.

3.0 Reasons for recommendation(s):

3.1 Objections have been received therefore there must be a hearing to consider whether to allow the events to go ahead, add conditions to the TENs or issue a counter notice.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council’s approved budget? Yes

4.0 Other alternative options to be considered:

4.1 None, once a TEN is submitted and an objection received it must be considered by the Licensing Panel.

5.0 Council Priority:

5.1 The relevant Council priority is

- “The economy: Maximising growth and opportunity across Blackpool”

6.0 Background Information:

6.1 On 26 August 2021 the Licensing Service was served with Temporary Event Notices by Mr Rafael Marcin Suski for Shadow Bar, 19-23 Clifton Street, Blackpool, FY1 1JD. The notices relate to the provision of sale by retail of alcohol on the premises and regulated entertainment from 02:00-04:00 hours on the following dates:

11-12 September 2021

18-19 September 2021

6.2 The Police have objected to the events taking place on the grounds of preventing crime and disorder. A hearing is therefore required to determine whether to allow the events to go ahead, add conditions to the TENs or issue counter notices to prevent the events from taking place. Copies of the objections are attached.

6.3 National policy considerations:

Section 7 – Temporary Event Notices is relevant:

The system of permitted temporary activities is intended to be a light touch process where notice is given by the premises user that they intend to carry out specified activities. The Police and Environmental Health Team have three working days to object to the notice on the basis of any of the four licensing objectives.

6.4 There are no local policy considerations.

6.5 At the hearing the panel can either let the events go ahead, serve a counter notice to prevent the events going ahead or after considering the objections, the panel may decide that it is appropriate for the promotion of the licensing objectives to impose one or more conditions onto the TENs. The panel can only add existing conditions from the premises licence.

The current premises licence for Shadow Bar has the following conditions:

- 1
 - a) On Bank Holiday Sundays, the provision of Regulated Entertainment and Late Night Refreshment are permitted until 04.00 hours the following day.
 - b) On Easter Sunday Regulated Entertainment and Late Night Refreshment are permitted until 04.00 hours the following day.
 - c) On the above occasions the opening hours of the premises shall be extended until 05.00
 - d) In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland which falls outside the current permitted hours on the premises licence to permit the premises to open one hour before the start of the event and finishing one

& half hours after the end of the event, the details of the transmission to be notified to the Police 7 days beforehand and provided the Police have not objected to the additional hours within 72 hours of being notified.

- 2 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.
- 3 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.
- 4 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 5 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.
- 6 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.
- 7 Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within this venue who appears

to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.

8 The Licence Holder and the Designated Premises Supervisor 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 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

OR any other nationally or locally approved form of identification which may be introduced in the future.

If no suitable identification is provided, sale of alcohol to them will be refused.

9 Signs promoting the Challenge 25 policy shall be prominently displayed at public entrances and alcohol sales areas.

10 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.

11 Adequate first aid provision is available at all times to include having at least one trained first-aider on the premises at all times the premises are being operated.

12 An adequate number of licensed door supervisors will be on duty as appropriate to any risk assessment, however on the following occasions at least one SIA registered member of door staff will be on duty from 20.00 until closing time:

- a) Every Friday and Saturday
- b) Bank holiday Sundays, Christmas Eve and New Year's Eve
- c) When a private function is taking place on the premises.

13 All door staff employed at the entrance / exit of the licensed premises will wear a reflective jacket / tabard of a design approved by the Lancashire Constabulary.

14 A record shall be kept on the premises of every person employed at the premises as a door supervisor. The record is to contain the following details:

- (i) Name and address
- (ii) Date of birth
- (iii) SIA licence number
- (iv) Time duty commenced and time duty terminated

Said records are to be made available for inspection upon demand by a Police officer or any authorised officer.

- 15 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses / polycarbonate vessels from the curtilage and grounds of the licensed premises.
- 16 At least one personal licence holder will be available on the licensed premises 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.
- 17 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.
- 18 The premises shall be operated in participation with the 'Pubwatch' and 'Radiolink' schemes.
- 19 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.
- 20 The licence holder and the designated premises supervisor shall nominate another person who will deputise for the designated premises supervisor in his/her absence, and shall ensure that the identity of the deputy is known by all other staff when such absence occurs
- 21 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.
- 22 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.

- 23 Clearly visible notices, in a form prescribed by the Council, shall be displayed advising those attending that 1. It is a condition of entry that customers agree to be searched and 2. Police will be informed if anyone is found in possession of controlled substances or weapons.
- 24 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
- 25 Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.
- 26 Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
- 27 A drugs prevention strategy for the venue shall be developed and applied. 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.
- 28 During the final hour of daily trading 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.
- 29 The volume of amplified sound used in connection with 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.
- 30 Frequent collection of glasses and bottles / polycarbonate vessels will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 31 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 32 All external windows and doors should be closed after 10pm, except in the case of an emergency.
- 33 Noise from any regulated entertainment or mechanical ventilation 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.

- 34 Vibration produced as a result of any regulated entertainment shall not be perceptible in any adjoining or nearby sensitive properties.
- 35 On the ground floor all alcoholic drinks will be served in polycarbonate or other appropriate non-glass vessels after 22.00hrs. Glassware may only be used on the first floor if it is used as a restaurant with alcohol as ancillary to a meal.
- 36 An incident book will be maintained, in which shall be recorded
 - a. All incidents of crime and disorder
 - b. Refused sales to 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

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

- 37 The maximum number of persons to be accommodated in the premises at any one time shall be 650. Each floor capacity to be guided by Fire Safety.
- 38 No person under the age of 18 years of age will be admitted into the premises unless accompanied by a responsible adult. Members of staff are not to be responsible for supervising children.
- 39 No person under 18 years shall be allowed on the premises after 21.00 hours unless they are on the first floor for the consumption of a meal. Appropriate notices will be displayed.
- 40 No entertainment of an adult or sexual nature will take place on the premises.
- 41 An authorisation, signed and dated by the designated premises supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises. All staff involved in sales will be at least 18 years of age and will receive training to promote the licensing objectives. All training to be documented and records made available on request to a Police Officer or any authorised officer.

- 42 No person in possession of an alcoholic drink in an unsealed container shall be allowed to enter or leave the premises.
- 43 Functions which specifically target young people (for example 18th birthday parties) will not be allowed to take place on the premises; with exception of those consuming a meal on the first floor of the premises.
- 44 The licence holder and designated premises supervisor shall erect and maintain signage (in a form approved by the licensing authority) on or adjacent to all staffed exits advising patrons of the street drinking order and the intention of staff to enforce a no exit with a bottle policy.
- 45 The licence holder and designated premises supervisor shall ensure that only toughened glass or polycarbonate vessels are used to dispense beverages to customers.
- 46 William Shayne Kelly born 24/04/1971 and Steven Williams born 11/01/1968 are not allowed on the premises or to have any direct dealings with the business

7.0 List of Appendices:

- 7.1 Appendix 4(a) Application for a TEN – Shadow Bar 11-12 Sep 2021
Appendix 4(b) Application for a TEN – Shadow Bar 18-19 Sep 2021
Appendix 4(c) Police objection to TEN – Shadow Bar 11-12 Sep 2021
Appendix 4(d) Police objection to TEN – Shadow Bar 18-19 Sep 2021

8.0 Financial considerations:

- 8.1 None.

9.0 Legal Considerations:

- 9.1 Please see local and national policy in the background information.

10.0 Risk Management considerations:

- 10.1 None.

11.0 Equalities considerations:

- 11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal / external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.