

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	2 nd July 2015

APPLICATION TO VARY A PREMISES LICENCE – Family Shopper

1.0 Purpose of the report:

1.1 To consider an application to vary the premises licence at Family Shopper, 44 St Annes Road.

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, once an application has been submitted and valid representations received it must be considered by the Licensing Panel.

4.0 Background Information

4.1 On 7th May 2015, the licensing service received an application from Kulvant Steven Singh Birk to vary the premises licence for Family Shopper, 44 St Annes Road.

4.2 The application requests permission to vary the floor plan and remove/add conditions to the licence. A copy of the application is attached.

4.3 Representations have been received from Lancashire Constabulary, Public Health and the Licensing Authority. Copies of the representations are attached.

4.4 **Local policy considerations**

This premises is situated within Victoria Ward which is one for four wards that form part of the off-licence saturation policy. Whilst the licence currently permits the sale of alcohol for consumption on and off the premises the effect of the variation would be to permit the premises to open as an off-licence/convenience store.

4.5 **National policy considerations**

9.12 – The police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that do so would not be proportionate for the promotion of the licensing objectives.

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.

4.6 **Observations**

The premises licence currently has the following conditions endorsed upon it:

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.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 The non-standard timings permitted for the provision of Regulated Entertainment and supply of alcohol are as follows:
 - a) On the Friday to Sunday of the Easter, May, Spring and August Bank Holidays 11.00 - 02.00 hours the following day,
 - b) On Christmas Eve 11.00 - 02.00 hours the following day,
 - c) On New Year's Eve 11.00 - 02.00 hours the following day,
 - d) On New Year's Day 11.00 - 01.00 hours the following day.

On these occasions the premises will close within 60 minutes from the cessation of licensable activities.

- 2 No intoxicating liquor shall be supplied otherwise than to a person who has attained the age of 18 years and is:
 - a) A member of the Club who has been a member for at least 24 hours, or whose application or nomination for membership was made at least 2 days before his admission to the Club, or,
 - b) A bona fide guest of such a member, or,
 - c) Any person attending a social function organised by or on behalf of the Club or a Club member. The number of such functions is to be limited to no more than 12 in a period of twelve months and no less than 14

working days notice to be given in writing to the Police.

- 3 A full list of names and addresses of members will be kept on the premises and shall be provided to a Police Constable in uniform on request.
- 4 A copy of the rules must be given to every member upon his election to the Club.
- 5 Entry of members and guests shall be supervised by a door person.
- 6 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.
- 7 Noise from any regulated entertainment will be inaudible at the nearest noise sensitive premises or, at the discretion of the Local Authority, shall not exceed some other pre-agreed limit, which does not cause unreasonable disturbance to neighbouring residents or their guests.
- 8 The volume of amplified sound used in connection with entertainment shall at all times be under the control of the licensee or management committee and the controlling mechanism shall be operated from a part of the premises inaccessible to members or their guests.
- 9 All external windows, fire doors and internal doors leading into the licensed area which by their opening would allow noise from regulated entertainment to escape externally and cause disturbance to nearby residents, should remain closed during the provision of regulated entertainment except when being used as an escape route in the event of an emergency.
- 10 The removal and movement of rubbish, bottles and beer barrels from the premises and subsequent storage externally to the building prior to collection shall be undertaken between 08.00 and 20.00 hours only to prevent disturbance to local residents from such activities.
- 11 No nuisance from noise or odour shall be caused to local residents by the use of any ventilation, refrigeration or air conditioning equipment provided or used in association with the licensed premises.
- 12 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 13 Only toughened glass vessels are used to dispense beer to customers.

- 14 The roller shutter will be serviced regularly on contract and, as agreed, will be witness tested on the agreed visit date.
- 15 The front beer garden will be monitored and will close no later than 21.30 to avoid late night complaints.
- 16 The premises will be equipped with a CCTV system that will monitor all areas, including outside and the car park.
- 17 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate.
- 18 Signage shall be displayed at all exits requesting members and bona fide guests to leave the premises quietly.
- 19 A professional contractor will carry out risk assessments.
- 20 There will be two taxi free phone lines in the foyer for members and bona fide guests.
- 21 First aid kits will be kept behind the bar.
- 22 The maximum number of persons to be accommodated in the premises or in any particular part of the premises at any one time shall not exceed 250.

To help monitor the number of people attending the premises, both members and guests will sign in whenever more than 150 persons are expected to attend the premises.
- 23 Persons under the age of 18 must be supervised by an adult and vacate the premises by 20.00 hours.
- 24 Children under 16 years of age are not allowed in the games room at weekends.
- 25 No licensable activities will take place in the rear yard or smoking area.
- 26 At least one personal licence holder will be 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.

- 27 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. Where a member of staff from the opposite sex is unavailable, the searching member of staff will request any bag and outer coat to be removed from the person and then searched. If there is suspicion that drugs are still being carried but nothing found in searching the person, admission will be refused to that person.
- 28 A staff member who is conversant with the operation of the CCTV system will be available at the premises at all times when the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous.
- 29 The premises are to be equipped with a closed circuit television system, which meets the criteria detailed in Lancashire Constabulary's Guidance Document CCTV/AW1 and which is well maintained and fully functional during the hours the premises are open to members of the public.
- 30 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.
- 31 Designated door supervisors / security placed at entrance / exit of premises will wear a reflective jacket, tabard, or armband of a design approved by the Lancashire Constabulary.
- 32 The premises will subscribe to the drinks promotions agreement under nightsafe to help stop Binge-Drinking and other alcohol-related issues.
- 33 All staff to be trained in what to look for and how to identify customers who have taken drugs and how to identify drug dealers. This training will be carried out by a reputable organisation such as Drugline.

Staff who suspect any person to be in possession of non- prescription drug/s must inform security/management immediately.

If any person is found to be in possession of drugs the following procedures are to be put into action:

- (i) Substances will be confiscated
- (ii) Substances will be logged and locked in the drug-safe
- (iii) Personal details will be logged in the incident book
- (iv) If the amount confiscated is believed to be for personal use the person will be escorted from the premises

(v) If the amount does not warrant personal use the person will be held and the appropriate authorities will be informed immediately.

- 34 Designated security will monitor customers entering premises, with a random drug-search policy in place; a clear and visible sign will be displayed to inform customers of this policy and that if any person is found to be in possession of non-prescription drugs they will be reported to the police.
- 35 Clear 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.
- 36 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
- 37 Confiscated and found drugs shall be stored, disposed and transferred in accordance with procedures agreed with Lancashire Constabulary.
- 38 A drugs prevention strategy for the venue shall be developed and applied. This 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.
- 39 The licence holder is to support and rigorously enforce the 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 : UK photo driving licence; passport; Proof of Age Standards Scheme Card.

Annex 3 - Conditions attached after a hearing by the licensing authority

- 1 The licensee shall submit to the Council an acoustic report prepared by a reputable noise consultant, which demonstrated how music and other amplified sound generated at the premises will be contained within the said premises, thereby not causing a disturbance to neighbouring premises. The report shall also have regard to any noise caused by any ventilation or cooling systems and any likely escape of noise from the systems. Where sound transmission is likely through the structure of the building to one attached the report must show in detail how this will be eradicated.

2 A sound limiter/cut out device should be installed by a reputable sound engineer and the maximum sound level should be agreed and approved by the Council's Environmental Protection Team. The noise limiter shall be calibrated.

3 No 18th or 21st birthday functions shall take place at the premises.

4.7 Does the information submitted include any exempt information? No

4.8 List of Appendices:

Appendix 4a: Application

Appendix 4b: Representation from Lancashire Constabulary

Appendix 4c: Representation from Public Health

Representation 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