

Report to:	LICENSING PANEL
Relevant Officer:	Lisa Ashton, Licensing Officer
Date of Meeting:	Friday 8 April 2022, 10.00am

APPLICATION TO VARY A PREMISES LICENCE – Barron's Hotel, 58-60 Hornby Road, Blackpool, FY1 4QJ

1.0 Purpose of the report:

- 1.1 To consider an application to vary Premises Licence PL0011 issued in respect of Barrons Hotel, 58-60 Hornby Road, Blackpool, FY1 4QJ.

2.0 Recommendation(s):

- 2.1 The panel are 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

4.0 Other alternative options to be considered:

None, once an application is submitted and representations received it must be considered by the Licensing Panel.

5.0 Council Priority:

The relevant Council priority is:

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

6.0 Background Information

6.1 On 14 February 2022, the Licensing Service received an application from Deneaspa Ltd to vary the Premises Licence issued in respect of Barrons Hotel, 58-60 Hornby Road, Blackpool.

6.2 The licence currently authorises the sale of alcohol (for consumption "on" the premises) 24 hours a day, the provision of which is currently subject to the following conditions:

'The premise shall be used for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals.'

'Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends, bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.'

6.3 The variation application requests permission to allow:

- Guests from 56 Hornby Road to have access to licenced facilities as residential guests.
- To extend the sale of alcohol to the public Monday to Sunday 09.00 – 23.00.
- To extend the hours for hot food delivery only 24hrs a day.
- To extend the use of the outdoor space for dining and drinks from 09.00 to 23.00 hrs daily.

6.4 9 representations have been received from members of the public and the applicant has agreed additional conditions with Lancashire Constabulary by way of mediation. Copies of the representations and mediation agreement are attached as appendices to this report.

6.5 Local policy considerations:

4.1.7 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessments adequately demonstrate that:

- The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for
- The potential effect on the licensing objectives is not significant
- The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.

4.4.2 The Council wishes to develop a diverse night-time economy but acknowledges that any licensable activity has the potential to impact adversely on the surrounding area either by disturbance caused by crime and disorder or by nuisance caused by customers being noisy when leaving/using on-street car parking. The impact of these activities can be greater at night when ambient noise levels are much lower.

6.6 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.

6.7 Observations:

The Premises Licence for the Barrons Hotel was first granted in December 2005. The applicant, Deneaspa Ltd, has been the Premises Licence holder since June 2021.

The conditions currently on the licence are as follows:

Annex 1 - Mandatory conditions

- 1 The premise shall be used for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals.
- 2 Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption, with or otherwise as an ancillary to, meals served in the licensed premises.
- 3 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends, bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.

- 4 Adequate sitting accommodation to be provided in a room not used or to be used for sleeping accommodation, for the service of substantial refreshment or for the supply or consumption of intoxicating liquor.
- 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: $\frac{1}{2}$ 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.
- 6.8 Throughout the 28 day consultation period for this variation application, a number of amendments were made and conditions added/removed to

the application following discussions with Lancashire Constabulary. As a result of these agreements, no objections were received from any of the Responsible Authorities.

A copy of the Police mediation agreement is attached at Appendix 4(b).

6.9 Does the information submitted include any exempt information? No

7.0 List of Appendices:

- 7.1
 1. Appendix 4(a) - Application to vary a Premises Licence
 2. Appendix 4(b) - Police mediation agreement
 3. Appendix 4(c) - Public Objection (S Benton)
 4. Appendix 4(d) - Public Objection (C Leese)
 5. Appendix 4(e) - Public Objection (D Gee)
 6. Appendix 4(f) - Public Objection (D Sarginson)
 7. Appendix 4(g) - Public Objection (K and M Metcalf)
 8. Appendix 4(h) - Public Objection (M Mullineaux)
 9. Appendix 4(i) - Public Objection (M Smith)
 10. Appendix 4(j) - Public Objection (I White - StayBlackpool)
 11. Appendix 4(k) - Public Objection (W Furber, L Butler)

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:

None.

14.0 Background Papers:

None.