

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Lisa Ashton, Licensing Officer
<b>Date of Meeting :</b>	27 October 2022

## TEMPORARY EVENT NOTICE – THE NEW PHILLY

### 1.0 Purpose of the report:

1.1 To consider a Temporary Event Notice (TEN) for The New Philly, 68 Foxhall Road, Blackpool, FY1 5BL.

### 2.0 Recommendation(s):

2.1 The Panel is requested to consider the objection and determine whether to allow the event to go ahead, add conditions to the TEN or issue a Counter Notice.

### 3.0 Reasons for recommendation(s):

3.1 An objection has been received therefore there must be a hearing to consider whether to allow the event to go ahead, add conditions to the TEN 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 12 October 2022 the Licensing Service was served with a Temporary Event Notice by Mr Nick Pritchard for The New Philly, 68 Foxhall Road, Blackpool, FY1 5BL. The notice relates to the provision of Regulated Entertainment on New Year's Eve from 20.00 – 01.00 on New Year's Day. The current Premises Licence for the venue only permits children to be admitted until 20.00. For New Year's Eve the venue is requesting that children are permitted to remain on the premises until 01.00. A copy of the application is attached at Appendix 4(a).

6.2 Lancashire Constabulary has objected to the event taking place on the grounds that it will undermine the licensing objectives, namely in relation to the Protection of Children from Harm. A concern has also been expressed by Louise Scales, Child Protection Licensing Officer at Blackpool Council, in relation to the TEN. Under the Licensing Act 2003 she is unable to object to a TEN but has asked the Police to raise representations on her behalf. A copy of the Police objection is attached at Appendix 4(b).

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 Local policy considerations:

4.15.1 - The authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licence holder. Applicants should note however that greater scrutiny will be given to applications that propose to permit children to remain on premises after 22.00 hours.

6.5 At the hearing the Panel can either let the event go ahead, serve a Counter Notice to prevent the event going ahead or, after considering the objection, may decide that it is appropriate for the promotion of the licensing objectives to impose one or more conditions onto the TEN.

- 6.6 The current Premises Licence in place, number PL2174, permits the provision of entertainment and the sale of alcohol from 09.00 – 02.00 daily and the provision of late night refreshment from 23.00 to 02.00 daily. Persons under 16 are not permitted on the premises after 20.00 unless accompanied by a responsible adult and no persons under 18 are permitted to remain on the premises after 23.00.
- 6.7 The conditions that are attached to the current licence, in addition to the mandatory conditions, are as follows:

Annex 2:

- 1 Licensed activities may continue from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- 2 Upon commencement of their employment, all staff who are involved in the sale of alcohol will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Refresher training will be provided at least once every six months and all training will be documented and made available to an authorised officer upon request.
- 3 The premises will be an active member of any local "Pub Watch" or equivalent scheme where such a scheme is in existence.
- 4 A comprehensive CCTV system shall be installed internally and externally at the premises and will meet the following criteria:
  - i. The system will display on any recording the time and date of said recording;
  - ii. The system will be recording whenever the premises is open to the public;
  - iii. Any recordings will be retained for a minimum of 31 days after they are made and will be produced to an authorised officer upon request, so long as said request is in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation;
  - iv. The CCTV will capture all public areas of the premises, with the exception of the toilets.
- 5 Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.
- 6 A competent person trained in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities are taking place. Said person will be able to fully operate the CCTV system and be able to download data in a recognised format when requested.

- 7 An incident register of any occurrences or ejections from the premises will be maintained at the premises and any details of public order offences will be recorded. Said register will be made available upon request to an authorised officer.
- 8 The premises will have a written zero tolerance drugs policy which is enforced at all times.
- 9 Any alcohol sales made for consumption off the premises will be made in a sealed container.
- 10 Any glasses utilised at the premises will be made of polycarbonate, toughened glass or an equivalent, non-glass alternative.
- 11 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage of the premises.
- 12 The management of the premises will ensure that the area immediately outside the entrance to the premises is kept clean, tidy and free from litter.
- 13 On any occasion that regulated entertainment is carried on at the premises, regular assessments of the noise emanating from the premises will be undertaken. Wherever said assessments indicate that noise is likely to cause nuisance to any local residents, remedial action will be taken. A written record will be maintained detailing the time of the noise assessments, the identity of the person undertaking the assessment, the results of the assessment and any remedial action undertaken.
- 14 The volume of amplified sound used in connection with entertainment shall at all times be under the control of the management and the controlling mechanism shall be operated from a part of the premises which is inaccessible to the general public.
- 15 All external doors and windows will be kept closed whenever regulated entertainment is taking place.
- 16 The premises will have a written dispersal policy designed to encourage patrons to leave the venue and the area quickly and quietly.
- 17 Prominent, clear and legible notices will be displayed at all public exits requesting patrons to respect the needs of any local residents and to leave the premises and the area quietly.

- 18 There shall be no persons under the age of 18 permitted on the premises after 23.00 each evening.
- 19 There shall be no persons under the age of 16 permitted on the premises after 20.00 unless they are accompanied by a responsible adult.
- 20 A "Challenge 25" policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:  
  
Passport  
UK photo card driving licence  
Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder  
Or Any other form of identification agreed with a representative of the Police Licensing Unit.
- 21 All staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at least once every 12 months. Said training will be documented and will be made available to an authorised officer upon request.
- 22 Prior to any occasion on which licensable activities are to be carried out on the premises, a risk assessment will be carried out to determine whether door supervisors are required. An appropriate number of door supervisors will be utilised in accordance with said risk assessment, which will be documented and be made available to an authorised officer upon request. As a minimum, 2 SIA registered door supervisors shall be on duty from 22:00 hours until the premises closes on Fridays, Saturdays, Sundays prior to a bank holiday Monday, Boxing Day, Christmas Eve and New Year's Eve.
- 23 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 24 Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.
- 25 At least one personal licence holder will be contactable at all times the premises is open and their identity will be known to all other staff engaged in the supply or sale of alcohol, except in the case of emergency.

- 26 An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
- 27 Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular documented checks of toilets.
- 28 Clearly visible notices shall be displayed advising those attending that:
  - a) It is a condition of entry that customers agree to be searched and
  - b) Police will be informed if anyone is found in possession of controlled substances or weapons.
- 29 Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00hrs.
- 30 Any outside area of the venue will be regularly checked by a competent person.
- 31 Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.

**7.0 List of Appendices:**

- 7.1 Appendix 4(a) - Application for a TEN – The New Philly  
Appendix 4(b) - Police objection to TEN – The New Philly

**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.