

Report to:	Licensing Panel
Relevant Officer:	Judith Brooks-Brennan, Licensing Officer
Date of Meeting :	3 November 2022

APPLICATION TO REVIEW A PREMISES LICENCE – Trades Hotel

1.0 Purpose of the report:

- 1.1 To consider an application by Lee Petrak on behalf of the Licensing Authority to review the Premises Licence issued in respect of the Trades Hotel, 51-55 Lord Street, Blackpool, FY1 2BJ.

2.0 Recommendation(s):

- 2.1 The Panel is requested to determine the review application.

3.0 Reasons for recommendation(s):

- 3.1 This application must be determined by a Panel of the Licensing Committee.

- 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:

- 4.1 None, once a review application has been received it must be considered by a 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 Trades Hotel, 51-55 Lord Street, Blackpool has the benefit of a Premises Licence PL1974 authorising the sale by retail of alcohol (for consumption on the premises only) 10:00 – 02:00 daily (for both residents and non-residents) and the provision of late night refreshment 23.00 – 05:00 daily.

- 6.2 On 2 September 2022 the Licensing Service received an application from Lee Petrak on behalf of the Licensing Authority to review this licence on the grounds of the prevention of crime and disorder. A copy of the review application is attached as Appendix 4a with additional still images to support that application attached at Appendix 4b.
- 6.3 A representation in support of the review has been received from Lancashire Constabulary and is attached as Appendix 4c.
- 6.4 The Premises Licence holder is currently Mr Neil Malcolm Cropper. The Designated Premises Supervisor is Mrs Kimberley Lesley O'Hare.
- 6.5 Local policy considerations:

6.2.3 - The licensing authority will view particularly seriously applications for the review of any Premises Licence where it involves the:

- Continuous breaches or contraventions of licence conditions
- Not operating the premises according to the agreed operating schedule
- Where the police are frequently called to attend incidents of disorder

- 6.6 National policy considerations:

Section 11 on reviews is relevant, in particular:

11.19 - Where the licensing authority considers that action under its statutory powers is appropriate it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 – In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 - For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 - Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

If a suspension or revocation is being considered 11.23 should be taken into account: ".....it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

6.7 Observations

This premises has been licensed since 4 September 2013. The current Premises Licence was transferred into Mr Cropper's name on 25 January 2016.

The licence has the following conditions endorsed upon it:

Annex 2 - Conditions consistent with the Operating Schedule

- 1 No entertainment of an adult nature will take place on the premises.
- 2 Only background recorded music may be played at the premises which will not exceed a maximum of 60db and will not travel beyond the curtilage of the building.
- 3 Non-residents are permitted on the premises and may be supplied alcohol between 10.00 and 02.00.
- 4 CCTV will be installed internally and externally at the premises and will comply with the following:
 - i. 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.
 - ii. The system will display on any recording the correct time and date of the recording.
 - iii. The system will make recordings during all hours the premises are open to the public.
 - iv. 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.

v. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

- 5 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 Office or to a Local Authority Enforcement Officer.
- 6 The licence holder shall notify the Police licensing unit on any occasion when the CCTV 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 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 8 Bi-annually documented maintenance checks of the CCTV system, including the recording system, will be undertaken by the licence holder to ensure that the system is in good working order and fit for purpose.
- 9 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.
- 10 No person under 18 will be allowed on the premises.
- 11 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.
- 12 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.
- 13 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
- 14 A drugs prevention strategy for the venue shall be developed, applied and documented.

- 15 Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with Lancashire Constabulary.
- 16 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.
- 17 An incident book will be maintained, in which shall be recorded:
 - i. All incidents of crime and disorder
 - ii. Refused sales to suspected under age / drunken persons
 - iii. A record of any person refused admission or asked to leave the premises.
 - iv. Details of occasions upon which the Police are called to the premises.
 - v. The use or discovery of drugs.

6.8 Does the information submitted include any exempt information? Yes

Appendix 4b is exempt from publication by virtue of Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

7.0 List of Appendices:

- 7.1 Appendix 4a - Review application from Lee Petrak on behalf of the Licensing Authority.
Appendix 4b – Still images to support Licensing Authority review application (not for publication)
Appendix 4c - Representation from Lancashire Constabulary.
Appendix 4d – Written submission from licence holder’s agent in response to review application.

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 The application has been subject to a 28 day statutory consultation period.

14.0 Background Papers :

14.1 None.