

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Lisa Ashton, Licensing Officer
<b>Date of Meeting :</b>	5 December 2022

## **APPLICATION TO REVIEW A PREMISES LICENCE – Kaos Bar**

### **1.0 Purpose of the report:**

- 1.1 To consider an application by Sergeant Nat Cox on behalf of Lancashire Constabulary to review the Premises Licence issued in respect of Kaos, 38-42 Queen Street, Blackpool, FY1 2AY.

### **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 Kaos, 38-42 Queen Street, Blackpool has the benefit of a Premises Licence PL1746 authorising the sale by retail of alcohol for consumption on the premises only 11.00 – 05.00 daily, Films, Live Music, Recorded Music and Dance 11.00 – 05.00 daily and the provision of Late Night Refreshment 23.00 – 05:00 hours daily.
- 6.2 On 1 September 2022 the Licensing Service received an application from Sergeant Nat Cox on behalf of Lancashire Constabulary to review this licence on the grounds of the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm. A copy of the review application is attached at Appendix 4a with additional information received from the Police to support that application attached at Appendices 4b and 4b(i) (images not for publication).
- 6.3 The Review hearing was originally convened on the 3 November 2022 and that hearing the Licensing Panel agreed to defer the hearing to enable the Licence Holder to receive additional detail on some of the information within the submission from Lancashire Constabulary and potentially offer a response.
- 6.4 Representations in support of the review have been received from Environmental Protection, the Licensing Authority and 3 members of the public and are attached at Appendices 4c to 4g.
- 6.5 The Premises Licence Holder and Designated Premises Supervisor is currently Mr Neil Malcolm Cropper.
- 6.6 A written submission from the Premises Licence holder's agent in response to the review application and representations received is attached at Appendix 4h. A further submission was received from the Premises Licence holder's agent which was originally included as supplement to the agenda for the meeting on the 3 November 2022 and is attached at Appendix 4i.
- 6.6 Additional submissions were received from the Premises Licence holder's agent on the 24 November 2022 and these are attached at Appendix 4j.
- 6.7 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
- 6.2.4 When dealing with premises brought to review, the licensing authority will adopt a yellow card/red card system in appropriate cases. The intention is that problem premises will be identified at an early stage and enforcement agencies will be encouraged to seek reviews when local intelligence suggests that individual

premises are selling to children, causing other crime problems or causing noise nuisance.

6.3.2 The licensing committee will view very seriously premises reviewed due to under-age sales and although each review will be determined on its own merits, licence holders will be expected to explain how the sales took place and what measures have been put in place to minimise the risk of such sales taking place in the future.

6.4.3 The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence

## 6.8 National policy considerations:

Section 11 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)<sup>10</sup>;
- 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.”

#### 6.9 Observations:

This premise has been licenced since 12 September 2008. The Licence was transferred into Mr Cropper’s name on 18 July 2016.

The licence has the following conditions endorsed upon it in addition to the mandatory conditions:

#### **Annex 2 - Conditions consistent with the Operating Schedule**

- 1 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.
- 2 The premises shall be operated in participation with the ‘Pubwatch’ and ‘Radiolink’ schemes.
- 3 The premises shall be operated in compliance with the recommendations contained in Safer Clubbing.
- 4 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 5 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.
- 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 Only toughened glass vessels are used to dispense beverages to customers.

- 8 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.
- 9 Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their absence, whose identity is known by all other staff when such absence occurs.
- 10 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.
- 11 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.
- 12 The premises shall maintain a drinks pricing policy which complies with any Local Authority resolution made in accordance with approval from the Licensees Forum or any successor liaison body recognised by the Licensing Authority.
- 13 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.
- 14 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.
- 15 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
- 16 Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.
- 17 Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be available for inspection.
- 18 Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
- 19 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.

- 20 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.
- 21 The volume of amplified sound used in connection with regulated 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.
- 22 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 23 There shall be placed at all exit points from the premises in a place where they can be seen and easily read by the public, clear and legible notices requiring customers to leave the premises and the area quietly so as to minimise disturbance to nearby residents.
- 24 The licensee shall ensure that staff arriving before 0900 or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbances to nearby residents.
- 25 The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 0800 and 2200 so as to prevent disturbance to nearby premises.
- 26 The licensee shall ensure that noise or vibration shall not emanate from outside the premises such as to cause persons in the neighbourhood to be disturbed. To this end sound insulation shall be provided and regard must be had to the ventilation requirements for the premises. All sound insulation shall be installed to the satisfaction of the Council.
- 27 The licensee shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to nearby properties, and that the premises shall be adequately ventilated to the satisfaction of the Head of Environmental Services.
- 28 The licence holder and the DPS shall ensure that the maximum number of persons allowed onto the premises shall not exceed the capacity determined by the Lancashire Fire and Rescue Service.
- 29 The licence holder and the DPS shall permit, facilitate and assist in the display upon the premises of health education and crime prevention campaign

materials in a form agreed with the Licensees Forum or any successor liaison body recognised by the Licensing Authority.

- 30 The licensee shall ensure free cold drinking water is available on request and adequate supplies of chilled soft drinks and bottled water shall be available for sale at the bar(s).
- 31 On New Year's Eve permitted hours shall extend from midnight on 31 December to the start of permitted hours the following day.
- 32 The licence holder will observe the criteria relating to the provision of Adult Entertainment set out in the guidance provided by Blackpool Council.
- 33 The consumption of alcohol in any external smoking areas associated with the premises shall be prohibited between the hours of 2300 and 1100 so as to minimise any nuisance or disturbance to any property or persons within close proximity. The smoking areas shall be located in such a position so that any associated use does not cause a nuisance to nearby noise sensitive properties.
- 34 Noise from any Regulated Entertainment, Mechanical Ventilation or Refrigeration Plant 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.
- 35 Vibration produced as a result of any Regulated Entertainment shall not be perceptible in any adjoining or nearby sensitive properties.
- 36 All internal doors to any entrance/exit point, fire exit doors and external windows shall be closed during hours of any Regulated Entertainment except in the event of an emergency, save for the purpose of access and egress.
- 37 Any external light source associated with the premises shall not cause a nuisance or disturbance to any property within close proximity.
- 38 The Premises Licence Holder shall provide suitable containers for the storage of waste, which are constructed and maintained to prevent the removal of such waste by vandals, thieves, animals, accidental spillage or inclement weather. This shall include any external receptacles provided for the disposal of all discarded smoking related litter, so as to prevent waste litter being deposited onto the highway.
- 39 No persons under 18 years of age will be admitted to the premises unless they are employed at the premises and present solely to work. All persons employed at the premises must be at least 16 years old.

- 40 No persons under 18 will be allowed to work beyond midnight and must be supervised at all times.
- 41 All staff involved in sales will be at least 18 years of age.
- 42 CCTV will be installed internally and externally at the premises and will comply with the following:
1. The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises, where practical, are to be covered by the system.
  2. The system will display on any recording the correct time and date of the recording.
  3. The system will make recordings during all hours the premises are open to the public.
  4. 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.
  5. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
- 43 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 Police recent data or footage with the absolute minimum of delay when requested.
- 44 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 45 Bi-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.
- 46 The licence holder is to support and rigorously enforce the 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
- iv. Armed Forces ID card



All staff involved in the sale of alcohol shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. All such staff to receive regular refresher training at intervals of at least 4 months. Records to evidence this will be made available to officers on request.

47 All members of staff shall receive suitable training with regard to serving drinks and conflict management and are to receive regular refresher training at intervals of a maximum of 4 months. Records to evidence this will be made available to authorised officers upon request.

48 An incident book will be maintained in which there will be recorded:

- i. All incidents of crime and disorder
- ii. Refused sales to suspected under-age and drunken persons
- iii. A record of any person asked to leave the premises
- iv. Details of occasions on which the Police are called to the premises
- v. A record of persons searched on suspicion that drugs are being carried and the reason for such suspicion

The book will be available for inspection by a Police Officer or authorised person on demand.

49 A licensed door supervisor will be on duty from 20.00 until the premises closes. On Friday, Saturday and Monday evenings there will be a total of 2 supervisors on duty at the entrance, one starting at 20.00 and the second starting at 22.00, with a third door supervisor employed from midnight to monitor inside the venue.

6.10 Does the information submitted include any exempt information? Yes

Appendices 4b(i) and 4d(i) are 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 Lancashire Constabulary.  
Appendix 4b – Additional information from Lancashire Constabulary.  
Appendix 4b(i) - Additional information from Lancashire Constabulary (images not for publication).  
Appendix 4c - Environmental Protection representation .  
Appendix 4d – Licensing Authority representation.  
Appendix 4d(i) – Licensing Authority representation (CCTV images not for publication).  
Appendix 4e – Public representation (Chalmers).  
Appendix 4f – Public representation (Simmons).  
Appendix 4g – Public representation (Brodowski).

Appendix 4h – Written submission on behalf of Premises Licence holder  
Appendix 4i- Additional submissions on behalf of Premises Licence holder which originally formed a supplement to the agenda for the meeting on 3 November 2022

Appendix 4j- Additional submissions on behalf of Premises Licence holder submitted on 24 November 2022

**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.