

# Public Document Pack

# Blackpool Council

26 May 2023

To: Councillors Baker, Bamborough, S Brookes, Cartmell, Cooper, Hoyle, Hunter, Jones, Roe, D Scott, S Smith and Wilshaw

The above members are requested to attend the:

## LICENSING COMMITTEE

Tuesday, 6 June 2023 at 5.45 pm  
in Committee Room A, Town Hall, Blackpool

## A G E N D A

### 1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

### 2 MINUTES OF THE LAST MEETING HELD ON 6 DECEMBER 2022 (Pages 1 - 2)

To agree the minutes of the last meeting held on 6 December 2022 as a true and correct record.

### 3 FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE (Pages 3 - 6)

Members are requested to consider the formation of a Public Protection Sub-Committee for the forthcoming Municipal Year.

**4 THE ROLE AND RESPONSIBILITIES OF THE LICENSING COMMITTEE** (Pages 7 - 12)

To update the Committee on the role and responsibilities of the Licensing Committee.

**5 LICENSING UPDATE** (Pages 13 - 16)

To update the Committee on the details of licences applied for, dealt with and appealed in the period 1 January 2023 to 25 May 2023.

**6 DATE OF NEXT MEETING**

To note the date of the next meeting as 5 December 2023.

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Tyrone Wassell, Democratic Governance Senior Advisor, Tel: 01253 477211, e-mail [tyrone.wassell@blackpool.gov.uk](mailto:tyrone.wassell@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

### **Present:**

Councillor Hutton (in the Chair)

Councillors

Baker	Cross	D Scott
Brookes	Farrell	Sloman
G Coleman	O'Hara	Wilshaw

### **In Attendance:**

Lennox Beattie, Executive and Regulatory Manager  
Sharon Davies, Senior Licensing Solicitor  
Councillor Hunter

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE LAST MEETING HELD ON 8 NOVEMBER 2022**

The Licensing Committee considered the minutes of the last meeting held on 8 November 2022.

### **Resolved:**

That the minutes of the meeting of the Licensing Committee held on 8 November 2022 be approved and signed by the Chair as a correct record

### **3 FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE**

Further to the decision of the Council on 30 November 2022 to re-appoint its Committees following consideration of the changes to the Council's overall political balance the Committee considered the formation of a Public Protection Sub Committee for the remainder of the Municipal Year 2022/23.

### **Resolved:**

1. To agree to the formation of a politically balanced Public Protection Sub Committee with a membership of 5 (3 Labour, 2 Conservative).
2. To note the membership of the proposed Sub-Committee as informed by the Group Leaders as Councillors Farrell, Hunter, Hutton, D Scott and Wilshaw.
3. To agree that the functions assigned to the Public Protection Sub-Committee continue to be those as set out in Part 3 of the Council's Constitution.
4. To request the Public Protection Sub-Committee to consider the appointment of a Chairman and Vice-Chairman.
5. To request the Public Protection Sub-Committee to consider the start-time of its future meetings.

**4 DATE OF NEXT MEETING**

The Licensing Committee noted the date of the next meeting as 17 January 2023.

**Chairman**

(The meeting ended at 6.10 pm)

Any queries regarding these minutes, please contact:  
Sarah Chadwick Democratic Governance Senior Advisor  
Tel: 01253 477153  
E-mail: [sarah.chadwick@blackpool.gov.uk](mailto:sarah.chadwick@blackpool.gov.uk)

<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Partnerships
<b>Date of Meeting:</b>	6 June 2023

## FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE

### 1.0 Purpose of the report:

1.1 Members are requested to consider the formation of a Public Protection Sub-Committee for the forthcoming Municipal Year.

### 2.0 Recommendation(s):

2.1 To agree to the formation of a politically balanced Public Protection Sub-Committee with a membership of 7.

2.2 Subject to the approval of 2.1 above, to note the membership of the proposed Sub-Committee as informed by the Group Leaders as Councillors S Brookes, Hunter, Jones, Roe, S Smith, D Scott and Walsh.

2.3 That the functions assigned to the Public Protection Sub-Committee continue to be those as set out in Part 3 of the Council's Constitution.

2.4 To consider whether or not to appoint at this meeting, the Chairman and Vice-Chairman of the Public Protection Sub-Committee.

2.5 To request the Public Protection Sub-Committee to consider the start time of its future meetings.

### 3.0 Reasons for recommendation(s):

3.1 Following the recommended confirmation of the Committee structure at the Council meeting on 24 May 2023, if the Licensing Committee wishes to delegate functions to a Public Protection Sub-Committee such a body needs to be created.

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 Not to create a Public Protection Sub-Committee which would mean that all the functions previously delegated would remain the responsibility of the Licensing Committee.

**5.0 Council priority:**

5.1 The relevant Council priority is

- “Communities: Creating stronger communities and increasing resilience”

**6.0 Background information**

6.1 The Council at its meeting on 24 May 2023 recommended to the Licensing Committee the re-appointment of a politically balanced Public Protection Sub-Committee with a membership of 7. The functions assigned to the Sub-Committee are as set out in Part 3 of the Council’s Constitution. The Council will be asked to recommend that the Sub-Committee continues to meet on a monthly basis.

6.2 The functions of the Licensing Committee under the Licensing Act 2003 would continue to be discharged by panels consisting of 3 members of the Licensing Committee. Members are reminded that these Panels are appointed as required by the Head of Democratic Governance.

6.3 If the Committee agrees to the creation of a Public Protection Sub-Committee, it should also consider whether it wishes to appoint a Chairman and Vice-Chairman at this meeting or to leave the appointments for consideration by the Sub-Committee itself.

6.4 The Council at its meeting on 24 May 2023 in line with previous years did not agree a set meeting time for the Public Protection Sub-Committee as given the length of the previous meetings it is considered that 6pm may on occasion not be suitable. The Public Protection Sub-Committee would be asked to agree that meetings start at 6pm except where the business to be transacted will in the view of officers take significantly longer than two hours when a revised start time will be agreed after consultation with the Chairman and Vice-Chairman.

6.6 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

7.1 None.

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 This Committee was reconstituted at the meeting of the Council on 24 May 2023 and as such the Public Protection Sub-Committee has to be reconstituted for this Municipal Year, in order for it to carry out its duties.

**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.

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<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Sharon Davies, Senior Solicitor- Licensing
<b>Date of Meeting</b>	6 June 2023

## THE ROLE AND RESPONSIBILITIES OF THE LICENSING COMMITTEE

### 1.0 Purpose of the report:

1.1 To update the Committee on the role and responsibilities of the Licensing Committee.

### 2.0 Recommendation(s):

2.1 To note the report.

### 3.0 Reasons for recommendation(s):

3.1 It is important that members understand the responsibilities of the Licensing Committee

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:

None.

### 5.0 Council Priority:

5.1 The relevant Council priority is: "The economy – maximising growth and opportunity across Blackpool".

## 6.0 Background Information

### Licensing Act 2003

- 6.1 The Council, as Licensing Authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives. The Council must establish a Licensing Committee comprising at least 10 and not more than 15 members (the current Licensing Committee meets this requirement as it consists of 12 members). It must also determine and publish a Statement of Licensing policy (this must be approved by the Full Council).

All matters relating to the discharge by the Licensing Authority of its Licensing functions are referred to the Licensing Committee and that committee must discharge those functions on behalf of the authority.

- 6.2 The Licensing Objectives set down in legislation are

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Each objective is of equal importance

- 6.3 The Licensing Act 2003 (the Act) creates a regime to regulate the sale of alcohol, provision of regulated entertainment and provision of late night refreshment through Premises Licences, Club Premises Certificates and Temporary Event notices. The Act and associated regulations sets out the application process. If no representations are received during the appropriate period, the application must be granted administratively by the Licensing Service. Councillors receive weekly updates on licences granted in this

- 6.4 The full Licensing Committee meets three or four times a year to:
- Consider matters of policy and to recommend them to the Council/Executive as appropriate
  - Consider reports on the work of the Licensing Service
  - Receive updates on the work of the enforcement team

The full Licensing Committee will not consider individual licensing applications. Applications where representations have been received will be considered by a panel of three members of the Licensing Committee – separate training will be provided on licensing panels.

6.5 **Statement of Licensing Policy -**

Section 5 of the Act requires the Council to prepare and publish a statement of licensing policy at least every five years. During this period, the policy must be kept under review and if amendments are made, a new five-year policy will start.

The current policy took effect on 11 February 2021 so will expire in February 2026.

6.6 **Cumulative Impact Assessment**

This is an evidence-based tool, which allows an authority to limit the growth of licensed premises in an area where the density of licensed premises is having a detrimental effect on one or more of the licensing objectives. An application in a Cumulative Impact Assessment area is more likely to attract representations.

Blackpool has two such Assessments published, one for the town centre covering on-licensed and takeaway premises, another relating to off-licences in specified areas.

These assessments published in February 2021 must be reviewed by February 2024.

6.7 **Consultation**

Before revising the Licensing Policy or Cumulative Impact Assessment, consultation must take place with:

- The Chief Officer of Police for the area
- The fire and rescue authority for the area
- The Director of Public Health
- Persons/Bodies representative of local premises licence holders
- Persons/Bodies representative of local club premises certificate holders
- Persons/Bodies representative of personal licence holders
- Persons/Bodies representative of businesses and residents in the area.

6.8 **Gambling Act 2005**

All functions of the licensing authority are delegated to the licensing committee except:

- The making of a resolution not to issue casino licences
- The power to set fees
- The preparation and publication of a statement of policy

6.9 The Gambling Act 2005 requires that the authority shall aim to permit the use of premises for gambling in so far as the authority thinks it:

- In accordance with the relevant codes of practice
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives
- In accordance with the policy statement issued by the authority.

6.10 In determining whether to grant a premises licence, a licensing authority may not have regard to the expected demand for the facilities which the applicant proposes to provide.

6.11 The Gambling Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

6.12 Statement of Policy – regulations require that the following must appear in the policy:

- A description of the geographical area covered by the policy
- A list of the persons consulted in preparing the statement
- The principles to be applied when determining whether someone is an interested party
- The principles to be applied with respect to the exchange of information between the authority and the Gambling Commission

6.13 The role of the Gambling Commission –

- Provide guidance to the local authority
- Develops conditions and codes of practice for the industry
- Issues operating licences (required to make and hold a premises licence)
- Issues personal licences
- They are consulted on applications for Premises licences

6.14 **Other policies**

The Council are required by the legislation to have policies on how they deal with applications under the Licensing Act 2003 and Gambling Act 2005. These must be approved by full Council. The Licensing Committee's role is to develop the policies and recommend them to Council. There are a number of other licensing policies which the Council are not required to have, but it is good practice to do so. These policies are developed by the Public Protection Sub-Committee, considered by the Licensing Committee and then receive final approval from the Executive. Whilst there is no law determining the life-span of these policies, to ensure they remain up to date, as a matter of good practice they should be reviewed at least every five years.

Other policies considered by the Licensing Committee currently include

- Hackney carriage and private hire policy – last reviewed 2022
- Horse drawn hackney carriage policy – due for review
- Sex Establishment Policy – last reviewed 2021

6.8 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

None.

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 None.

**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.

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<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Lee Petrak, Licensing and Trading Standards Manager
<b>Date of Meeting</b>	6 June 2023

## LICENSING UPDATE

### 1.0 Purpose of the report:

1.1 To update the Committee on the details of licences applied for, dealt with and appealed in the period 1 January 2023 to 25 May 2023.

### 2.0 Recommendation(s):

2.1 To note the update on licences considered, dealt with and appealed.

### 3.0 Reasons for recommendation(s):

3.1 One of the responsibilities of the Committee is to receive reports on the work of the Licensing Service.

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:

None.

### 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 During the period 1 January 2023 – 25 May 2023, the Licensing Service received 17 applications for new Premises Licences. Of these applications, 11 were granted administratively as no objections were received and 4 are still in the representation period.

### 6.2 The following were granted administratively:

28 Woodfield Road  
PCK THAS Hotel, 38-40 Coop Street  
Blackpool Burgers, 6-7 Cedar Square  
Glory Holes, first and second floors, 66-74 Promenade  
Marvin's, 3-5 Clifton Street  
Coastal Bay Hotel, 377-379 Promenade  
TK One, 237 Lytham Road  
Daggars Hall Lane Post Office, 157 Vicarage Lane  
Urban Factory Limited, Blackpool Business Park, Amy Johnson Way  
The Town Store, 2 Anchorsholme Lane East  
8's Pool Bar, First Floor, 75-77 Talbot Road

### 6.3 The following applications were withdrawn:

Lawson's Show Ground  
Pier Jam Festival, Promenade

### 6.4 The following applications are still within the representation period:

Abingdon Street Market– last date for representations 30 May 2023  
Club 3000 Bingo, Festival Park, Rigby Road – last date for representations 30 May 2023  
Put Above, Basement, – last date for representations 14 June 2023  
H2O, 1-9 Talbot Road - last date for representations to be fixed

6.5 During the same period, the Licensing Service also received 5 variation applications, 40 vary Designated Premises Supervisor applications and 23 transfers of premises licence.

6.6 No licences were reviewed during this period

6.7 The following appeals are before the Court

Kaos – listed for hearing 9 June 2023



6.8 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

None.

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 None.

**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.

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