

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	14 June 2017

## APPLICATION TO REVIEW A LICENCE – Bispham Local Store

### 1.0 Purpose of the report:

1.1 To consider an application from the Weights and Measures authority to review the Premises Licence issued in respect of the Bispham Local Store, 101 Bispham Road.

### 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.

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

3.3 Other alternative options to be considered:

None, once a review application is submitted it must be considered by the Licensing Panel.

### 4.0 Background Information

4.1 Bispham Local Store, 101 Bispham Road has the benefit of a Premises Licence authorising the sale of alcohol for consumption off the premises:  
 Weekdays 08.00 – 23.00  
 Sundays 10.00 – 22.30  
 Christmas Day 12.00 – 15.00 and 19.00 – 22.30  
 Good Friday 08.00 – 22.30

4.2 On 24 April 2017, the Licensing Service received an application from Weights and Measures to review this licence on the grounds of protection of children from harm. A copy of the application is attached at Appendix 4a.

4.3 Representations in support of the application have been received from:

Lancashire Constabulary (Appendix 4b)  
Health and Safety (Appendix 4c)  
Child Protection Licensing Officer (Appendix 4d)

Copies of the representations are attached

4.4 At the time the review was submitted the Licence Holder and Designated Premises Supervisor was Amalan Arumugam. On the same day the Licensing Service received the review application they received an application to transfer the licence and vary the Designated Premises Supervisor. These applications were granted as no objections were received from the police. The licence holders are now Kajanthan Arumugam and Nirosha Kajanthan. Kajanthan Arumugam is now the designated premises supervisor.

4.5 **Local policy considerations**

None

4.6 **National policy considerations**

Section 11 reviews is relevant in particular:

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.

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.”

The panel have the following powers:

1. Take no action

2. Modify the conditions of the licence (by adding removing or varying conditions)
3. Exclude a licensable activity from the licence
4. Remove the DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

#### 4.7 Observations

This licence has the following conditions endorsed upon it:

##### **Annex 1 - Mandatory conditions**

- 1 Alcohol shall not be sold or supplied except during permitted hours as stated.  
  
The restrictions on permitted hours do not prohibit:
  - a) During the first twenty minutes after the permitted hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
  - b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - c) The sale of alcohol to a trader or club for the purposes of the trade or club;
  - d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;
- 2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.
- 3 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.
- 4 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 5 (1) The premises licence holder or club premises certificate holder must

ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years 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 either a holographic mark or an ultraviolet feature.

6 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:

- a. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-
  - i. P is the permitted price,
  - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
  - i. the holder of the premises licence,
  - ii. the designated premises supervisor (if any) in respect of such a licence, or
  - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

There are only the mandatory conditions on this licence as it has never been varied since it was converted from a Justices’ licence in 2005.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Review Application from Weights and Measures

Appendix 4b: Representation from Lancashire Constabulary

Appendix 4c: Representation from Health and Safety

Appendix 4d: Representation from Child Protection Licensing Officer

5.0 **Legal considerations:**

5.1 Please see local and national policy in the background information.

6.0 **Human Resources considerations:**

6.1 None.

7.0 **Equalities considerations:**

7.1 None.

8.0 **Financial considerations:**

8.1 None.