

RESPONSE TO NOTICE OF HEARING**Blackpool Licensing Service - Application for**

Premises Name	B&M Store
Hearing Date	30 August 2018
Hearing Time	6.00pm
Hearing Location	Town Hall, Talbot Square, Blackpool
Return "Response to Notice of Hearing" by	23 August 2018

I acknowledge receipt of the Notice of Hearing for the hearing detailed above.

I will attend the hearing	<input checked="" type="radio"/> YES	<input type="radio"/> NO
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I will be represented	<input checked="" type="radio"/> YES	<input type="radio"/> NO
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If YES Give details of your representative [Please print name]

RICHARD WILLIAMS - SOLICITOR, DOVERSON

I consider the hearing to be unnecessary	<input type="radio"/> YES	<input checked="" type="radio"/> NO
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I request permission for the person/s detailed below to attend the hearing:

Name of proposed attendee/s: [Please print name/s]

DARREN BAGSHAW - B&M AREA MANAGER.

Brief description of the points that each proposed attendee may assist the panel:

ONE FOR ONE LICENCE SWAP ON REVOCATION.

Print Name (Your name)	R. Williams
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Usual Signature	
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Contact Telephone Number	07834 227351	Fax Number	
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E-mail Address	RICHARD.W@DOVERSONLAW.COM
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Date	16	8	18
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B&M RETAIL LIMITED

APPLICATION FOR NEW PREMISES LICENCE AT 26 – 32 CHURCH STREET

HEARING NOTE

INTRODUCTION

This is a relocation of a B&M store at Bank Hey Street, within the Talbot ward. The new store is 0.2m away from the old site, which is a 4-minute walk away.

The applicant believes that this is an exception to the Council's cumulative impact policy, which creates a rebuttable presumption of refusal for new off-licence premises within the saturation area.

In accordance with condition 4.8.2 of the Council's Licensing Policy, it is the applicant's view that a like for like swap is unlikely to add to the cumulative impact already being experienced in the area.

The application requests hours for the sale of alcohol from 07.00 to 22.00 every day of the week to allow for flexibility, particularly around Christmas time. As a general rule, the store will only be open between 08.30 and 20.00.

B&M

The B&M store at Bank Hey Street, Blackpool has been trading in Blackpool for 10 years. A decision was taken earlier in the year to relocate this store to a vacant unit on Church Street (formerly BHS).

B&M believes that the BHS at Church Street was previously licensed to sell alcohol, so the surrender of that licence will have also reduced overall numbers of off-licensed premises in the saturation area.

Premises Licence 1872 for B&M Bank Hey Street was surrendered to Blackpool Council on 6th July 2018, due to the proposed relocation of the store to Church Street.

The surrendered Licence permitted off-sales of alcohol from 08.00 each day, with closing times varying throughout the year until as late as 21.00.

The Premises Licence was subject to a number of conditions, the most relevant ones in terms of public health being:

- No single can sales
- No beer/cider over 5.5% ABV
- No more than 5% of display area to be alcohol

B&M is not aware of any issues relating to street drinkers, police warnings etc at the Bank Hey store.

NEW STORE

Whilst it is accepted that the new B&M store is larger than the old one, alcohol is only a small part of the B&M offering. So for example, only 13 display bays will contain alcohol out of a total of 525 bays within the store (less than 2.5% of display bays).

Alcohol sales are ancillary to food and other goods purchases at B&M and are not the sole reason for visiting the store.

However, B&M acknowledges that high strength, low cost alcohol could be attractive to street drinkers and could affect public health generally. As such, it accepts that sales of high strength beer, lager and cider (particularly in single cans) could lead to street drinkers targeting the store to purchase alcohol. B&M does not want to encourage this type of custom. It is therefore happy to accept restrictions on super strength lager/beer and cider (e.g. white cider).

However, it must be noted that at other stores it does sell a range of "craft ales" (generally below 5%) in bottles and more recently in single cans and ideally would like to be able to do so at this store.

In light of concerns raised by the Area Manager about the location of the alcohol bays, a revised plan was lodged with the Council showing the alcohol bays relocated to a position adjacent to the tills to aid supervision of this area.

On 30th July 2018, the police agreed a condition with B&M to be imposed on this Licence:

- No single can sales of beer or cider over 5% will be permitted

PROPOSAL

A single objection to this application has been made by Blackpool Council Public Health department. As such the Council's cumulative impact policy is engaged, which creates a rebuttable presumption of refusal.

For the reasons outlined above, the applicant considers that the relocation allows the Committee to depart from its policy in these exceptional circumstances. B&M believes that the like for like relocation of one store with another, which is 4 minutes' walk away will not add to cumulative impact in the area.

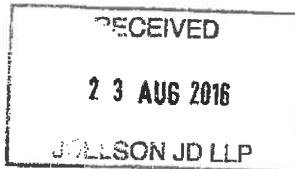
Discussions have taken place with the Public Health department but proposals have not led to any agreement.

The applicant would be prepared to be flexible in terms of permitted hours for off sales of alcohol and is also prepared to agree conditions (to match those on the surrendered licence if necessary).

B&M believes that a hearing is not necessary to resolve these issues and believes that negotiation could reach an acceptable compromise. However this has not been possible.

If a hearing proceeds, the Public Health department is requested to provide details of any specific issues that it has had with alcohol related crime/street drinking at the B&M store at Bank Hey Street.

16.08.18



Joelson Law
30 Portland Place
London
W1B 1LZ

Our Ref: PL1872 / SH
Direct Line: 01253 47 8572 / 8589
Date: August 18, 2016

Premises Licence

PL1872

Issue of a Premises Licence

Please find enclosed your Premises Licence and Summary.

The licence (or a certified copy) must be kept at the premises, and the summary (or a certified copy) must be displayed prominently at the premises. The enclosed notice provides further information concerning this and other duties of a licence holder.

If the licence is lost, stolen or damaged, the licensing authority must be notified immediately by the Licence Holder, and an application for a duplicate must be submitted, for which a fee is payable.

I have also enclosed a leaflet entitled Licensing Act 2003 Offences which I advise you to read and become familiar with. If you would like any further advice or information on any aspect of licensing it can be obtained by contacting this office or by reference to our website www.blackpool.gov.uk

Yours sincerely,

for Head of Licensing Services

Sharon Davies, Head of Licensing Services
Municipal Buildings, PO Box 4, Blackpool, FY1 1NA
Fax: 01253 478372
Email address: licensing@blackpool.gov.uk
Visit www.blackpool.gov.uk/licensing for information about licensing

LS/D/005/17/5

Blackpool Council

The Premises Licence

This premises licence is valid until

- It is revoked
- If granted for a limited period, that period expires
- It is surrendered
- It lapses

A premises licence will lapse if the holder of the licence:

- Dies,
 - Becomes mentally incapable (within meaning of Mental Capacity Act 2005),
 - Becomes insolvent,
 - Is dissolved, or
 - In the case of a club, ceases to be a recognised club.
- An individual becomes insolvent on approval of an individual voluntary arrangement, bankruptcy, having estate sequestrated, or entering deed of arrangement made for benefit of creditors or a trust to creditors.
 - A company becomes insolvent on approval of a voluntary arrangement by its directors, appointment of administrator or administrative receiver in respect of the company, or liquidation.

Duty to notify of change of name and address

The holder of a premises licence must notify the licensing authority as soon as reasonably practicable of any change in-

1. His name or address
2. The name and address of the designated premises supervisor (unless the designated premises supervisor has already notified the licensing authority)

The premises licence, or a statement why it cannot be produced must accompany this notification.

Duty to keep and produce licence

The licence or a certified copy of it must be kept at the premises in the custody, or under the control of –

- The licence holder
- A person who works at the premises, who has been nominated in writing

The summary, or certified copy must be prominently displayed at the premises, as must a notice specifying the position of the person nominated to keep the premises licence.

Please note the plan forms part of the premises licence and must not be removed.

A constable or authorised person may require the licence (or copy) to be produced for examination

Annual Renewal Fees

A Renewal Fee is due every year on the anniversary of the original grant of the licence.

Non-payment of the renewal fee will result in the suspension of the premises licence.

It is an offence not to comply with the above.

Blackpool Council

Offences under the Licensing Act 2003

This leaflet only provides a general explanation of the offences that may be committed under the Licensing Act 2003. For the full list of offences and defences that are available, the Act itself should be referred to.

1. Sale and supply of alcohol to children

- a) It is an offence for a person to sell alcohol to an individual aged under 18. A club or a person may also commit an offence if they:
 - Supply alcohol to, or at the request a member of the club who is under 18, or
 - Supply alcohol at the request of a member of the club, to an individual who is under 18.
- b) It is an offence to knowingly allow the sale of alcohol to an individual aged under 18.
- c) It is an offence to sell liqueur confectionary to a child under 16 years of age.

Note

There is a statutory defence to the offence of selling alcohol to children if the retailer believed that the purchaser was over 18 years of age and had either taken all reasonable steps to determine the purchaser's age or that nobody could reasonably have suspected from the purchaser's appearance that he or she was under 18 years.

Attention is drawn to the Council's Proof of Age card scheme and other proof of age cards made available by national organisations.

- d) It is an offence to allow children unaccompanied by an adult to be present on premises used exclusively or primarily for the sale of alcohol.
- e) It is an offence to allow children unaccompanied by an adult to be present on premises where alcohol is sold between midnight and 5 am.
- f) A person who buys or attempts to buy alcohol for consumption by a child on licensed premises commits an offence and a vendor who could reasonably have identified such a purchase could also be charged under a) above.
- g) A person who acts as an agent for a child in purchasing or attempting to purchase alcohol (for example from an off licence) commits an offence and a vendor who could reasonably have recognised such an arrangement could also be charged with an offence.
- h) It is an offence to knowingly allow the consumption of alcohol by a child on licensed premises. The offence can be committed by any person who works on the premises in a capacity to prevent the consumption. This provision does not apply to 16 or 17 year olds who consume beer, wine or cider with a table meal when accompanied by an adult. Bar snacks do not amount to a table meal.
- i) It is an offence to knowingly deliver alcohol to a child. For example a child cannot collect or receive alcohol ordered by an adult by telephone.
- j) It is also an offence for an adult to send a child to collect alcohol from licensed premises. Persons at a licensed premises who permit such collection could be charged with aiding and abetting the offence.
- k) It is an offence to allow an individual under the age of 18 to sell or supply alcohol unless each such sale or supply has been specifically approved. The offence may be committed by a premise licence holder, designated premises supervisor or someone over 18 years of age authorised by them or in the case of a club, any responsible member or officer.

Blackpool Council

Licensing Act 2003 Premises Licence

PL1872

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

B & M Stores

77 - 79 Bank Hey Street, Blackpool, Lancashire, FY1 4TH.

CERTIFIED AS A TRUE
COPY OF THE ORIGINAL
Richard Williams
RICHARD WILLIAMS - SOLICITOR
ROSLIN ID LLP
020 7580 5721

WHERE THE LICENCE IS TIME LIMITED THE DATES

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only Licensed Area	Monday - Sunday	08:00	22:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Licensed Area	Monday - Sunday	08:00 22:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

B & M Retail Ltd

Telephone 0151 728 5400
Dakota Drive, Estuary Commerce Park, Speke, Liverpool, Merseyside, L24 8RJ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER CHARITY NUMBER (WHERE APPLICABLE)

B & M Retail Ltd

01357507

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Gary Douglas ELLIOTT

Telephone 07870 498176
44 The Crescent, Preesall, Poulton Le Fyde, Lancashire, FY6 0EE.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2156

Issued by Blackpool

ANNEXES

Annex 1 - Mandatory conditions



ANNEXES continued...

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.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 A CCTV system will be installed, or the existing system maintained, and such system is to be fit for the purpose and to be to the reasonable satisfaction of the Police.
- 2 The CCTV will include coverage of the cash tills. The images recorded to be retained in an unedited format for a period of 31 days. Recorded images to be made available to the police and authorised officer of the council upon request.
- 3 The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time.
- 4 Staff to be instructed that alcohol may not be sold to any person who is believed to be drunk.
- 5 Notices to be displayed inside the premises stating that it is an offence for any person under 18 years of age to purchase alcohol.
- 6 The premises to be subject to regular and on-going risk assessments linked to the physical aspects of the premises.
- 7 A fire risk assessment to be conducted and reviewed in accordance with the requirements of the Regulatory Reform (Fire Safety Order) 2005.
- 8 Staff will be trained (and undergo regular refresher training) in respect of the sale of all age restricted goods (including awareness / prevention of proxy sales). Such training sessions to be documented and records made available to authorised persons from Responsible Authorities.
- 9 All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - i) Induction training which must be completed and documented prior to the sale of alcohol by the staff member,
 - ii) Refresher / reinforcement training at intervals of no less than 6 months.
- 10 A Challenge 21 scheme will be operated at the premises, the only form of valid identification being passport, photo driving licence or PASS hologram ID card.
- 11 The cash tills used for the sale of alcohol to have the benefit of an electronic "prompt" for operators in respect of age restricted sales.
- 12 A refusal book will be compiled and maintained containing records of instances / persons who have been refused the sale of age restricted items on the basis of their perceived age.



Licensing Act 2003

Premises Licence Summary

PL1872

Premises Details

POSTAL ADDRESS OF PREMISES OR IF NONE ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

B & M Stores

77 - 79 Bank Hey Street, Blackpool, Lancashire, FY1 4TH.

WHERE THE LICENCE IS TIME LIMITED THE DATES

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only Licensed Area	Monday - Sunday	08:00	22:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Licensed Area	Monday - Sunday	08:00 22:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

NAME (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

B & M Retail Ltd

Dakota Drive, Estuary Commerce Park, Speke, Liverpool, Merseyside, L24 8RJ.

REGISTERED NUMBER OF HOLDER FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

B & M Retail Ltd

01357507

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Gary Douglas ELLIOTT

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED





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MARK LEWIS HEAD OF LEGAL SERVICES

LICENSING SERVICE, MUNICIPAL BUILDINGS, PO BOX 4,
CORPORATION STREET, BLACKPOOL, FY1 1NA
TELEPHONE: (01253) 477477 FAX: (01253) 478372
EMAIL: licensing@blackpool.gov.uk

Licensing Act 2003
Premises Licence

PL1872

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

B&M Stores

77 - 79 Bank Hey Street, Blackpool, FY1 4TH.

WHERE THE LICENCE IS TIME LIMITED THE DATES

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only Licensed Area	January to August	8:00am	6:00pm
	September	8:00am	8:00pm
	October	8:00am	9:00pm
	November	8:00am	8:00pm
	December	8:00am	8:00pm

THE OPENING HOURS OF THE PREMISES

	Description	Time From	Time To
Licensed Area	Monday - Sunday	8:00am	10:00pm

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME (REGISTERED) ADDRESS TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

B & M Retail Ltd

Dakota Drive, Estuary Commerce Park, Speke, Liverpool, Merseyside, L24 8RJ.

REGISTERED NUMBER OF HOLDER FOR EXAMPLE COMPANY NUMBER CHARITY NUMBER (WHERE APPLICABLE)

B & M Retail Ltd

01357507





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Licensing Act 2003

Premises Licence

PL1872

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE
AUTHORISES THE SUPPLY OF ALCOHOL

Gary Douglas ELLIOTT

44 The Crescent, Preesall, Poulton Le Fylde, Lancashire, FY6 0EE.
Telephone 07533 290914

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2156

Issued by Blackpool

ANNEXES

Annex 1 - Mandatory conditions

- 1 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.
- 2 Every supply of alcohol under the premise licence must be made or authorised by a person who
holds a personal licence.
- 3 The premises licence holder or club premises certificate holder shall ensure that an age
verification policy applies to the premises in relation to the sale or supply of alcohol. The policy
must require individuals who appear to the responsible person to be under 18 year 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 a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 A CCTV system will be installed, or the existing system maintained, and such system is to be fit
for the purpose and to be to the reasonable satisfaction of the Police.
- 2 The CCTV will include coverage of the cash tills. The images recorded to be retained in an
unedited format for a period of 31 days. Recorded images to be made available to the police and
authorised officer of the council upon request.
- 3 The system will incorporate a camera covering each of the entrance doors and the alcohol display
areas and will be capable of providing an image which is regarded as identification standard. The
precise positions of the cameras may be agreed, subject to compliance with Data Protection
legislation, with the Police from time to time.





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Licensing Act 2003

Premises Licence

PL1872

ANNEXES continued

- 4 Staff to be instructed that alcohol may not be sold to any person who is believed to be drunk.
- 5 Notices to be displayed inside the premises stating that it is an offence for any person under 18 years of age to purchase alcohol.
- 6 The premises to be subject to regular and on-going risk assessments linked to the physical aspects of the premises.
- 7 A fire risk assessment to be conducted and reviewed in accordance with the requirements of the Regulatory Reform (Fire Safety Order) 2005.
- 8 Staff will be trained (and undergo regular refresher training) in respect of the sale of all age restricted goods (including awareness / prevention of proxy sales). Such training sessions to be documented and records made available to authorised persons from Responsible Authorities.
- 9 All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - i) Induction training which must be completed and documented prior to the sale of alcohol by the staff member,
 - ii) Refresher / reinforcement training at intervals of no less than 6 months.
- 10 A Challenge 21 scheme will be operated at the premises, the only form of valid identification being passport, photo driving licence or PASS hologram ID card.
- 11 The cash tills used for the sale of alcohol to have the benefit of an electronic "prompt" for operators in respect of age restricted sales.
- 12 A refusal book will be compiled and maintained containing records of instances / persons who have been refused the sale of age restricted items on the basis of their perceived age.
- 13 Whenever the DPS is not at the premises another person shall be nominated by them to be the responsible person to manage the premises.
- 14 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.
- 15 At least one Personal Licence holder will be available (this does not mean necessarily present at the premises) at all times that alcohol is on sale.
- 16 No alcohol shall be sold in single cans.





Blackpool Council

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Licensing Act 2003
Premises Licence

PL1872

ANNEXES Continued

- 17 No beer or cider may be sold with an ABV above 5.5%.
- 18 Signage will be displayed at the exit of the premises to remind customers that drinking on the street is prohibited.
- 19 'Challenge 21' posters shall be displayed in prominent positions at the premises.
- 20 All alcohol to be displayed on bays immediately adjacent to the tills and no closer than 6 metres from the nearest door giving access to or egress from the premises.
- 21 No more than 5% of the total display space will be used for the display of alcohol.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

See attached reference PL1872 / 1 / 1



