

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	16 th March 2015

APPLICATION FOR A PREMISES LICENCE – Whistlestop Number One

1.0 Purpose of the report:

- 1.1 On 16th January 2015 the Licensing Service received an application from Alpaslan Derme to issue a premises licence at 80 Sherbourne Road Blackpool.
- 1.2 The application requests permission to sell alcohol for consumption off the premises 11.00 – 22.00 hours daily. A copy of the application is attached.
- 1.3 Representations have been received from Lancashire Constabulary, Public Health, Health and Safety and the Licensing Authority. Copies of the representations are attached.

2.0 Recommendation(s):

- 2.1 The Panel is requested to consider the application and determine whether the granting of this licence would adversely impact on the licensing objectives.

3.0 Reasons for recommendation(s):

- 3.1 Representations have been received therefore there must be a hearing to determine the application.

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 an application and relevant representations have been received it must be considered by the Licensing Panel.

4.0 **Background Information**

4.1 **Local policy considerations**

This premises is situated within Claremont which is one for four wards that form part of the off-licence saturation policy. The effect of this policy is to create a rebuttable presumption that applications will be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule, and where appropriate with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced.

Applicants for licences within this area will be expected to cover the issues detailed below in their operating schedule. Failure to do so may result in the refusal of the application:

- Details of proof of age scheme to be implemented and proposals for staff training
- Percentage of premises to be used for the sale of alcohol, including details of other items to be sold
- The applicant's policy on the sale of low value/high alcohol products and any drinks discounting that would be adapted.

4.2 **National policy considerations**

9.12 – The police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that do so would not be proportionate for the promotion of the licensing objectives.

9.42 – The authority's decision should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

13.35 – After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case... if the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

4.3 Observations

In December 2009, the Licensing Panel considered an application from Mr Derme for a premises licence at the same address. The hour requested were 07.00 – 22.00 daily. This application was refused and the following reasons were given:

“There are concerns the applicant has an apparent disregard for public safety. The committee feel that Mr Derme is reactive to problems rather than proactively ensuring problems do not occur, thus requiring the involvement of enforcement authorities. The Committee feel that in the present circumstances, based on the history of underage sales and Mr Derme’s attitude, the objectives of the protection of children from harm and the prevention of crime and disorder would not be upheld.”

4.4 Does the information submitted include any exempt information? No

4.5 List of Appendices:

Appendix 4a: Application

Appendix 4b: Representation from Lancashire Constabulary

Appendix 4c: Representation from Public Health

Appendix 4d: Representations from Health and Safety

Appendix 4e: Representation from the Licensing Authority

6.0 Legal considerations:

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

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

