

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	23 rd September 2015

APPLICATION FOR A PREMISES LICENCE – Bolton News

1.0 Purpose of the report:

1.1 To consider an application for a premises licence at Bolton News, 90-92 Bolton Street.

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

4.0 Background Information

4.1 On 1st April 2015, the Licensing Service received an application from Puventhirarajan Nadarajah to issue a Premises Licence at Bolton News, 90-92 Bolton Street.

4.2 The application requests permission to sell alcohol for consumption off the premises 08.00 – 23.00 hours daily. A copy of the application is attached at Appendix 4a.

4.3 Representations have been received from Lancashire Constabulary, Public Health, the Licensing Authority, Weights and Measures and Health and Safety. Copies of the representations are attached.

4.4 **Local policy considerations**

This premises is situated within Bloomfield Ward 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.

4.5 **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.

4.6 Observations

This premises had the benefit of a Premises Licence authorising the sale of alcohol for consumption off the premises 08.00 – 23.00(10.00 – 22.30 on Sunday) from November 2005 until October 2014 when the Magistrates' Court upheld the Licensing Committee's decision to revoke the premises licence due to failed test purchases and poor management. At the time of the review the licence was held by Chanthirasekaren Chanthrakumar. During the review proceedings the licence was transferred to Sithamparapillai Thevakanthan

4.7 Does the information submitted include any exempt information? No

4.8 List of Appendices:

Appendix 4a: Application
Appendix 4b: Representation from Lancashire Constabulary
Appendix 4c: Representation from Public Health
Appendix 4d: Representation from the Licensing Authority
Appendix 4e: Representations from Weights and Measures
Appendix 4f: Representations from Health and Safety

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