

MINUTES OF LICENSING PANEL MEETING - FRIDAY, 3 DECEMBER 2021

Present:

Councillors

Baker

Hutton

Wilshaw

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor

Sharon Davies, Senior Licensing Solicitor

1 APPOINTMENT OF CHAIRMAN

The Licensing Panel considered the appointment of a Chairman for the meeting.

Resolved: That Councillor Hutton be appointed Chairman for the meeting.

2 DECLARATION OF INTEREST - LICENSING

There were no declarations of interest on this occasion.

3 PROCEDURE FOR THE MEETING

The Chairman explained the procedure for the meeting, including the order in which the applicant and representations would be heard and that the decision of the Panel would be communicated to the relevant parties within five working days.

4 APPLICATION FOR A NEW PREMISES LICENCE - SEAGULLS MINI MART, 1-3 DEAN STREET, BLACKPOOL, FY4 1AU

The Licensing Panel considered an application from Mr Mehmet Gumustekin for a new Premises Licence at Seagulls Mini Mart, 1-3 Dean Street, Blackpool, FY4 1AU. Representations had been received from the Licensing Authority, Lancashire Constabulary and the Child Protection Licensing Officer who was unable to attend the hearing but whose written comments were considered in her absence.

Mr Gumustekin appeared before the Panel represented by Mr Nick Semper of The Licensing Guys. Mr Semper explained that the applicant currently operated the premises as a café and if the licence was granted he intended to repurpose it as a general grocery, household goods and fresh food store. The sale of alcohol would be ancillary to the goods sold with no more than 10% of the shop floor given over to the display of alcohol. The Panel's attention was drawn to the conditions offered by the applicant, in particular the provision of CCTV, the maximum strength of beer and cider that would be sold and the requirement that there should be a minimum purchase of £5 worth of non-alcoholic products before any alcohol could be purchased. Addressing the Panel directly Mr Gumustekin explained that he had over eight years' experience in the licensed trade having previously managed two off licences in Birmingham with no concerns raised by any of the authorities.

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Mr Semper acknowledged that the premises fell within the Cumulative Impact Assessment (CIA) zone and referenced sections of Blackpool Council's Statement of Licensing Policy which he believed were not consistent with the Home Office Guidance issued under Section 182 of the Licensing Act 2003 and the House of Commons Briefing Paper on Cumulative Impact Assessments. In his opinion the applicant had shown through the operating schedule that the granting of the licence would not adversely impact upon the licensing objectives, despite the existence of the CIA, and he believed that insufficient evidence had been presented in the representations to demonstrate otherwise. He reminded the Panel that the application should be considered on its own merits and invited Members to depart from policy and grant the application.

Mr Lee Petrak, Trading Standards and Licensing Manager, presented his representations and those on behalf of Lancashire Constabulary who were unable to attend the hearing in person. He acknowledged the nature of the proposed premises which he did not believe to be exceptional and highlighted the evidence provided in both his and the Police's representations that there were already approximately 15 off-licensed premises within a five minute walk of the location. Waterloo ward, within which the premises fell, was one of the most deprived wards in the country with over 900 crimes recorded in the year to date where alcohol was involved as a factor. In his opinion the granting of a further licence would place additional pressure on the authorities in an area which was already deemed difficult to manage due to the existing problems.

In response to Mr Semper's interrogation of the Statement of Licensing Policy Mr Petrak reminded Members that any challenge to the policy should be made by way of Judicial Review proceedings and not through a Licensing Panel hearing and that the policy had been made lawfully following a period of consultation with the licensed trade.

The Panel carefully considered the information provided by all the parties. It noted the applicant's experience in managing licensed premises and the conditions volunteered in the operating schedule but expressed concerns as to whether staff would be able to comply with and enforce those conditions in practice. Members considered the policy arguments and noted that the applicant was required to demonstrate that granting the licence would not add to the existing cumulative impact in the area. The Panel concluded that it had not been satisfied that the granting of the licence would not add to the existing cumulative impact and therefore agreed on balance not to depart from the Policy and determined to refuse the application.

Resolved:

To refuse the application for a new Premises Licence for Seagulls Mini Mart, 1-3 Dean Street, Blackpool, FY4 1AU.

Chairman

(The meeting ended 10.55 am)

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Any queries regarding these minutes, please contact:
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