

MINUTES OF LICENSING PANEL MEETING - TUESDAY, 1 NOVEMBER 2022

Present:

Councillors

Hunter

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.

3 PROCEDURE FOR THE MEETING

The Chairman explained the procedure for the meeting, including the order in which the application and representation would be heard and that each party would be allocated 10 minutes to present their case.

4 TEMPORARY EVENT NOTICE- SAGAA NEWS, 30 DEANS GATE

The Licensing Panel considered a Temporary Event Notice (TEN) for Sagaa News, 30 Deansgate. The applicant, Mr Sivasankar Murugaiyan, was in attendance accompanied by his representative Mr Mark Marshall. PC Guy Harrison attended to present the representation submitted by Lancashire Constabulary.

At the start of the meeting Mrs Sharon Davies, Legal Advisor to the Panel, clarified the position in regards to the Cumulative Impact Assessment (CIA) Policy which had been referred to in the officer's report. It was explained that although the premises fell within the CIA area and evidence from that Policy could be referred to, the CIA Policy did not apply to Temporary Event Notices and therefore the starting point for determination was that of grant, not refusal, unless it was demonstrated that allowing the TEN to proceed would undermine the licensing objectives.

Mr Marshall presented the case on behalf of the applicant. The premises was a small newsagents in the town centre which had recently undergone refurbishment and was not currently licensed. The TEN requested permission for "off" sales of alcohol between

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09.00-21.00 for a seven day period from 4-10 November 2022 to evidence a period of responsible trading and to show that the licensing objectives would not be undermined prior to a full Premises Licence application being made.

Mr Marshall noted Lancashire Constabulary's representation and explained that as the majority of incidents referred to in the Police submission took place during the evening the applicant had made a verbal offer to reduce the terminal hour to 18.00 and had proposed a number of conditions:

- No beer or cider above 5.5% ABV would be sold
- No single cans of beer or cider would be sold
- Proof of age training would be in place for any person selling alcohol during the event.
- No more than 20% of the shop display area would be used for alcohol products

Mrs Davies reminded the Panel that it had no powers to modify the hours of a Temporary Event Notice, nor to add conditions, therefore the proposed amendments would only be an undertaking by the applicant and would not be enforceable. In response, Mr Marshall assured members that the applicant would adhere to the undertakings so as not to jeopardise any future applications and following discussion agreed that the shop would only open between 09.00-18.00 during the requested TEN period in order that no alcohol was exposed for unauthorised sale outside of those hours. In Mr Marshall's opinion, the hours requested in the TEN were modest and he did not believe the granting of the TEN would have any significant impact on the licensing objectives and therefore invited the Panel to allow the event to go ahead.

PC Guy Harrison presented the representation on behalf of Lancashire Constabulary. He highlighted that the premises fell within the CIA area and, although noting that the Policy did not apply to TENs, explained that the area still suffered from some of the highest numbers of alcohol related anti-social behaviour incidents, crimes and health-related issues in Blackpool. There were already a number of off licences in the immediate vicinity and PC Harrison expressed concern that should the TEN be granted it would be for an additional premises in a high risk area without any formal conditions or enforceable restrictions on hours other than those as applied for on the Notice. He therefore invited the Panel to issue a Counter Notice to prevent the TEN from going ahead.

Members carefully considered the information presented by both parties. It was acknowledged that the CIA Policy did not apply to TENs, however the Panel noted that the system of Temporary Events was a "light touch" process and that if the event was allowed to proceed it would not be subject to any formal conditions in an area deemed as high risk. The assurances provided by the applicant in regards to the reduction in hours and conditions volunteered were noted but concerns were expressed that they would not be enforceable. Members therefore agreed on balance to issue a Counter Notice to prevent the event from going ahead.

Resolved:

To issue a Counter Notice to prevent the Temporary Event Notice for Sagaa News, 30 Deansgate, for the period 4-10 November 2022 from going ahead.

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Chairman

(The meeting ended 5.55 pm)

Any queries regarding these minutes, please contact:
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