

Report to:	Licensing Panel
Decision or Item number	4
Relevant Officer:	Sharon Davies, Principal Solicitor Licensing
Date of Meeting :	23 rd June 2014

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- WHITEGATE FOOD AND WINE

1.0 Purpose of the report:

1.1 To consider an application for the review of the Premises Licence for Whitegate Food and Wine submitted by Weights and Measures and the relevant representations.

2.0 Recommendation(s):

2.1 Members will be requested to determine the application.

3.0 Reasons for recommendation(s):

3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Licensing Panel.

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, the application and the representations must be considered.

4.0 Background Information

4.1 Application

Whitegate Food and Wine, 99 Whitegate Drive, Blackpool has the benefit of a premises licence authorising the sale of alcohol for consumption off the premises 08.00 - 23.00 hours Monday-Saturday, 10.00 - 22.30.

On 25th April 2014, the licensing service received an application to review this licence on the grounds of protection of children from harm.

The licence holder and Designated Premises Supervisor is Gunaratnam Ketheeswaran

4.2 Local policy considerations

The Licensing Authority will view particularly seriously applications for the review of any premises licence where it involves the:

1. Underage purchase and consumption of alcohol
2. Continuous breaches or contraventions of licence conditions
3. Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
4. Where serious risks to children have been identified
5. Not operating the premises according to the agreed operating schedule

Underage sales - the licensing committee will view very seriously premises reviewed due to under age sales and although each review application will be determined on its own merits, licence holders will be expected to explain how the sales took place, and what measures have been put in place to minimise the risk of such sales taking place again.

4.3 National policy considerations

Where the licensing authority considers that action under its statutory powers are appropriate, it may take the following steps:

1. Modify the conditions of the premises licence
2. Exclude a licensable activity
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period not exceeding three months
5. Revoke the licence.

11.23 - It will always be important that any detrimental financial impact that may result from the decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether or not there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

4.4 **Observations**

This premises is situated in Talbot ward, one of the four wards which form part of the off-licence saturation area.

The review application makes reference to the frequent change of ownership of the premises. The history is as follows:

27.07.05 - conversion application from Tracey Murgatroyd

20.03.07 - transfer and vary DPS to Thirugana Suthaskaran - withdrawn due to police objection

05.04.07 - transfer and vary DPS to Saraganamuthu Srirajeswaran

16.09.09 - transfer and vary DPS to Dilipkumar Arulanantham - transfer granted, vary DPS refused as applicant lived in London.

17.11.09 - transfer and vary DPS to Rasiah Arulanantham

08.11.11 - transfer and vary DPS to Mohanakumar Velauthapillai

10.07.12 - transfer to Jude Lawrence & Rasiah Arulanantham. Jude Lawrence to be DPS

15.01.13 - transfer to sole name of Rasiah Arulanantham, vary DPS to Celine Thiruchelvam

20.05.13 - transfer to Nimalaraja Jeganathan

17.02.14 - application to vary DPS to Santhamoorthy Subramaniam - refused

08.04.14 - transfer and vary DPS to Gunaratnam Ketheeswaran

Most of the DPS's have personal licences issued in London.

The licence is currently issued subject to the following conditions:

Annex 1 - Mandatory conditions

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than on Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;

2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

3 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.

4 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.

5 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.

This licence has simply been converted from the old style Magistrates' Court licence therefore there are no additional conditions.

Does the information submitted include any exempt information?

No

List of Appendices:

Appendix 4a Application for review from Weights and Measures

Appendix 4b Representations from Social Services

Appendix 4c Representations from Health and Safety

Appendix 4d Representations from Lancashire Constabulary

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