

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	4 August 2016

APPLICATION FOR A PREMISES LICENCE – Bolton Newsagents

1.0 Purpose of the report:

1.1 To consider an application for a Premises Licence at Bolton Newsagents, 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 an application is submitted and representations received it must be considered by the Licensing Panel.

4.0 Background Information

4.1 On 9th June 2016 2016, the Licensing Service received an application from KPT Food and Wine Limited for a Premises Licence at Bolton Newsagents, 90-92 Bolton Street.

4.2 The application requests permission to sell alcohol for consumption off the premises 10.00 – 23.00 hours daily. A copy of the application is attached at Appendix 4a.

4.3 Representations have been received from Lancashire Constabulary and Public Health. Copies of the representations are attached at Appendix 4b and 4c.

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. The following sections of the policy are relevant:

4.8.3 This policy does not act as an absolute prohibition on the granting of new off licences however, the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.

4.8.4 An application is not likely to be classed as exceptional merely on the ground that the premises have been or will be operated within the terms of its licence or that they are/will be well managed. This is to be expected of any application.

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 shop was previously licensed for the sale of alcohol for consumption off the premises. This licence was revoked at a review hearing in June 2014 due to a failed test purchase and poor management. The shop was under different management at that time. The licence holder appealed the decision to the Magistrates' Court. The decision to revoke was upheld at a hearing on 15 October 2014.

4.7 An application for a new Premises Licence by Puventhirarajan Nadarajah was refused by the Licensing Panel at a hearing on 23 September 2015.

4.8 An application by Pratheep Kanagarasa was refused on 29 March 2016. Mr Kanagarasa is the sole director of the company KPT Food and Wine Limited and the proposed Designated Premises Supervisor. Since that date Mr Kanagarasa has submitted Temporary Event Notices to authorise the sale of alcohol for consumption off the premises on the following dates:

22 – 24 April 2016

28 April - 2 May 2016

13 May 2016

27 – 30 May 2016

9-12 June 2016.

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

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