

Report to:	Licensing Panel
Decision or Item number	4
Relevant Officer:	Sharon Davies, Principal Solicitor Licensing
Date of Meeting :	3 rd September 2014

APPLICATION FOR A PREMISES LICENCE- 21-25 TRAFALGAR ROAD

1.0 Purpose of the report:

1.1 To consider an application for a new premises licence for 21-25 Trafalgar Road, and the relevant representations submitted by Lancashire Constabulary and Public Health

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 with representations 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

On 4th July 2014, the Licensing Service received an application for a premises licence at 21-25 Trafalgar Road, Blackpool. Permission is sought to sell alcohol for consumption off the premises 08.00 - 24.00 daily.

The application has been submitted by Jeyakanth Murugiah

4.2 Local policy considerations

This premises is in Bloomfield Ward which is part of the off licence saturation area. This creates a presumption that the application will be refused. To rebut this presumption, the applicant is 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 statement of licensing policy also goes on to say that applicants for licences within the off-licence saturation area will be expected to cover the issues detailed below in their operating schedule. Failure to do so may result in refusal of the application:

1. Details of the proof of age scheme to be implemented and proposals for staff training;
2. Percentage of premises to be used for the sale of alcohol, including details of other items to be sold;
3. The applicant's policy on the sale of low value/high alcohol products and any drinks discounting that would be adopted.

4.3 National policy considerations

The following paragraphs of the guidance are relevant:

9.12 " In their role as a responsible authority, 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 police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.

However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis.

9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives.

13.29 - the effect of adopting a cumulative impact policy is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application

4.4 **Observations**

None

4.5 Does the information submitted include any exempt information? No

4.6 **List of Appendices:**

Appendix 4a Application form

Appendix 4b Representations from Lancashire Constabulary

Appendix 4c Representations from Public Health

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