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Dear Mr Beattie

**RE: Premier Store - Central Drive Blackpool**

I refer to the committee hearing scheduled for 4 September.

I am attaching a document which I would want to be put on to the agenda and circulated to all the relevant parties, police and public health.

Can you please confirm that you will deal with this, and if not, advise as to who should be included in the mailing list.

Yours faithfully

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## Outline

The application is to grant a premises licence for the sale of alcohol pursuant to Section 17 of the Licensing Act 2003 for Premier at 190-192 Central Drive Blackpool.

The premises was formally licensed till midnight but the licence lapsed due to the insolvency of the premises licence holder, a limited company.

Had the transfer of the licence occurred within 28 days of the bankruptcy then the Licensing Authorities discretion would not have been engaged and the premises would have continued to benefit from a licence. As things stand the transfer window was missed so a new application is now necessary.

The area in which the premises is situated is subject to a cumulative impact policy which shifts the burden to the applicant to demonstrate that the Licensing Objectives will not be undermined should the licence be granted.

The Applicant has considered-

1. Hours- the hours proposed are less than those previously held at the premises
2. Conditions- Conditions that focus on the harms in the locality were researched and offered on the operating schedule.

A central consideration of the cumulative impact policy is the exceptional status of the application. The relevant parts of the policy are;

*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.*

### **What Makes this Application Exceptional?**

Exceptional circumstances are not defined in the policy. We argue that it should relate to the premises and the applicant. The Applicant has looked at all the previous applications and decisions in the Cumulative Impact area between 2014 and 2018.

From the information provided it seems that the Licensing Sub committee have determined applications primarily with regard to Operator competence/experience and whether an application related to a totally new venture.

### **2014 (3 applications)**

1. **03/09/2014** -KP Stores, Talbot Road (Talbot Ward) the applicant was unknown to the Authority, was unable to demonstrate adequate knowledge of the issues in the locality he intended to trade and the application was refused.
2. **18/09/2014**-82 Bond Street (Bloomfield Ward), public objections received and again the operator was unable to demonstrate sufficient competence, the application was refused.
3. **09/12/2014**- Tesco, Central Drive. This appeared to be a streamlining exercise to apply for a new licence to make the terms and conditions consistent with others in the portfolio, the premises already had a licence and this application was granted.

### **2015 (9 applications)**

1. **08/03/2015**- 271 Church Street (Talbot Ward) - the applicant was unknown to the Authority was unable to demonstrate adequate knowledge of the issues in the locality he intended to trade and the application was refused.
2. **16/03/2015**- 119 Lytham Road (Bloomfield Road) - the applicant was relocating from a neighbouring premises and undertook to surrender his existing licence, application granted.
3. **16/03/2015**- Whistle Stop Number 1 (Claremont) - the applicant was unknown to the Authority was unable to demonstrate adequate knowledge of the issues in the locality he intended to trade and the application was refused.
4. **15/04/2015**- Foxhall News and Booze- refused on the basis of a lack of competence and experience
5. **14/05/2015**- Edgerton Road 113-117 (Claremont) - new venture, formally Edgerton DIY. Experienced operator but the location was deemed too sensitive due to numerous premises conducting similar activity in the immediate vicinity, application was refused.
6. **02/07/2015**-44 St Anne's Road (Victoria), variation to move from Club style premises to Off Licence. Application was refused but later submitted as new application and subsequently granted.
7. **13/07/2015**- 13 Clifton Street- the applicant was unknown to the Authority was unable to demonstrate adequate knowledge of the issues in the locality he intended to trade and the application was refused.
8. **01/09/2015**- Post Office, Whitegate Drive (Bloomfield Ward) - sought an extension of hours which was subsequently refused.
9. **23/09/2015**- 90-92 Bolton Street (Bloomfield) the applicant was unknown to the Authority was unable to demonstrate adequate knowledge of the issues in the locality he intended to trade and the application was refused.

### **2016 (5 applications)**

- 1.**11/01/2016**-Abbingdon Street News (Talbot Ward) - the applicant was unknown to the Authority was unable to demonstrate adequate knowledge of the issues in the locality he intended to trade and the application was refused.

**2.15/03/2016**-239 Dickson Road (Claremont Ward) - the applicant was inexperienced and unknown to the Authority was unable to demonstrate adequate knowledge of the issues in the locality he intended to trade and the application was refused.

**3.04/08/2016**—Bolton Street News (Bloomfield Ward) - unknown operators no relevant experience or competence, the application was refused.

**4.20/09/2016**- Tipples central Drive (Bloomfield Road) - inexperienced operator unknown to the Authority was unable to demonstrate adequate knowledge of the issues in the locality he intended to trade and the application was refused.

**5.15/12/2016**- 60 Coronation Street (Talbot Ward) inexperienced operator unknown to the Authority was unable to demonstrate adequate knowledge of the issues in the locality he intended to trade and the application was refused.

#### **2017 (1 application)**

1. **10/01/2017**- Grosvenor Stores- Locality issues raised as the premises was near the Salvation Army and other alcohol treatment services, the application was rejected.

#### **2018 (no applications)**

#### **Applications Granted without a Hearing.**

Three applications have been identified as proceeding without representations being made and 2 of those related to premises that had previously been licensed.

Albert Stores (Talbot Ward) revised trading hours and re engagement of a former Licensed Premises.

Premier- 20 Cromwell Road- issued after licence lapsed due to bankruptcy.

#### **Conclusions based upon past applications**

1. The Sub committee has granted applications where the premises had previously been licensed.
2. The lack of relevant knowledge/experience/understanding on the part of the Applicant has been a consistent reason to refuse applications.
3. Even when the Applicant has relevant knowledge/experience/understanding applications have been refused for premises that are an entirely new venture.
4. There has not been an application considered by the Subcommittee that covers premise that previously held a licence combined with an Applicant known to the Authority with proven knowledge/experience/understanding.

#### **This Application as Exceptional**

The premises have had the benefit of a licence until 2017 when the licence ended due to insolvency. They traded as a Bargain Booze franchise. The Applicant seeks to trade under the Premier Stores franchise whose parent company is Tesco Stores. This is a business

model in which a significant proportion of the goods for sale is not alcohol in contrast to Bargain Booze where alcohol is the primary product for sale.

Past applications for new premises licences have raised concerns about location in the sense of proximity to other premises selling alcohol. However where the application has been in respect of a recent or current licence the approach has been to grant a licence. This is shown in the applications for 119 Lytham Road which was a simple re location, Albert Stores on Albert Road and indeed 20 Cromwell Road. The grants of those applications have not adversely affected the Licensing objectives.

The analysis of previous applications in the cumulative impact area shows that the Licensing Subcommittee properly focuses on the reliability and competence of the operator.

The Applicant has over 15 years' experience of operating in Talbot Ward through premises on Cookson Street and Talbot Road. He has an excellent understanding of the market place and the demographic in the area and has run these premises without any intervention from the Licensing Authorities or other regulators.

The Applicant has been both cooperative with the Licensing Authorities and proactive in helping them. The Applicant is originally from Sri Lanka and has been in Blackpool for nearly 20 years trading from off licence premises. He is well known in the Sri Lankan community. In 2014 it became clear that other Sri Lankans operating corner shops in Blackpool were not complying with regulatory requirements. The Applicant liaised with then council officers Mark Marshall (licensing) Glen Phoenix (trading standards) and Gareth Shaw (health and safety) and a series of training days were conducted to improve understanding of requirements by these business holders. These courses ran for a couple of years.

The Applicant is an active member of his local church,???? . He is involved in providing food for homeless people and within that has an insight into the effects of alcohol on some people.

All the decisions made by the Licensing subcommittee defend the cumulative impact policy but this application should be classed as exceptional based upon the following reasons.

1. In the last 4 years have the Subcommittee have not considered an application from an experienced operator (well versed in running high risk premises in high risk areas of Blackpool) other than the Edgerton Road application in 2015.
2. This application is clearly different to the Edgerton Road one as it is not a new venture. If granted it would be the reinstatement of a recently cancelled premises licence closed due to insolvency rather than any breaches of licensing laws or other regulatory misconduct.
3. The business is based on tried and tested practices used at the Applicant's other premises which have not presented any concerns over many years despite 2 of them being within the cumulative impact area.

Some areas of Guidance also need to be considered alongside my application;

Extract from Section 182 Guidance ( April 2018 Edition )

*8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.*

*9.44 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. While 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. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.*

These paragraphs from the guidance refer to local knowledge, understanding and an excellent track record, all of which I possess, for these reasons I consider the application to meet the policy threshold of being "exceptional".

## **Conclusion**

There is no evidence that relicensing the store (formally Bargain Booze) will have any impact on crime in the area. The Applicant is a long standing responsible operator who has always engaged fully with the Authorities.