

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	26 th March 2015

APPLICATION TO REVIEW A LICENCE – POLISH SHOP

1.0 Purpose of the report:

- 1.1 The Polish Shop, 239 Dickson Road, Blackpool has the benefit of a premises licence permitting the sale of alcohol for consumption off the premises Monday-Saturday 10.00 – 20.00, Sunday 12.00 – 18.00. The licence holder is Mohammed Ali Anwar. At the time the review was submitted the DPS was Tasleem Balesaria. Mrs Balesaria resigned as DPS on 9th March 2015. At the time of writing this report, no new DPS had been appointed.
- 1.2 On 4th February 2015, the licensing service received an application to review the licence on the grounds of prevention of crime and disorder and public safety.
- 1.3 The review application was submitted by Weights and Measures. Representations have been received from Health and Safety and members of the public. Mr Anwar the licence holder has also submitted written representations.

2.0 Recommendation(s):

- 2.1 The panel is requested to determine the review application.

3.0 Reasons for recommendation(s):

- 3.1 This application must be determined by a 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, once a review application has been submitted, it must be considered by the Licensing Panel.

4.0 **Background Information**

4.1 **Local policy considerations**

None

4.2 **National policy considerations**

Section 11 reviews is relevant in particular:

11.20 – In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

- 4.3 If a suspension or revocation is being considered 11.23 should be taken into account “it will always be important that any detrimental financial impact that may result from a licensing authority’s 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.”

The panel have the following powers:

1. Take no action
2. Modify the conditions of the licence (by adding removing or varying conditions)
3. Exclude a licensable activity from the licence
4. Remove the DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

4.4 **Observations**

The licence has the following conditions endorsed on the licence:

Annex 1 - Mandatory conditions

- 1 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.
- 2 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 3 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years 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 either a holographic mark or an ultraviolet feature.
- 4 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) In this condition:
- a. "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of

- the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 No entertainment of an adult nature will take place on the premises.
- 2 During the summer months of June to October the opening times and permitted hours for supply of alcohol shall be extended to 1000 - 2100.
- 3 The premises are to be equipped with a closed circuit television system, which is appropriate to its purpose and provided and maintained to the satisfaction of the enforcement authorities.
- 4 An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises. All staff involved in sales will be at least 18 years of age and will receive training to promote the licensing objectives. All training to be documented and records made available on request to a Police Officer or an authorised Officer acting for a Responsible Authority.
- 5 The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.

Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card

OR any other nationally or locally approved form of identification which may be introduced in the future.

If no suitable identification is provided, sale of alcohol to them will be refused. Signs promoting this policy shall be prominently displayed at the premises.

- 6 All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.
- 7 An incident book will be maintained, in which shall be recorded all refused sales to suspected under age / drunken persons. The book shall be available for inspection by a Police Officer or an authorised Officer acting for a Responsible Authority.

4.5 Does the information submitted include any exempt information? No

4.6 **List of Appendices:**

Appendix 4a: Application Form (the premises is named on the form as International Delicatessen but this is the same premises)

Appendix 4b: Representations from Health and Safety

Appendix 4c: Representations from the public

Appendix 4d: Representations from licence holder

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