

Date: 13 October 2021

BY EMAIL

Mr S Fodera
235 Fleetwood Road
Blackpool

Our Ref: SD/ 011601

Your Ref:

Email:

Direct Line:

DX: 742010 BLACKPOOL 18

Dear Sirs

Re: 235 Fleetwood Road - application for a premises licence

On 11 October 2021, a panel of the licensing committee met to consider an application by Mr. Salvatore Fodera for the grant of a premises licence at 235 Fleetwood Road Blackpool. The decision of this panel is to **refuse** this application.

An appeal against this decision may be made by the applicant/any person who has made a relevant representation as applicable or the licence holder (See Schedule 5 of the Act) to the Magistrates' Court for the petty sessions area (or any such area) in which the licensing authority's area or part of it is situated within 21 days from the date of the notification of the decision. Any appeal must be lodged in writing, accompanied by a copy of this notice to Lancashire Magistrates' Courts, Lawson Street, Preston, Lancashire PR1 2QT. Please note a fee will be payable to the Magistrates' Court

Decision

On 20 August 2021, the licensing service received an application from Mr Fodera for the grant of a premises licence at 235 Fleetwood Road Blackpool to authorise the sale of alcohol for consumption off the premises 10am-10pm Monday-Sunday. Cllr Callow and Cllr Sloman made representations concerning the application. A licensing panel considered the application and representations on 11 October 2021.

Mr Fodera explained that his intention was to create an on-line Italian supermarket where customers would order online and then he would deliver the orders. His intention was to deliver the orders himself, but if the business became successful, he may need to employ staff to pack and deliver the orders. This business would operate from a residential address and customers would not attend the property in person. Mr Fodera advised the panel that the alcohol would be stored in an extension that he would be making at the rear of the property. He would be storing 20-30 cases of alcohol there together with the food products such as truffles that he intended to sell. Mr Fodera went on to explain that he did not want to create the storage area before the licence was granted because he did not know

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‘what the authorities would require’ in the storage area. He did assure the panel that the storage area would be secure as he wanted to sell the stock not lose it to theft.

Answering questions, Mr Fodera confirmed that he would not be selling alcohol by the case, but there would be a minimum order value. He agreed that CCTV would be a useful security measure but did concede that he had not given any thought as to how he would ensure the safety of staff making deliveries, especially if they had to refuse to deliver the order because the recipient appeared to be drunk or under-age. Following extensive questioning about how he would deal with orders placed at the last minute, the panel established that he did not intend to offer same day deliveries.

Cllrs Callow and Slomon addressed the panel. Cllr Callow explained that there had been a number of issues with this property over the years, one involving pigeons in the roof, which attracts rats. Although there were a number of business premises in the area, it is primarily residential and if this business was successful deliveries could be being dispatched from the property numerous times within the licensed hours. Mrs Callow also commented that the operating schedule should address the steps taken to reduce the impact of the business on the residents and it did not do this. Cllr Slomon asked the panel to accept that the application was premature and that the panel should expect at the very least outline plans for the construction of the extension to store the alcohol – it was not the role of the panel to tell the applicant how to construct his extension and what security measures should be installed.

The panel considered all of the information before them when reaching their decision. This application was, in their view premature. The panel can understand a reluctance to invest money in an extension before a licence is granted, however they would expect to see reasonably detailed plans for its construction and the security measures that would be installed to reduce the prospect of theft, as far as is reasonably possible. It is not the role of the panel to prescribe how he should build his extension.

In similar terms, the plans for the online shop require further development before an application is considered. It was not clear exactly what type of alcohol is going to be sold, is the intention to sell specialist Italian wine, lager and spirits or will the offer be similar to that which you can get in a traditional style supermarket? What is his target market in terms of age, and location i.e. are the sales to be targeted locally, or will nationwide deliveries be available? There also needs to be an understanding that the more successful the business becomes, the greater the potential impact will be on the neighbouring properties, and any application needs to show how this will be managed.

It is possible for an online business to be operated from a residential property without impacting on neighbouring residents, but in this case, currently there is insufficient information in the application for the panel to assess the impact on the residents and the licensing objectives. For this reason the application is refused.

Yours faithfully

Sharon Davies

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For Head of Corporate Legal

Lexcel Accredited

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