

Report to:	LICENSING PANEL
Relevant Officer:	Lisa Michelle Ashton, Licensing Officer
Date of Meeting:	28 June 2022

APPLICATION TO VARY A PREMISES LICENCE – A.A Retail Ltd, 99 – 101 Whitegate Drive, Blackpool, FY3 9BY

1.0 Purpose of the report:

1.1 To consider an application for a variation of Premise Licence PL1118 for A.A. Retail Ltd, 99-101 Whitegate Drive, Blackpool, FY3 9BY.

2.0 Recommendation(s):

2.1 The Panel is requested to consider the application and determine whether the granting of the variation would adversely impact upon 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.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council’s approved budget? Yes

4.0 Other alternative options to be considered:

4.1 None, once an application is submitted and representations received it must be considered by the Licensing Panel.

5.0 Council priority:

5.1 The relevant Council priority is

- “The economy: Maximising growth and opportunity across Blackpool”

6.0 Background information

- 6.1 On 27 April 2022 the Licensing Service received an application from Mr M Marshall of M Squared Services on behalf of Mr Gunaratnam Ketheeswaran for the variation of Premises Licence PL1118 for A.A. Retail Ltd, 99-101 Whitegate Drive, Blackpool, FY3 9BY.
- 6.2 The current licence permits “off” sales of alcohol between 08.00 and 23.00 Monday to Saturday and 10.00 to 22.30 on Sunday, with special hours on Christmas Day and Good Friday. The proposal is to vary the timings to 07.00 to 00.00 seven days per week. A copy of the current licence is attached at Appendix 4(b).
- 6.3 The applicant is requesting that the existing conditions on the licence are retained with the exception of condition 1 in Annex 1 which will be removed if the variation is granted as the hours conflict with the intended trading hours sought.

Annex 1, Condition 1:

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than on Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty’s naval, military or air force;

- 6.4 Representations have been received from the Licensing Authority and Lancashire Constabulary. Copies of the representations are attached at Appendices 4(c) and 4(d).

- 6.5 Local policy considerations:

The premises falls within the area covered by the [Off Licence Cumulative Impact Assessment \(CIA\)](#).

The following sections of Blackpool Council’s [Statement of Licensing Policy](#) are relevant:

4.10.1 Applications for new licences or variations to existing licences within a cumulative impact area, which are likely to add to the existing cumulative impact, will normally be refused if a relevant representation is received. To persuade the Council to depart from its policy an applicant must demonstrate that their application will not add to the existing cumulative impact in the area. This should be done through the operating schedule and the risk assessment process (if used).

4.10.6 Where representations are received the Council will consider the circumstances of each individual application and decide whether it would be justified in departing from its policy and CIA in the light of the individual circumstances of the case.

6.6 National policy considerations:

9.12 – Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective... any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully... However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.43 – 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.

14.44 – A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a... variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA 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 or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

6.7 Does the information submitted include any exempt information? No

6.8 Observations:

The Premises Licence for this property was first granted in September 2005. The applicant, Mr Gunaratnam Ketheeswaran, has been the Premises Licence holder since April 2014.

The conditions currently on the licence are as follows:

Annex 1 - Mandatory conditions

- 1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:
 - a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
 - b) On Sundays, other than on Christmas Day, 10 a.m. to 10.30 p.m.
 - c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - c) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;
- 2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.
- 3 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.
- 4 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 5 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person

to be under 18 year 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 a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 CCTV will be installed internally and externally at the premises and will comply with the following:
 - a. The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
 - b. The system will display on any recording the correct time and date of the recording.
 - c. The system will make recordings during all hours the premises are open to the public.
 - d. VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
 - e. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
- 2 A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.
- 3 The Licence Holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
- 4 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 5 Bi-annually documented maintenance checks of the CCTV system, including the recording system, will be undertaken by the Designated Premises Supervisor to ensure that the system is in good working order and fit for purpose.

- 6 A Personal Licence holder will be available to attend the premises within 30 minutes while the sale and supply of alcohol takes place.
- 7 The licence holder shall erect and maintain a sufficient number of signs at and in the vicinity of alcohol sales points informing customers that sales will not be made to persons under 18 years of age.
- 8 The licence holder will implement the Challenge 25 policy and the only forms of identification acceptable will be:
 - UK photo driving licence
 - Passport
 - Proof of Age Standards Scheme Card
- 9 A refusals register to be kept and maintained which is readily available for inspection by a Police Constable or authorised officer and this register will be reviewed weekly by the licence holder or Designated Premises Supervisor.
- 10 Refresher training re. underage sales to be provided to all staff every three months, and documented evidence.
- 11 All staff must be over the age of 18 to sell alcohol.
- 12 A record shall be kept on the premises of every person employed at the premises.

The record is to contain the following details:

 - i. Name and address
 - ii. Date of birth
 - iii. Time duty commenced and time duty terminated.

Said records are to be made available for inspection upon demand by a Police Officer or any authorised officer.

7.0 List of Appendices:

- 7.1 Appendix 4(a) Application for the variation of Premises Licence PL1118
- Appendix 4(b) Current licence PL1118
- Appendix 4(c) Objection from Licensing Authority
- Appendix 4(d) Objection from Lancashire Constabulary.

8.0 Financial considerations:

- 8.1 None.

9.0 Legal considerations:

9.1 Please see local and national policy in the background information.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 A 28 day consultation period has been undertaken in accordance with the statutory requirements of the Licensing Act 2003.

14.0 Background papers:

14.1 None.