

<b>Report to:</b>	<b>LICENSING PANEL</b>
<b>Relevant Officer:</b>	Lisa Ashton, Licensing Officer
<b>Date of Meeting:</b>	7 November 2022

## **APPLICATION TO VARY A PREMISES LICENCE – Happy Shopper, 234 Dickson Road, Blackpool, FY1 2JS**

### **1.0 Purpose of the report:**

1.1 To consider an application to vary Premises Licence PL0096 issued in respect of Happy Shopper, 234 Dickson Road, Blackpool, FY1 2JS.

### **2.0 Recommendation(s):**

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

3.2a 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

### **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 15 September 2022, the Licensing Service received an application from M Squared Services on behalf of Sudi BB Ltd to vary the Premises Licence issued in respect of Happy Shopper, 234 Dickson Road, Blackpool. A copy of the application is attached as Appendix 4a.

6.2 The licence currently authorises the sale of alcohol (for consumption “off” the premises) from 07.00 to 23.00 daily, the provision of which is currently subject to the following condition:

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:  
Monday to Sunday 07.00 to 23.00.

6.3 The variation application requests permission to allow:

- Extension of hours to close 1 hour later in the evening.
- Amendment of the above condition to read:

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:  
Monday to Sunday 07.00 to 00.00.

6.4 The applicant has also offered the following conditions to be added to the licence if the variation is granted:

1. CCTV will be installed 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. The coverage should include the entrance / exit, checkout and main alcohol displays. The system 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. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
  - e. Digital recording shall be held for a minimum of 21 days after the recording is made and will be made available to the Police for inspection upon request.

2. A staff member who is conversant with the operation of the CCTV system will be available to attend the premises within an hour if requested by Police. This staff

member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous.

3. If the CCTV is not working correctly the Licence Holder shall take immediate steps to rectify the fault. A log of the steps shall be kept and be made available for inspection Police Officer or to a Local Authority Enforcement Officer.

4. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.

5. A Challenge 25 proof of age policy shall be implemented and adhered to. 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:

- A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
- Photo driving licence.
- Passport.
- Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol will be refused.

6. All staff shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this shall be made available to an authorised officer upon request. Refresher training shall be conducted every 3-6 months as a minimum.

7. "Challenge 25" posters shall be displayed in prominent positions at the premises.

8. An authorisation, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.

9. A refusals/ challenges register to be kept and maintained which will be made available for inspection by a Police Constable or authorised officer and this register will be reviewed regularly by the Designated Premises Supervisor.

6.5 Representations have been received from two members of the public. Copies of the representations are attached as Appendices 4b and 4c.

6.6 The applicant has provided a written submission in response to the objections which is attached at Appendix 4d.

6.7 Local policy considerations:

4.1.7 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessments adequately demonstrate that:

- The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for
- The potential effect on the licensing objectives is not significant
- The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.

4.4.2 The Council wishes to develop a diverse night-time economy but acknowledges that any licensable activity has the potential to impact adversely on the surrounding area either by disturbance caused by crime and disorder or by nuisance caused by customers being noisy when leaving/using on-street car parking. The impact of these activities can be greater at night when ambient noise levels are much lower.

6.8 National policy considerations:

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.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

6.9 Observations:

The Premises Licence for this property was first granted in September 2005. The applicant, Sudi BB Ltd, has been the Premises Licence holder since June 2022.

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) Monday to Sunday 07.00 to 23.00.

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
- (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.

- 6 (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.

6.10 Does the information submitted include any exempt information?

No

**7.0 List of Appendices:**

- 7.1 Appendix 4(a) - Application to vary a Premises Licence
- Appendix 4(b) - Public Objection (Barker)
- Appendix 4(c) – Public Objection (Courtney)
- Appendix 4(d) – applicant submission in response to objections

**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 None.

**14.0 Background Papers:**

- 14.1 None.