

## Written Submission 234 Dickson Road, Blackpool

### General Background

1. The documentation is submitted in advance of the hearing scheduled for 10 am on the 7<sup>th</sup> of November 2022 to set out why the Committee should consider the application favourably.
2. The application has attracted 2 objections from interested parties, the contents of which will be addressed in this submission.
3. The application is made by Sudi BB Ltd, a Limited Company operated by 1 Director, Mr Sudheesh Pallikulangara
4. An introduction of Mr Pallikulangara who will be present at the hearing will be made verbally on the day. He is an experienced operator with 7 stores on the Fylde Coast, 3 of which are in the Cumulative Impact areas in Blackpool.
5. The application was submitted with careful thought and consideration, especially about the views of the Responsible Authorities, as such contact was made to the Licensing Authority and the Police by email on the 15<sup>th</sup> of September 2022. A copy of this email is attached as **Annex 1**.
6. A series of conditions were offered as a starting point with an open offer of being receptive to any other controls they deem appropriate.
7. As a result of this diligent and considerate approach no objections have been submitted by the relevant Responsible Authorities.
8. It is of note that the current Licence has no conditions on what so ever and even though in cases such as this the Committee would only have the power to impose conditions on the parts of the licence he seeks to vary (the 1 hour between 23.00hrs and 00.00hrs ) The applicant has adopted the conditions across the entirety of the operating times ( open till close ).

### Policy and Guidance Considerations

9. The application accords well with numerous paragraphs of the Section 182 Guidance as well as the Statement of Licensing Policy. Paragraphs 8.41-8.48 from the Guidance are shown below with comments (in blue text ) that demonstrate due consideration to best practice has been made.

*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*

## Written Submission 234 Dickson Road, Blackpool

*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.*

The applicant was aware of the expectations of Responsible Authorities by conducting pre-application consultation.

*8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand: 56 | Revised Guidance issued under section 182 of the Licensing Act 2003 • the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; • any risk posed to the local area by the applicants' proposed licensable activities; and • any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

*8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.*

*8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.*

The applicant is very familiar with the local issues and has competence and understanding of overcoming difficulties from his experience of operating multiple premises in some challenging areas across Blackpool. The premises was adopted into his business portfolio on the 19<sup>th</sup> of March 2022. A full refurbishment programme took place dealing with all electrical and safety issues as well as providing a simple and modern upgrade to the public areas of the shop including a good quality external façade. The total spend was approximately £80,000.00

*8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include: • the Crime Mapping website; • Neighbourhood Statistics websites; • websites or publications by local responsible authorities; • websites or publications by local voluntary schemes and initiatives; and • on-line mapping tools.*

8.47

## Written Submission 234 Dickson Road, Blackpool

10. The Policy areas highlighted largely replicate the requirements of the guidance but provide a useful tick list which again demonstrates the careful and considerate approach to the application.

*4.4.1 The authority wishes to encourage high-quality, well-managed premises. The operating schedule should describe how these high management standards will be achieved. In particular, applicants will be expected to demonstrate:*

- Knowledge of best practice
- That they understand the legal requirements of operating a licensed business
- Knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003

The applicant's track record operating high-quality establishments, and his commitment to achieving the best possible outcome for all parties meet the requirements of the paragraph above.

*4.1.2 The operating schedule must include all of the information necessary to enable the licensing authority, responsible authorities and members of the public to assess whether the steps outlined for the promotion of the licensing objectives are sufficient. This will mean that applicants will need to complete their own risk assessments on their businesses. Where the operating schedule does not provide enough detail, there is an increased likelihood that representations will be made.*

The applicant has produced a detailed and comprehensive operating schedule that has satisfied the Responsible Authorities.

*4.1.3 Applicants are not required to seek the views of responsible authorities before submitting their applications however they may find them a useful source of expert advice about the local issues that should be taken into consideration when making an application. Discussions with the responsible authorities, and where relevant local residents, before applications are submitted may minimise disputes during the application process.*

*4.1.4 The authority will expect that the completed operating schedule is specific to the premises subject to the application and the licensable activities to be carried out rather than containing general or standard terms. Key Message: Applicants are expected to demonstrate knowledge of the local area in which they propose to operate and an understanding of the problems and issues in that area*

The applicant has excellent local knowledge of the area and an understanding of the demographic and issues that he needs to be mindful of.

*4.1.5 For an applicant to assess what steps are appropriate for the promotion of the licensing objectives, they must first understand the area in which they intend to operate. By way of example the controls required in an area suffering from a high level of*

## Written Submission 234 Dickson Road, Blackpool

*deprivation, alcohol dependency and street drinking may be completely different to those required in other areas. Applicants are expected to make their own enquiries and demonstrate how they have considered the following in the operating schedule:*

- *The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate;*
- *Any risk posed to the local area by the proposed licensable activities; and*
- *Any local initiatives (for example local crime reduction initiatives or voluntary schemes which may help mitigate potential risks)*

*4.4.1 There are no standard permitted hours for the sale of alcohol prescribed in the Act instead the Council has the power to make decisions on hours based on local knowledge. In some circumstances, staggered licensing hours will allow for a more gradual dispersal of customers reducing potential disorder and disturbance at for example late night food outlets and taxi ranks. There is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times*

The applicant applied for 2 Temporary Event Notices in September 2022, each of which lasted 7 days. No difficulties were experienced, and the trading experience was much the same as it has been during his current hours of operation.

### Relevant Representations

#### Public Objection 1

Well following a couple of extremely concerning violent incidents this past week at The Happy Shopper , one including the shop keeper being attacked! I think you could possibly log this complaint under.

Protection of crime and disorder, Prevention of public nuisance or even public safety.

As I said in my first complaint it is already encouraging drunks to our street shouting out obscenities to people going about their daily business.

I had a very drunk girl burst into my dress shop the other day demanding money so she could get a shower!! I felt threatened and extremely vulnerable by her behaviour.

All we ask is that you please take into account the disruption this will cause.

And please could you look into the licence of opening hours for this premises as they are open till midnight every day now.

The incident referred to as the attack on the staff member occurred on the 12<sup>th</sup> of August 2022 between 14.00hrs and 15.00hrs. A Delivery was due at 14.00hrs but over the last year deliveries schedules have become unreliable due to a shortage of drivers at the wholesalers and a lack of equipment to facilitate those deliveries. The usual standard is the delivery is dropped with a transportation cage so it can be taken directly into the premises and unloaded. On this day the drop was made on a pallet. There was no one on-site to manually handle the delivery so an individual was called in from a nearby shop owned by the Licence Holder. This led to protracted delays and meant the stock was outside longer than anyone would have expected. Someone

## Written Submission 234 Dickson Road, Blackpool

attempted to steal the stock and the staff member was simply trying to safeguard the Licence Holders' property and was assaulted by the offender who made off with some items. The LH will provide a more comprehensive explanation of the event at the hearing but whilst it may be loosely connected with a Licensable Activity there was no sale of any item, it was a theft, the Licence Holder was a victim of crime and nothing he did contributed to this incident. It was in the middle of the day and quite easily could have been other stock such as meats or cheeses which seems to be a popular choice for shoplifters. It does not relate to the times or parts of the application the LH seeks to vary.

The second part of this representation mentions a woman approaching the Objector and asking if she could shower. The LH also suffers from unwanted visitors at his shop, the 2<sup>nd</sup> Public Objector provides more detail. The LH does not want these types of people in the area either but to suggest they are drawn to the location because of his offerings is not true. He is affected by some of these individuals at his other stores, they are not encouraged to shop with him, and he cannot control the movements of these individuals. His commercial offer and price point are set at a level to deter rather than encourage problematic customers. All offers and discounts are strictly controlled by the Franchisor who may have special offers on certain lines, but these are controlled by a corporation that is a responsible retailer, the Best One Group.

The final part of the representation refers to the premises already being open till midnight. 2 Temporary Event Notices were authorised permitting the sale of alcohol until midnight between the 16<sup>th</sup> of September-22<sup>nd</sup> September 2022 and the 24<sup>th</sup> of September- 30<sup>th</sup> of September 2022.

### Public Objection 2

The 234 "Happy Shopper" in the last two weeks has had a number of incidents.

A member of staff was violently assaulted whilst in the shop. He managed to stagger into the street bleeding and heavily bruised to seek help from the local butchers. He was attacked because two men wanted a crate of beer.

Another incident was when a drunken woman stole cans of lager and fled the shop. In doing so she fell outside in her haste. The shop assistant ran out to retrieve the can. When the thief got up in a drunken daze she knocked over an elderly couple.

Just two incidents which caused us all locally concerne.

The butchers at "Choice Meats", constantly have to guard the vans whilst being loaded in the mornings because alcoholics try to steal from them if unguarded.

3 factual incidents that can be backed up.

As a community these are things happening now and need addressing.

Also we have an increase around the area of drunks approaching people to ask for money.

Young woman are targeted and the elderly. Supposedly because they are easier targets.

All of the above raise the question of public safety.

If proof is needed to confirm these incidents please do not hesitate to contact myself. Tel: 07583940492.

An explanation for the first part of this representation has already been given.

The second part relates to the drunk woman stealing cans of lager. The LH is fully aware of this incident and knows the offender in the case. She is a local individual with mental health

## Written Submission 234 Dickson Road, Blackpool

and addiction issues and causes him similar problems at another store in the Talbot Ward. She stole a bottle of milkshake on the day not larger, the LH will again expand on this explanation at the hearing. Again, these incidents do not relate to Licensable Activity, and they occurred at times of the day not relevant to the parts of the application he seeks to vary.

### Conclusion

Passing reference within the submission has been made to the absence of any Responsible Authority in these proceedings. It is of considerable importance to highlight this as they are the Licensing Authorities 'experts in their respective fields.

The case of Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin), CO/5533/2006 deals with many points.

Commentators will pull out the relevant parts of the case to assist their own arguments one of which is there must be tangible or empirical evidence to support any representations, mere speculation will not be enough.

The GOV.UK web site provides a short narrative about the case which is as follows;

*This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them.*

*This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations. It is most relevant when opposing grant applications.*

*The Honourable Mrs Justice Black said:*

*[D]rawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.*

The Government summary of the case focuses on the issue of Responsible Authorities being experts in their respective fields and the absence of those Authorities, in this case, supports the following comments.

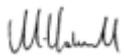
The Applicant is experienced at running similar establishments, has a good track record, and enjoys the confidence of the Authorities.

## Written Submission 234 Dickson Road, Blackpool

The proposal submitted in both pre-application communication and the application itself has given the Authorities the necessary confidence that the Licence Objectives will not be harmed

There is a belief that the applicant will deliver on any commitments made or will adjust his style to rectify any concerns raised.

He is strengthening the conditions on the Licence across the entirety of the operational times, not just the parts he seeks to vary, whilst the Public Objections are important, they paint a picture of issues being experienced in the day rather than the hours between 23.00hrs and midnight. There is no commercial practice undertaken by the LH to encourage bad behaviour from his customers he is as much of a victim as his neighbours and criminal behaviour are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.



Mark Marshall ( FCILEX)

Date: 27th October 2022

Hi Mark

Annex 1

No objection here with it being out of the zone.

Cheers

Nat

Nat Cox (3390)  
West Licensing Sergeant  
Bispham Police Station  
Mobile 07970 336242  
Phone 01253 604074  
[nat.cox@lancashire.police.uk](mailto:nat.cox@lancashire.police.uk)



**From:** Mark Marshall <info@mm-squared.co.uk>  
**Sent:** 15 September 2022 09:29  
**To:** lee.petrak@blackpool.gov.uk; Cox, Nat <Nat.Cox@lancashire.police.uk>  
**Subject:** Variation 234 Dickson Road

Dear lee and Nat.

Last week Lee and I had a short discussion regarding some applications that I had on the horizon. One of which was 234 Dickson Road is requesting 1 extra hour ( terminal hour proposed as 000.00hrs ).

I initially thought that this may be in the CIZ but on closer examination, it looks like the boundary in this part of the town runs along Warley Road so he is about 200mteres over the boundary ( the right side of the line from the applicants perspective )

It is a Licence with absolutely no annex 2 conditions. In line with our earlier discussions, I have inserted the standard conditions for CCTV and POA training in order to make some general strides forward.

I would be grateful if you could confirm that my assessment of the location is correct and confirm the premises is outside the CIZ, if so I will move on to the formal submission

Best wishes

A handwritten signature in black ink, appearing to read 'Mark Marshall'.

Mark Marshall  
Director