

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	1 <sup>st</sup> September 2015

## **APPLICATION TO VARY A PREMISES LICENCE – Wine Shop, 27 Whitegate Drive**

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

1.1 To consider an application to vary the Premises Licence at Wine Shop, 27 Whitegate Drive Blackpool.

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

2.1 The panel is requested to consider the application and determine whether varying this licence 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

3.3 Other alternative options to be considered:

None, once an application has been received and representations received it must be considered by the Licensing Panel.

### **4.0 Background Information**

4.1 On 7<sup>th</sup> July 2015, the licensing service received an application from Sudheesh Pallikulangara to vary the premises licence that was issued originally in May 2005.

- 4.2 The premises licence has the standard off-licence hours converted from the Magistrates' Court licence. Weekdays 08.00 – 23.00, Sundays 10.00 – 22.30, Christmas Day 12.00 – 15.00 and 19.00 – 22.30, Good Friday 08.00 – 22.30
- 4.3 The application originally requested permission to sell alcohol for consumption off the premises 08.00 – 03.00 hours daily. A copy of the application is attached. Following discussions with the Police, the application has been amended to 08.00 – 00.00 hours daily
- 4.4 Representations have been received from members of the public. Copies of the representations are attached.

4.5 **Local policy considerations**

This shop is situated within Talbot which is one for four wards that form part of the off-licence saturation policy. The effect of this policy is to create a rebuttable presumption that an application will be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule, and where appropriate with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced.

Applicants for licences within this area will be expected to cover the issues detailed below in their operating schedule. Failure to do so may result in the refusal of the application:

- Details of proof of age scheme to be implemented and proposals for staff training
- Percentage of premises to be used for the sale of alcohol, including details of other items to be sold
- The applicant's policy on the sale of low value/high alcohol products and any drinks discounting that would be adapted.

4.6 **National policy considerations**

9.12 – The police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that do so would not be proportionate for the promotion of the licensing objectives.

9.42 – 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.

13.35 – After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy 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 of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

#### 4.7 **Observations**

As this licence was converted from a Magistrates Court licence it only has the mandatory conditions endorsed upon it.

The applicant has agreed the following conditions with the Police which will be endorsed on the licence if the variation application is granted:

1. An incident book will be maintained, in which shall be recorded :
  - (i) All incidents of crime and disorder
  - (ii) Refused sales to suspected under age/ drunken persons
  - (iii) A record of any person refused admission or asked to leave the premises
  - (iv) Details of occasions upon which the Police are called to the premises
  - (v) The use or discovery of drugsThat book shall be available for inspection by a Police Officer or authorised person
2. CCTV will be installed internally and externally at the premises and will comply with the following:
  - 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 the entrance door and will be capable of providing an image which is regarded as identification standard.
  - The system will display the correct date and time
  - The system will make recordings during all hours the premises are open to the public
  - VCR tapes or digital recordings 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 for inspection upon request.
  - The system will, as minimum, record images of the head and shoulders of all persons entering the premises.
  - 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 by

- a Police Officer or a Local Authority Enforcement Officer.
- 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
  - Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
3. 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 the sale of alcohol 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 any authorised officer.
  4. A personal licence holder shall be available at all times while the sale and supply of alcohol takes place. A personal licence holder does not need to be present at the premises at all times but must be readily available to contact.
  5. The licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.
  6. 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.
  7. Signs promoting this policy will be prominently displayed at public entrances and alcohol sales areas
  8. 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. Staff will be trained on appointment and every 6 months thereafter.

Members of the public who made representations have been made aware of the amendments to the application agreed with the Police. A number of representations have been withdrawn following the mediation agreement. Those attached to this report have confirmed they wish to continue with their representations.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Application

Appendix 4b: Representation from members of the public.

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