

Report to:	LICENSING PANEL
Relevant Officer:	Lisa Ashton, Licensing Officer
Date of Meeting:	1 June 2023

APPLICATION FOR A VARIATION TO A PREMISES LICENCE – Tesco Express, 96-98 Whitegate Drive, Blackpool, FY3 9BZ

1.0 Purpose of the report:

1.1 To consider an application for a Variation to the Licence for Tesco Express, 96-98 Whitegate Drive, Blackpool, FY3 9BZ

2.0 Recommendation(s):

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

3.2 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 5th April 2023 the Licensing Service received a Variation application from Tesco Stores Limited for a Variation to the Premises Licence at Tesco Express, 96-98 Whitegate Drive, Blackpool, FY3 9BZ. The licence currently allows off sale of alcohol, weekdays (other than Christmas Day) 08.00 – 23.00, Sundays (other than Christmas Day) 10.00 – 22.30, Christmas Day 12.00 – 15.00 and 19.00 – 22.30, Good Friday 08.00 – 23.00.

6.2 The application requests permission to sell alcohol for consumption off the premises Monday to Sunday 06.00 – 00.00, the provision of late night refreshment Monday to Sunday 23.00 – 00.00, to remove the embedded/seasonal restrictions for Good Friday and Christmas Day carried over from the old Licensing Act and to update the layout plan attached to the premise licence. The applicant has also volunteered a number of conditions on the application form which will be attached to the Premises Licence if granted, a copy of the application is attached at Appendix 4(a).

6.3 A Representation has been received from Lee Petrak – Licensing Manager. A copy of the representation is attached at Appendix 4(b).

6.4 Local policy considerations:

The premises falls within the area covered by the Off Licence Cumulative Impact Assessment (CIA). The following sections of the policy are relevant:

4.9.1 The location of the main concentration of off-licensed premises suffers from high levels of alcohol related crime and alcohol related hospital admissions. Applications for new licences, or variation of hours within this area will be refused unless the applicant can demonstrate that their application will not lead to an increase in the impact of off licensed premises in this area.

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).

4.10.4 Examples of factors the licensing authority will not consider to rebut the presumption of refusal:

- The premises will be well managed and run as all licensed premises should meet this standard
- The premises will be constructed to a high standard
- The applicant operates similar premises elsewhere without complaint.

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.

6.5 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 – After receiving relevant representations in relation to a new application for 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.

6.6 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 Appendix 4(a) Application form for a Variation to a Premises Licence
Appendix 4(b) Objection from Lee Petrak.

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.