

<b>Report to:</b>	<b>LICENSING PANEL</b>
<b>Relevant Officer:</b>	Judith Brooks-Brennan, Licensing Officer
<b>Date of Meeting:</b>	18 March 2024

## APPLICATION FOR A PREMISES LICENCE – MR CHEF

### 1.0 Purpose of the report:

1.1 To consider an application for a New Premises Licence for Mr Chef, 96-98 Talbot Road, Blackpool, FY1 1LR.

### 2.0 Recommendation(s):

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

3.2 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 26<sup>th</sup> January 2024 the Licensing Service received an application from Mr Solima Fathy Salama for a new Premises Licence at Mr Chef, 96-98 Talbot Road, Blackpool, FY1 1LR. The property has never held a Premises Licence.

- 6.2 The application requests Late Night Refreshment Monday to Sunday 23:00 – 05:00 with opening hours from 12.00 - 05.00 Monday to Sunday. The applicant has 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 Representations have been received from the Licensing Authority and Lancashire Constabulary. Copies of the representations are attached at Appendices 4(b) and 4(c).
- 6.4 Local policy considerations:

3.2.3 Where relevant representations are made, the following factors will normally be taken into account:

- The style of operations, the number of customers and profile of customers expected to attend the premises
- The location of the premises and its proximity to noise sensitive properties
- The proposed hours of operation
- The transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses
- The proposed methods for the dispersal of customers
- The scope for mitigating any impact
- The extent to which the applicant has offered conditions to mitigate the impact
- How often the activity occurs

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.

The premises falls within the area covered by the Cumulative Impact Assessment (CIA).

The following sections of the 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).

4.10.4 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:

2.15 - The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.

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 new Premises Licence
- Appendix 4(b) Objection from Licensing Authority
- Appendix 4(c) 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 None.

**14.0 Background papers:**

- 14.1 None.