

**LICENSING ACT 2003 SUB-COMMITTEE  
TUESDAY, 8<sup>th</sup> MARCH 2011**

**PRESENT** – *Councillor John Wright (in the Chair), Alan Barry and Trevor Maxfield ,*

**RESOLUTIONS**

**10 Declarations of Interest**

There were no declarations of interest

**11 Application for a Premises Licence in respect of Alameera, 22 Whalley Banks, Blackburn, BB2 1NU.**

Application made by Mr Farid Hussain Abdullah in respect of the **Alameera, 22 Whalley Banks Blackburn BB2 1NU** for a premises licence under the Licensing Act 2003.

The application sought is to permit the sale of alcohol as follows: from 09:00hrs to 20:00hrs each day.

Mr Abdullah stated that he would voluntarily reduce this to 10:00 hrs to 20:00 hrs.

All representations appear to relate to the licensing objectives of the prevention of public nuisance and protection of children from harm. It has been determined that they are relevant and comply with Section 35(6) Licensing Act 2003.

This matter was before the Licensing Act 2003 Sub Committee on 1<sup>st</sup> March 2011 when Mr Abdallah, the applicant, failed to attend. The matter was adjourned to 8<sup>th</sup> March 2011 for him to attend.

All responsible authorities have been consulted, advertisements have been displayed in accordance with the Act, one objection has been lodged. Within that objection 16 residents have signed a letter detailing their concerns and a further letter has been submitted by Twin Valley Homes. They have raised the objection under the public nuisance objective and the protection of children from harm objective.

No objections have been received from any of the other relevant authorities or interested parties.

The applicant was given notice under Regulation 7(1)(d) Licensing Act 2003 (Hearings Regulations) 2005.

The required documents in accordance with Column 3, Schedule 3 have accompanied the Notice of Hearing in accordance with Regulation 7 Licensing Act 2003 (Hearings Regulations) 2005.

The Chair invited all interested parties to be involved in the discussions that followed.

Ms E Devereux (Chair of Oakenhurst Resident's Association) stated that over the past several residents' meetings the issue of underage drinking on the streets had been raised as a concern, as residents' were being abused on the streets.

Andy McHugh (North West Neighbourhood Board Manager) added that he represented a wider group of residents, and endorsed that fact that street drinking is a huge problem in this area. Mr McHugh outlined concerns that he had with the lack of detail in the application with regards to the prevention of public nuisance and protection of children from harm.

It was pointed out by Cllr Wright that although the statements highlighted the issue of street drinking in the area, there was no evidence linking this problem to the applicant's shop.

Following submissions by Heather White and the applicant, North West Neighbourhood Board Manager and a representative from Oakenhurst Residents Association, the Sub-Committee retired to seek legal advice.

#### **RESOLVED -**

The Committee have considered the Licensing Act 2003, the Guidance, and the 4 Licensing Objectives, the relevant articles under the human rights act, relevant case law (Thwaites v Wirral Magistrates Court), representations from officers and a local tenants association and our decision is as follows:

#### **That the licence be granted, subject to the following conditions:**

That the hours for the sale of alcohol be altered to 10:00 am – 8:00 pm

#### **Prevention of Crime and Disorder:**

CCTV must be installed inside and outside the premises and must be maintained in good working order at all times and in accordance with the Lancashire Constabulary guidance

There must be a nominated person responsible for the CCTV at all times there are licensable activities taking place and images must be retained for 31 days.

All staff must attend an alcohol awareness course

#### **Public Safety:**

The premises will comply with the Regulatory Reform (Fire safety) order

**Prevention of public nuisance:**

Signs will be placed in the doorway to remind customers to keep noise to a minimum as they leave the premises

Outside lighting must be maintained

Litter must be kept to a minimum

Anyone causing a disturbance on the premises, or in the immediate vicinity will be asked to move on, or Police will be contacted.

**Protection of children from harm:**

DPS is responsible for all staff being trained in the responsible sales of alcohol

A training log must be kept on the premises and must be kept up-to-date

Identity checks will be carried out on anyone who looks under the age of 21 years to ensure those purchasing alcohol are 18 years or over. Photo card driving licence, passport or Home Office approved holographic proof of age card will be the only forms of Identification accepted.

Challenge 21 policy to be in place at the premises

A refusals log must be kept on the premises and kept u

You will receive written determination within 5 working days and on receipt of the written decision you will have 21 days to lodge an appeal with the Magistrates Court, if you do not agree with the decision.

In addition, the applicant was asked if he would willingly return the licence granted 8/3/11 for 22 Whalley Banks, when he returned to the original premises, therefore only having one premises licence at any one time.  
The applicant agreed to this.

Signed .....

Chair of the meeting at which the Minutes were signed

Date .....