

**LICENSING ACT 2003 SUB-COMMITTEE
TUESDAY 13th AUGUST 2013**

PRESENT – *Councillor John Wright (in the Chair), Councillor Roy Davies and Councillor Dorothy Walsh*

RESOLUTIONS

Declarations of Interest

There were no declarations of interest

Application for a variation to a Premises Licence – Londis, 4 Ouseburn Road, Blackburn, BB2 4NL

The Sub-Committee considered an application for a variation to a Premises Licence in respect of Londis, 4 Ouseburn Road, Blackburn, BB2 4NL. The application which had been submitted by Mr Faisal Adil was to permit the sale of alcohol each day between 7am and 11pm each day. A copy of the application was attached to the report at appendix 1.

All responsible authorities had been consulted and advertisements had been displayed in accordance with the provisions of the Licensing Act. 19 objections had been received from residents in the area. Objections had been raised under the protection of children from harm objective, prevention of crime and disorder and the public nuisance objective. Details of objections from residents were attached to the report at appendices 2-2n.

Objections had also been received from the Police and Council's Trading Standards Officers. Details of objections from the Police and Council's Trading Standards Officers were attached to the report at appendices 3 and 3a.

It was reported that following mediation between Police, Trading Standards Officers and the applicant, there had been a failure to reach an agreement in relation to the conditions that the responsible authorities had proposed, subject to granting the variation to the Premises Licence.

A list of conditions that the Police and the Council's Trading Standards Officers had proposed to the Sub Committee, for inclusion, subject to approval of the variation to the Premises Licence, were attached to the report at appendix 4.

In considering the application for the variation to the Premises Licence, Members took into account the information presented by Public Protection Officers Donna Riding and Penni McGinty, Council's Trading Standards Officer, Mr Mansoor Ellahi representations from Sergeant Jason Middleton, Mr Faisal Adil (applicant) local residents Susan and Martin Mahoney and Councillor Konrad Tapp. Prior to making representation, Councillor Tapp advised the Sub Committee that he would make representation as a member of the public and express the concerns

of service users at Livesey All Age Centre, Blackburn

Following submissions by the Council's Public Protection and Trading Standards Services, Sergeant Jason Middleton, Mr Adil, Susan Mahoney, Martin Mahoney and Councillor Konrad Tapp, the Sub-Committee retired to seek legal advice.

The Chair of the Sub Committee advised those present that in reaching a decision, the Sub Committee had considered the Licensing Act 2003 and the section 182 guidance, and relevant articles under the Human Rights Acts.

The Chair also advised that the Sub Committee had considered the case of Daniel Thwaites PLC vs Wirral Magistrates Court regarding the fact that decisions must be reached on evidence produced and not speculation of what may occur as a result of a licence being granted.

The Chair further advised that all submissions and representations that had been submitted to the Sub Committee had been considered.

RESOLVED – That the variation to the Premises Licence in respect of 4 Ouseburn Road, Blackburn, Lancashire BB2 4NL be granted subject to the following conditions as set out in the supporting documentation which had been submitted to the Committee, with the additional condition of revised hours of sale of alcohol to be from the hours of 8am until 10pm as agreed at the meeting.

1. That the premises operate an effective CCTV system which covered both interior and exterior areas of the premises which must be maintained in good working order at all times that the premises was open for business.
2. The recording medium and associated images to be retained and securely stored for a minimum of 28 days and be made available to the Police or Local Authority authorised officers.
3. That the Premises Licence Holder/DPS must notify the Police or Licensing Authority in the event of CCTV breakdown or malfunction as soon as possible and within 24 hours.
4. The bushes at the front of the premises to be either removed or trimmed and maintained and not be above 3 feet in height to assist with outside supervision.
5. The premises to operate a 'Challenge 25' proof of age policy and signage to this effect to be prominently displayed within the premises. Persons who appeared to be under the age of 25 must produce, for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol.
6. All persons who appeared to be under the age of 25 years should be required to produce proof of age by way of the following:
 - A recognised proof of age card accredited under the British Consortiums Proof of Age Standard scheme (PASS)
 - Photo driving licence
 - Passport

- Citizen card supported by the Home Office
 - Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder
7. A notice or notices should be displayed in and at the entrance to the premises where they could be clearly seen and read and should indicate that it is unlawful for persons under the age of 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under the age of 18.
 8. All staff should receive training to prevent underage sales of alcohol. All staff should receive refresher training at least on a monthly basis to prevent underage sales. Training to be documented and to be made available to the Police or Local Authority to authorised officers.
 9. The premises to maintain a refusals book to record the details of incidents/descriptions of individuals whenever a member of staff had refused to sell alcohol to a person suspected of being under the age of 18 or persons drunk. Refusals book must be made available to the Police or Local Authority authorised officers.
 10. All spirits to be stored behind the counter or in a place where customers did not have direct access to such products without the assistance of a member of staff.
 11. After 5pm until closing on each Friday, Saturday, Christmas Eve, Boxing Day and New Year's Eve, there must always be a Personal Licence Holder on the premises.
 12. After 5pm until closing on each Friday, Saturday, Christmas Eve, Boxing Day and New Year's Eve, at least 2 members of staff to be available to assist with service at the premises.
 13. The premises would actively discourage groups of youths congregating outside the premises.
 14. Under no circumstances whatsoever should Mr Adil Farook, previous Premises Licence Holder/Designated Premises Supervisor from 24/11/2005 until 27/6/2008 be involved in the running of the premises or employed at the premises either on a formal or informal basis and must never be involved in the sale of alcohol or any other sales at the premises. Mr Adil Farook must not be permitted to be present at the premises when any licensable activity was in operation other than in relation to an emergency/personal family matter.

The Chair also advised those present that should the above conditions not be adhered to, that, on production of relevant evidence, any interested parties, including residents, could request a review of the Premises Licence.

Signed

Chair of the meeting at which the Minutes were signed

Date