

Public Document Pack

Licensing Act 2003 Sub-Committee

Tuesday, 13th June, 2023

6.00 pm

Meeting Room A

AGENDA

1. Welcome and Apologies

2. Declaration of Interests

3. Application to Vary a Premises License

Application to Vary a Premises Licence

2 - 35

Appendix 1

Appendix 2

Appendix 3

Appendix 4

Appendix 5

Appendix 6

Appendix 7

Date Published: Wednesday 17th May 2023
Denise Park, Chief Executive

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION SERVICE

REPORT TO: LICENSING ACT SUB-COMMITTEE Date: 23/05/2023

**TITLE : APPLICATION FOR A VARIATION OF A PREMISES LICENCE –
Intack Mini Market, 331-333 Accrington Road, Blackburn, BB1 2AL**

1.	<u>PURPOSE OF REPORT</u>
1.1	For members to consider an application to vary premises licence LP7857, in respect of the Intack Mini Market.
2.	<u>BACKGROUND</u>
2.1	The Licensing Act 2003 provides for the functions of the licensing authority (including its determinations) to be taken or carried out by the Licensing Committee. The Licensing Committee may delegate these functions to sub-committees. The Council's constitution has been amended to incorporate this.
2.2	The Statement of Licensing Policy indicates how the licensing authority approaches its various functions.
2.3	Where under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers.
2.4	The Licensing Committee will receive regular reports on decisions made by officers so that they maintain an overview of the general situation.
2.5	Each application that comes before this committee will be considered on its own merits, and the licensing authority will take its decision based upon: <ul style="list-style-type: none">● The merits of the application● The promotion of the four licensing objectives● The Licensing Authority's statement of policy● Statutory Guidance issued by the Secretary of State under section 182 of the Licensing act 2003.

<p>3</p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><u>DETAIL</u></p> <p>An application under section 34 of the Licensing Act 2003 to vary premises licence LP7857, was received on 23 March 2023, from Mr Karamat Hussain in respect of Intack Mini Market, Accrington Road, Blackburn (Appendix 1).</p> <p>The current licence (Appendix 2) authorises the following licensable activities:</p> <p>Supply of alcohol for consumption off the premises Monday to Saturday - 08:00 to 23:00 Sunday 10:00 to 22:30 Christmas Day 12:00 to 15:00 then 19:00 to 22:30 Good Friday 10:00 to 22:30</p> <p>The variation seeks authorisation for the following:</p> <p>Supply of alcohol for consumption on and off the premises Monday to Sunday 0:00 hrs to 24:00 hrs</p> <p>Hours the premises are open to the public Monday to Sunday 0:00hrs to 24:00 hrs</p> <p>The applicant has agreed some additional conditions with Trading Standards during the consultation period which would be added to the licence should the variation be granted (Appendix 3).</p>
<p>4</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p><u>CONSULTATION</u></p> <p>All the Responsible Authorities have been consulted and public notices have been displayed and published in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.</p> <p>Lancashire Constabulary have objected to the application as they are concerned about the impact 24 hour opening would have in what is a predominantly residential neighbourhood. (Appendix 4).</p> <p>Blackburn with Darwen Environmental Protection Service have also objected as they too are concerned about the additional noise and disturbance that would be created during any extended hours and the detrimental impact that this would have on local residents (Appendix 5).</p> <p>There have been no other representations made to the Licensing Authority about this application.</p> <p>The applicant was given notice under Regulation 7(1)(d) Licensing Act 2003 (Hearings Regulations) 2005 and the documents prescribed in Column 3, Schedule 3 have accompanied the Notice of Hearing in accordance with Regulation 7.</p>

<p>5</p> <p>5.1</p> <p>5.2</p>	<p><u>POLICY CONSIDERATIONS</u></p> <p>The relevant section(s) of the Licensing Authority’s current statement of Licensing Policy has been reproduced at Appendix 6 to this report.</p> <p>The relevant section of the statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 has been reproduced at Appendix 7.</p>
<p>6</p> <p>6.1</p> <p>6.2</p> <p>6.3</p> <p>6.4</p>	<p><u>THE LICENSING ACT 2003</u></p> <p>After having regard to all the representations, the council’s Statement of Policy and the Statutory Guidance, the Committee must consider whether granting the application in the terms applied for, would undermine any of the licensing objectives.</p> <p>If members are satisfied that the licensing objectives would not be undermined, you should grant the application in the terms applied for.</p> <p>If, however you are concerned that granting the application would have the potential to undermine one or more of the licensing objectives, you must then consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives.</p> <p>You may take any of the following steps:</p> <ul style="list-style-type: none"> • Grant the application, subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives. • Exclude from the scope of the licence, any of the licensable activities to which the application relates (this can include revising the permitted hours for licensable activities). • Reject the whole or part of the application.
<p>7</p> <p>7.1</p> <p>7.2</p> <p>7.3</p>	<p><u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u></p> <p>Members are reminded that they must follow the rules of natural justice and they are bound by the code of conduct for elected members in licensing applications.</p> <p>Members are reminded that they should have read and should hear all the facts prior to making a determination</p> <p>Members are reminded of the consideration they should give to the Human Rights Act 1998, in particular Article 1 – the right to peaceful enjoyment of possessions, Article 6 – the right to a fair hearing, Article 8 – respect for private and family life and Article 10 – the right to freedom of expression.</p>

8	<u>BACKGROUND PAPERS</u>
8.1	Appendices
8.2	Statement of Licensing Policy
8.3	Statutory Guidance issued by the Secretary of State under section 182 of the Licensing act 2003
8.4	The Licensing Act 2003.
9	<u>RECOMMENDATION</u>
9.1	That members determine the application to vary Premises Licence ref: LP7857
10	<u>WARDS AFFECTED</u>
10.1	The premises are situated in the West Pennine Ward.
11	<u>CONTACT OFFICER</u>
11.1	Niky Barrett, Principal Licensing Officer
12	<u>DATE PREPARED</u>
12.1	3 May 2023

Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Karamat Hussain

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

LP7857

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
331-333 Accrington Road

Post town	Blackburn	Postcode	BB1 2AL
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£4250
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Part 2 – Applicant details

Daytime contact telephone number	07883756908
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E-mail address (optional)	Hajis.cuisine@gmail.com
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Current postal address if different from premises address	2 Pendle Street
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Post town	Accrington	Postcode	BB5 0SL
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Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Convenience Store

Change of hours

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	00:00	23:59			
Tue	00:00	23:59			
Wed	00:00	23:59			
Thur	00:00	23:59			
Fri	00:00	23:59			
Sat	00:00	23:59			
Sun	00:00	23:59			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>Sale of Alcohol & cigarettes</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	23:59	
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	
Sat	00:00	23:59	
Sun	00:00	23:59	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence because the premises license is currently on display but the license number has been given in the application.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The licensee, that is the person whose name the premises license is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the license and for preventing crime and disorder. The licensee shall ensure all staff will undertake training in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Also records will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of criminal nature will be reported to police. The licensee will have CCTV coverage at the premises and it is operated and maintained there.

- The cameras are capable of identification
- The cameras are overlooking floor areas and outside the premises and give good coverage
- The recording device is in a secure area
- There is a monitor to review CCTV
- Digital images are kept for 30 days

Safe Capacity limits

Proof of age scheme

c) Public safety

Appropriate fire safety procedures are in place including numerous fire extinguishers (Foam and CO2).

All emergency exits shall be kept free from obstruction at all times.

There is also public liability insurance

d) The prevention of public nuisance

- Keeping doors closed where possible
- Arranging for deliveries to be made at suitable times
- Use of CCTV
- Arrange for area around the premises to be cleared of litter
- keeping bins to the rear of the premises

e) The protection of children from harm

- Staff will ask the person who appears to be under 25 for photographic ID
- All staff will be trained for underage sales prevention.
- A log of refused sales shall be kept and maintained on premises.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<input type="text"/>
Date	22/03/2023
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Adil.hu55@yahoo.com

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Part A

**Premises Licence
Blackburn with Darwen Borough Council**

Premises licence number

LP7857

Part 1 - Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

Intack Mini Market
331-333 Accrington Road

Post town Blackburn

Post code BB1 2AL

Telephone number 01254 54710

Where the licence is time limited the dates

Start Date: 24/11/2005

End Date:

Licensable activities authorised by the licence

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities**Licensing Activity Times**

Sale by retail of alcohol

Monday 08:00 to 23:00
Tuesday 08:00 to 23:00
Wednesday 08:00 to 23:00
Thursday 08:00 to 23:00
Friday 08:00 to 23:00
Saturday 08:00 to 23:00
Sunday 10:00 to 22:30

Non-Standard Activity Times

Sale by retail of alcohol

Christmas Day 12:00 to 15:00 then 19:00 to 22:30
Good Friday 10:00 to 22:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off the premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Karamat Hussain
2 Pendle Street
Accrington
BB5 0SL

Registered number of holder, for example company number, charity number (where applicable)

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Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Karamat Hussain
2 Pendle Street
Accrington
BB5 0SL

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence No: HYPA 0107

Issuing Authority: Hyndburn Borough Council

	Mandatory Conditions
Authorising Supply of Alcohol	<p>Mandatory conditions where licence authorises supply of alcohol</p> <p>(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.</p> <p>(2) The first condition is that no supply of alcohol may be made under the premises licence- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.</p> <p>(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.</p>
	Embedded Restrictions
Off Licence	<p>These conditions apply unless superseded by conditions consistent with the operating schedule (Annex 2) or the hours stated on the Licence/Certificate.</p> <p>Alcohol shall not be sold or supplied except during permitted hours. Permitted hours means:</p> <ul style="list-style-type: none">a) On weekdays, other than Christmas Day, 8a.m. to 11 p.m.b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.d) On Good Friday, 8 a.m. to 10.30 p.m. <p>The above restrictions do not prohibit:</p> <ul style="list-style-type: none">a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;c) The sale of alcohol to a trader or club for the purposes of the trade or club;d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorized mess of members of Her Majesty's naval, military or air forces; <p>Alcohol shall not be sold in an open container or be consumed in the licensed premises.</p> <p>Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:</p> <ul style="list-style-type: none">a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the mealb) for consumption by a person residing in the premises or his guest and paid for together with his accommodation.c) to a canteen or mess.

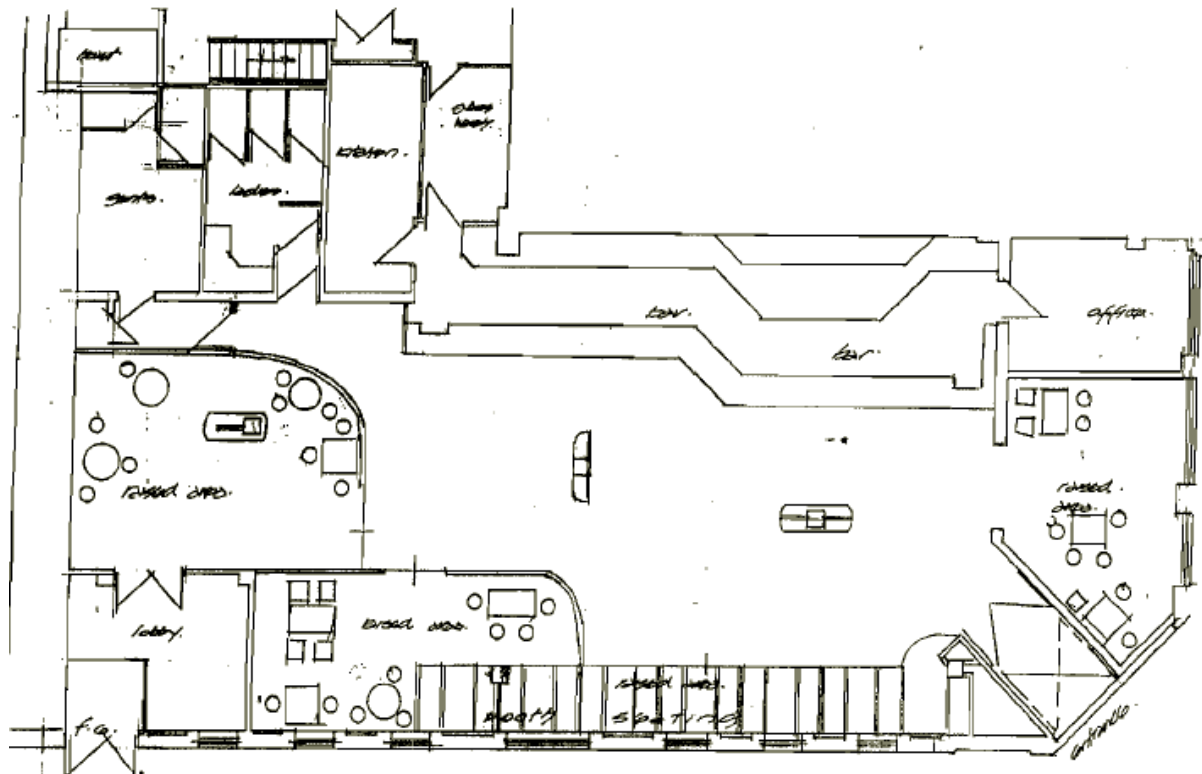
Annex 2 - Conditions consistent with the operating Schedule

None

Annex 3 - Conditions attached after a hearing by the licensing authority

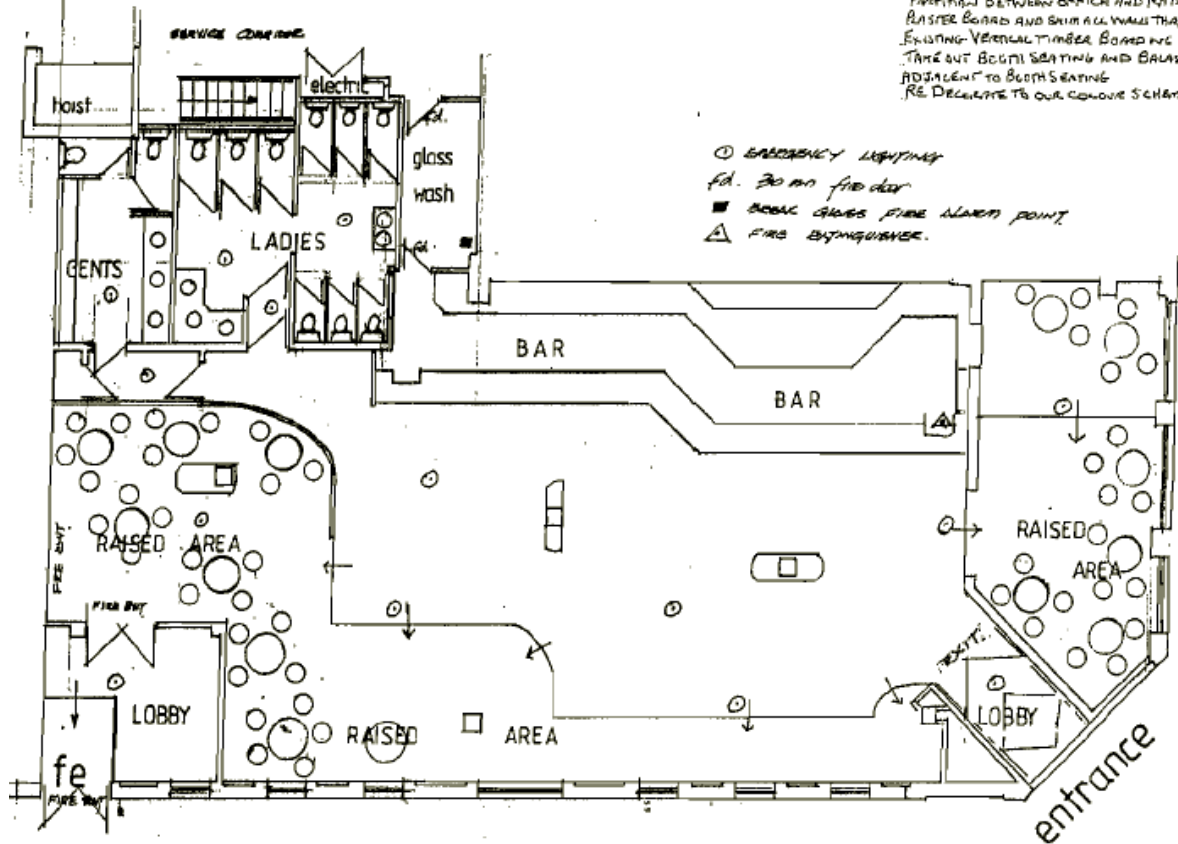
None

Annex 4 - Plans

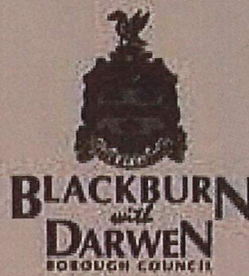


Existing ground floor plan.

EXTEND LADIES TOILETS INTO EXISTING KITCHEN, AND REPLACE EXISTING LADIES TOILET. TAKE DOWN TIMBER AND PLASTER BOARD PARTWAY BETWEEN OFFICE AND RAISED BAR. PLASTER BOARD AND SKIM ALL WALLS THAT HAVE EXISTING VERTICAL TIMBER BOARD etc. TAKE OUT BECHM SEATING AND BALUSTRADE ADJACENT TO BOTH SEATING RE DECORATE TO OUR CONCEPT SCHEME.



proposed GROUND FLOOR PLAN



Licensing Act 2003

Address of Premises: Intack Mini Market, 331 – 333 Accrington Road, Blackburn BB1 2AL.
Conditions to be included in the application for a variation to Premises Licence for the above:

Protection of Children from Harm

1. All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:
 - A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards 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
2. A refusals log will be kept on the premises to record any refused sales of alcohol to anyone who cannot comply with the Challenge 25 policy.
3. All staff shall receive training to prevent under age sales of alcohol including checks to be undertaken at point of sale of alcohol. All staff to receive regular refresher training. Training to be documented. Training records to be presented to the Police or an authorised officer upon request.
4. Prominent signage of the age verification policy will be displayed on the premises.

I agree to the above conditions being included in the application for a variation to Premises Licence under the Licensing Act 2003 in respect of Intack Mini Market, 331 – 333 Accrington Road, Blackburn BB1 2AL

Signed (Applicant) *K. Idris*

Position *owner*

Date *06-04-2023*

Signed (Responsible Authority)

Objection to 24-hour alcohol licence variation at Intack Mini Mart 331-333 Accrington Road Blackburn.

On the 24/03/2023 Lancashire Constabulary received an application to vary the premises licence at Premier store, Hill Place, Nelson to 24-hour sales of alcohol.

Lancashire Constabulary wish to object to the application on the Prevention of Crime and disorder and prevention of public nuisance licensing objectives.

The applicant is a Mr Karamat Hussain

The premises currently hold a licence to sell alcohol between the hours of 08:00 and 23:00 between Monday to Saturday and 10:00 to 22:30 on Sunday, with some seasonal variations during Christmas and Easter

The premises are situated in a residential area, and we are concerned that if the premises are allowed to open and sell alcohol for 24 hours it will cause disturbance to the nearby houses.

There are 96 other off licences in the Blackburn area according to the Police Innkeeper system and none of those have a 24-hour licence, I appreciate that all applications need to be considered on an individual basis and blanket terminal hours for an area are not appropriate under the Act, however we need to consider the impact of any variation on the licensing objectives

There are some fuel stations which benefit from 24 hour sales but these are mostly in town centre areas, and their main business is the supply of fuel and any disturbance from vehicles can be expected due to the nature of the business.

It is worth noting that the Three Arches filling station on Preston Old Road only has an alcohol licence until 23:00 hours and is closely situated within residential housing

We believe that if the premises are allowed to open and sell alcohol on a 24-hour basis there will be an increase in noise from vehicles arriving and leaving together with pedestrians who may call in on their way home from a night out and cause a disturbance.

In relation to customers arriving in vehicles, there would be noise as the vehicle arrives, doors opening and closing as the occupants get out, doors opening and closing at the store and the same noise as they return to their vehicles, engines restarting and the vehicle moving off.

I would suggest that customers would not just use the store for alcohol but other essential items adding to the number of customers and associated noise and the potential for the younger people to meet up. I don't want to label all young people as troublemakers but 17 years in the police has taught me that convenience stores attract the younger element as a meeting place, a place to get food and drink and the exuberance of youth naturally causes noise from talking, music and general high jinx

The applicant obviously believes that there is a market for 24 hour opening and it be sufficient to cover their overheads. The ability to purchase alcohol 24 hours a day is not essential, and no one is going to suffer significant harm from not being able to buy alcohol between the existing hours.

From my interpretation from the government website, there are no restrictions on the opening hours of a small shop, the only restrictions being from the premises licence so in theory, the shop

could open 24 hours but no alcohol sales outside the existing hours and the alcohol not on display. This could bring its own issues of customers expecting to buy alcohol and not understanding the restrictions on sales. It would suggest that the sale of alcohol accounts for a significant part of the business

If the committee are mindful to grant the licence with the extended hours, we would ask you to consider additional conditions in relation to CCTV to ensure it can be obtained by the Police in a timely manner and retained for a period of 28 days. Additionally, we ask you to consider a condition that if the CCTV system is replaced or repaired the old hard drive is retained for a period of 28 days and produced on request to a Police officer or authorised officer of the council.

We would also request documented training of all staff in the responsible sale of alcohol, with regular documented refresher training and again, any records produced on request to a Police officer or authorised council officer.

We would like the premises to take responsibility for ensuring that youths are not allowed to gather and remain outside.

In addition, we request that the premises document all refusals and challenges, whether it be a written log or electronically on the till and again made available to Police and authorised council officers.

In summary, I think the potential disturbance to the locality by allowing 24-hour sales, 7 days a week is unacceptable and will have a negative impact of local residents

PC 3539 Needham

Licensing Constable East Division

From: John Wood [REDACTED]
Sent: 18 April 2023 09:36
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Application to vary premises licence - Intack Mini Market, 131-133 Accrington Road, Blackburn

Dear Licencing,

Further to the above application.

I have concerns about the proposal for 24 hour alcohol sales at this location on the grounds of public nuisance.

331-333 Accrington Road although situated in a commercial parade of shops is within a wider residential area. There is little parking available in the area.

The current advertised hours of opening of the minimart are until 22:00 / 22:30. This is appropriate for a shop in this location.

Allowing the premises to sell alcohol at any time makes it likely that it will become a destination point for people wishing to obtain alcohol late and night. In some cases this alcohol may be consumed in the locality. It also makes it likely that the shop will increase its opening hours beyond what would be appropriate for a residential area and this would create a conflict with people living in the area.

This has a high potential to cause public nuisance.

I therefore wish to object to this application.

Best Regards.

John Wood
Principal Officer - Environmental Protection

Extract from Blackburn with Darwen Statement of Licensing Policy

Variations of Licences

86. Applications to vary a Premises Licence, other than a minor variation, will be dealt with in a similar manner to applications for a new Premises Licence. If relevant representations are not received, the application for variation will be granted.
87. If relevant representations are made and not withdrawn, the Licensing Committee will hold a hearing and at that hearing may:
 - a) Modify the conditions of the Licence; or
 - b) Reject the whole or part of the application.

Trading Hours

150. This Policy recognises that longer and more flexible licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks and private hire offices, fast food outlets etc.
151. The Policy will not set fixed trading hours within any designated area though the Policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas. Additional security measures may need to be considered on premises which remain open to the public after 3:00am. Each application will be judged on its merits with the discharging of the licensing objectives being paramount in every case.
152. Unless there are good reasons to the contrary on the grounds of public disorder or crime prevention, shops, stores and supermarkets that sell alcohol will be permitted to do during the times that they would ordinarily sell other goods. It would be for interested persons or the responsible authorities to prove why this should not be so in any particular case.
153. As a general presumption, applications for licences to sell alcohol for consumption on the premises (including club premises) who wish to open between 10 am and midnight Sunday to Thursday and 10 am to 1 am Friday and Saturday will have their licence granted - subject to the rights of other persons to object and thereby require a hearing.
154. Any premises wishing to open for longer hours, or where amplified music is to be a feature of the entertainment which is provided, will need to demonstrate specifically within their operating schedule, how they will discharge the Licensing Objectives.
155. Applicants should be aware that there is no automatic presumption in favour of longer hours and all cases which are referred to the Licensing Committee the Committee will consider if the hours requested by the applicant undermine the licensing objective. Where the Committee concludes that they do, the Committee may reject the application, or impose conditions and/or grant the licence with permitted hours which are different to those requested.

Conditions

166. The Licensing Authority will not impose standard conditions other than the statutory mandatory conditions. The licensing Authority may only attach conditions to a licence if relevant representations are received (except for conditions drawn from the applicants operating schedule since these are voluntary proposals).
167. Any condition that is imposed on licensed premises will be tailored to the specific needs of the premises to which the condition relates and will be linked to one of the licensing objectives e.g. crime and disorder prevention strategies and a condition requiring premises to install CCTV.
168. Conditions attached to permissions will be focussed on matters that are within the control of individual licence holders and others possessing authorisations. The Licensing Authority will focus on the direct impact of activities taking place on the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Extract from Statutory Guidance issued under s.182 of the Licensing Act 2003

Licence conditions – general principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met;
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.

Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public nuisance

- 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. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Hearings

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.