

**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**

<b>1.</b>  1.1	<b><u>PURPOSE OF REPORT</u></b>  For members to consider an application to vary premises licence LP7857, in respect of the Intack Mini Market.
<b>2.</b>  2.1  2.2  2.3  2.4  2.5	<b><u>BACKGROUND</u></b>  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"><li>● The merits of the application</li><li>● The promotion of the four licensing objectives</li><li>● The Licensing Authority’s statement of policy</li><li>● Statutory Guidance issued by the Secretary of State under section 182 of the Licensing act 2003.</li></ul>

<p><b>3</b></p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><b><u>DETAIL</u></b></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 (<b>Appendix 1</b>).</p> <p>The current licence (<b>Appendix 2</b>) authorises the following licensable activities:</p> <p><b>Supply of alcohol for consumption off the premises</b>  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><b>Supply of alcohol for consumption on and off the premises</b>  Monday to Sunday 0:00 hrs to 24:00 hrs</p> <p><b>Hours the premises are open to the public</b>  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 (<b>Appendix 3</b>).</p>
<p><b>4</b></p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p><b><u>CONSULTATION</u></b></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. (<b>Appendix 4</b>).</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 (<b>Appendix 5</b>).</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><b><u>POLICY CONSIDERATIONS</u></b></p> <p>The relevant section(s) of the Licensing Authority’s current statement of Licensing Policy has been reproduced at <b>Appendix 6</b> 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 <b>Appendix 7</b>.</p>
<p>6</p> <p>6.1</p> <p>6.2</p> <p>6.3</p> <p>6.4</p>	<p><b><u>THE LICENSING ACT 2003</u></b></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"> <li>• Grant the application, subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives.</li> <li>• 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).</li> <li>• Reject the whole or part of the application.</li> </ul>
<p>7</p> <p>7.1</p> <p>7.2</p> <p>7.3</p>	<p><b><u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u></b></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>

<b>8</b>	<b><u>BACKGROUND PAPERS</u></b>
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.
<b>9</b>	<b><u>RECOMMENDATION</u></b>
9.1	That members determine the application to vary Premises Licence ref: LP7857
<b>10</b>	<b><u>WARDS AFFECTED</u></b>
10.1	The premises are situated in the West Pennine Ward.
<b>11</b>	<b><u>CONTACT OFFICER</u></b>
11.1	Niky Barrett, Principal Licensing Officer
<b>12</b>	<b><u>DATE PREPARED</u></b>
12.1	3 May 2023