

Public Document Pack
LICENSING ACT 2003 SUB-COMMITTEE
Tuesday, 13 June 2023

PRESENT – Councillors Fazal and Hussain.

OFFICERS – Niky Barret (Principle Licensing Officer), Samuel Stocks (Environmental Protection Officer), Gary Johnston (Service Lead, Environmental Health and Public Protection), Tayyab Mulla (Governance Officer), Shelagh Lyth (Solicitor), PC Needham (Licensing Constable East Division)

RESOLUTIONS

1 Welcome and Apologies

The Chair welcomed everyone to the meeting.

Apologies were received from Councillor Derek Hardman.

The Chair asked the Applicants if they were prepared to agree to there being two Members on the Sub Committee in the absence of a third member and agreed to the proposal.

2 Declaration of Interests

No Declarations of Interests

3 Application to Vary a Premises License

An application had been received on 23rd March 2023, under section 34 of the Licensing Act 2003 to vary premises licence LP7857, from Mr Karamat Hussain in respect of Intack Mini Market, Accrington Road, Blackburn.

The panel were informed that the current licence authorised the following licensable activities:

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

However the applicant was seeking for the authorisation for the following variation:

Supply of alcohol for consumption on and off the premises

Monday to Sunday 0:00 hrs to 24:00 hrs

Hours the premises are open to the public

Monday to Sunday 0:00hrs to 24:00 hrs

The Principle Licensing Officer had informed the Panel that all the Responsible Authorities had been consulted and public notices had been

displayed and published in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

The panel were advised that if they were satisfied that the licensing objectives would not be undermined, they should grant the application in the terms applied for.

At the close of the statutory consultation period there were two outstanding representations from other persons and one from Blackburn with Darwen Environmental Protection Service in their capacity as a Responsible Authority in respect of this application.

The first representation was from Lancashire Constabulary as they were concerned about the impact 24 hour opening would have in what was a predominantly residential neighbourhood. PC Needham had informed the panel that Lancashire Constabulary had wished to object the application on the Prevention of Crime and disorder and prevention of Public Nuisance licensing objectives.

The panel members were also advised that as the premises was situated in a residential area, there was major concerns that there would be disturbances to the nearby houses from vehicles arriving and leaving together as well as customers opening and closing car doors throughout the night if the premises was allowed to open and sell alcohol for 24 hours. PC Needham had advised the panel that if they were mindful to grant the licence then he would like the panel to consider additional conditions:

- The applicant must ensure that CCTV could be obtained by the Police in a timely manner and retained for a period of 28 days.
- If the CCTV systems was replaced or repaired the old hard drive must be retained for a period of 28 days and produced on request to a Police officer or authorised officer of the council.
- There must be documented training of all staff in the responsible sale of alcohol, with regular documented refresher training.
- The premises must take responsibility for ensuring youths are not allowed to gather and remain outside
- The premises must document all refusals and challenges whether it be a written log or electronically on the till and be made available to any authorised officer.

The Environmental Protection Officer had shared PC Needham's concerns to the committee citing that the premises was in a residential area and allowing the premises to sell alcohol at any time would make it a likely destination point for people wishing to obtain alcohol late at night, which would have a high potential to cause public nuisance.

The Principle Licensing Officer had informed the panel that the applicant had agreed some additional conditions with Trading Standards during the consultation period which would be added to the licence should the variation be granted.

The panel were informed by the applicant that the premises would not allow any customers in the premises after 11pm to safeguard the customers and the staff members therefore would complete any sales via a window hatch after 11pm.

The applicant had informed the panel that if the application had not been granted then they would be financial implication on his business, and that he could consider extended hours but would prefer the application to be granted. The Sub Committee shared the concerns of the Environmental Protection Officer and the Lancashire Constabulary re the premises was in a residential area and the major concerns with the noise disturbance to the residents in the area.

RESOLVED –

The Sub Committee decided tonot to grant the application to vary the Premises License on the grounds that it undermined the licensing objective prevention of public nuisance and to a lesser extent prevention of crime and disorder. The Sub Committee was not satisfied after considering his representations that the Premises License older was able to uphold those two the licensing objectives should it be allowed to sell alcohol 24 hours a day. However they did decide to grant the application partly in the following way on the grounds that to do so would not undermine the licensing objectives:
The Sub Committee decided to grant an extension of the hours as follows:

Current Hours

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

The new hours will be:

Monday to Thursday 08:00 to 12:00 midnight

Friday and Saturday 08:00 to 01:00

Sunday 08:00 to 12:00 midnight

Christmas Day 12:00 to 15:00 then 19:00 to 22:30 (no change)

Good Friday 10:00 to 22:30 (no change)

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed