

**DEPARTMENT OF ENVIRONMENT AND LEISURE**

**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE**

**REPORT TO: LICENSING ACT SUB-COMMITTEE Date: 18 January 2024**

**TITLE : APPLICATION FOR A NEW PREMISES LICENCE – 146 Infirmary Street, Blackburn**

<b>1.</b>	<b><u>PURPOSE OF REPORT</u></b>
1.1	For members to consider an application for a new premises licence in respect of premises at 146 Infirmary Street, Blackburn, BB2 3SF
<b>2.</b>	<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.
2.2	The Licensing Committee may delegate these functions to sub-committees. Officers deal with matters under delegated powers where there are no relevant representations for the following application types:- an application for the grant or variation of a premises licence or club premises certificate; a police objection to an application for a personal licence or an objection from Police or Environmental Health to an activity taking place under the authority of a temporary event notice.
2.3	The Council's Statement of Licensing Policy indicates how the licensing authority approaches its various functions.
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>Mr Magirathan Vettivel has submitted an application for a new premises licence, under s.17 of the Licensing Act 2003 (<b>Appendix 1</b>).</p> <p>The premises is an existing convenience store in an end terrace property, situated at the junction of Infirmary Street and Rockcliffe Street.</p> <p>Mr Vettivel applied for permission to be able to open and sell alcohol between 06:00 hrs and 23:00 hrs on every day of the week.</p> <p>Lancashire Police initially objected to his application, but withdrew their representations after reaching agreement with the applicant to reduce the hours sought to 07:00 to 23:00 (<b>Appendix 2</b>).</p>
<p><b>4</b></p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p> <p>4.5</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>There has been one objection to this application submitted by a local resident (<b>Appendix 3</b>).</p> <p>The resident is concerned that if licensed for alcohol, the shop may attract antisocial behaviour and disturbance.</p> <p>The resident also raises concerns about parking, however members will be aware that parking issues in this instance would not be a relevant consideration for the Licensing Authority as the premises is already an established convenience store.</p> <p>Lancashire Fire and Rescue Service have confirmed that they have no objection to this application (<b>Appendix 4</b>).</p>
<p><b>5</b></p> <p>5.1</p>	<p><b><u>POLICY CONSIDERATIONS</u></b></p> <p>The Council's current statement of Licensing Policy provides the following guidance in respect of conditions:</p> <p>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). A list of statutory mandatory conditions are detailed at appendix 3</p> <p>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.</p>

5.2	<p>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.</p> <p>169. This policy is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee or away from the vicinity of the licensed premises.</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 5</b>.</p>
6	<p><b><u>THE LICENSING ACT 2003</u></b></p> <p>6.1 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>6.2 If members of the sub-committee are satisfied that the licensing objectives would not be undermined, you should grant the application.</p> <p>6.3 If, however you are concerned that granting the application has 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>6.4 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 you consider 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>
7	<p><b><u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u></b></p> <p>7.1 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>7.2 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.</p>
8	<p><b><u>BACKGROUND PAPERS</u></b></p> <p>8.1 Appendices</p> <p>8.2 Statement of Licensing Policy</p> <p>8.3 Statutory Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003</p>

8.4	The Licensing Act 2003.
<b>9</b>	<b><u>RECOMMENDATION</u></b>
9.1	That members determine the application.
<b>10</b>	<b><u>WARDS AFFECTED</u></b>
10.1	The premises are situated in the Ewood 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	21 December 2024