

**DEPARTMENT OF ENVIRONMENT AND LEISURE**

**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE**

**REPORT TO: LICENSING ACT SUB-COMMITTEE Date: 9 April 2024**

**TITLE : APPLICATION FOR A NEW PREMISES LICENCE – One Stop, 35 Fore Street, Darwen**

<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 35 Fore Street, Lower Darwen, BB3 0QD
<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><b><u>DETAIL</u></b></p> <p>London BCN Ltd 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 comprises the vacant ground floor of a detached building which previously traded as fireplace store, on Fore Street close to its junction with Duchess Street.</p> <p>The applicant wishes to be able to sell alcohol for consumption off the premises between 06:00 hrs and 23:00 hrs on every day of the week.</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>4.6</p> <p>4.7</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>The Council has received 31 representations opposing this application from residents and other persons (<b>Appendix 2</b>).</p> <p>The objectors are concerned that if the application is approved, the premises will undermine the public nuisance licensing objective, by attracting antisocial and nuisance behaviour, littering and general disturbance.</p> <p>Many of the objectors raise general concerns about parking and traffic issues, however members of the Committee will be aware that while parking and traffic issues are relevant considerations for the Planning Authority when approving the overall use of the premises, the Licensing Authority's remit is much narrower and is only concerned with the impact of the licensable activity, namely the retail sale of alcohol from the premises.</p> <p>The licensing authority has not published any Cumulative Impact Assessments (CIA), the mechanism available to the Council where it considers that the number of premises licences in one or more parts of its area is such, that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.</p> <p>Many of the objectors reference that the area is already adequately served by convenience stores and there is no need for another shop in the area, but the demand for licensed premises is not a relevant consideration for the licensing authority. The risk that there is insufficient demand for the licensed activity for which authorisation is being sought, is the applicants', and not for the licensing authority to take a view on.</p> <p>None of the Responsible Authorities have submitted representations in response to this application.</p>

<p>5</p> <p>5.1</p> <p>5.2</p>	<p><b><u>POLICY CONSIDERATIONS</u></b></p> <p>The Council's current statement of Licensing Policy provides the following guidance:</p> <p>Cumulative Impact</p> <p>137. This policy does not seek to limit the number of licensed premises that will be permitted even where it may appear that there are already enough licensed premises to satisfy the demand. That is not a matter for this policy, it is a commercial decision.</p> <p>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</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).</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> <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 most relevant sections of the statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 have been reproduced at <b>Appendix 3</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 of the sub-committee 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 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>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> </ul>

	<ul style="list-style-type: none"> <li>Reject the whole or part of the application.</li> </ul>
<b>7</b>	<b><u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u></b>
7.1	Members are reminded that they must follow the rules of natural justice and are bound by the code of conduct for elected members in licensing applications.
7.2	Members are also reminded of the duty under the Section 11 of the Childrens Act 2004, to ensure that all the Council's functions are discharged having regard to the need to safeguard and promote the welfare of children.
<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.
<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 March 2024