

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: LICENSING COMMITTEE

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APPLICATION FOR A PREMISES LICENCE – PREMIER NEWS CONVENIENCE STORE, 113 HALIFAX ROAD, NELSON

PURPOSE OF REPORT

To consider an application for a Premises Licence following receipt of representations from local residents.

RECOMMENDATIONS

- (1) The application must be determined with a view to promoting the four licensing objectives, namely – prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- (2) The Committee must take into consideration any representations made.
- (3) The Committee must have regard to the Guidance issued by the Government.
- (4) The Committee must have regard to its own Statement of Licensing Policy.

Having taken all of the above into consideration, the Committee must give reasons for its decision.

REASONS FOR RECOMMENDATIONS

The Licensing Committee may –

- (a) grant the Premises Licence, subject to –
 - (i) conditions which are consistent with the Operating Schedule, modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives and;
 - (ii) any mandatory conditions;
- (b) exclude from the scope of the Licence any of the licensable activities to which the application relates;
- (c) reject the application.

For the purposes of section (a), the conditions mentioned in (a)(i) are modified if any of them are

ISSUE

A. The Application

1. The application (received 21st March 2017) is from Mr. Naveed Haider of 10 Highgate, Nelson. A copy of the application is attached as Appendix 1. The plan is attached as Appendix 1A.

B. Application Details

2. The application is to provide the following licensable activities –

Supply of alcohol (off the premises)

Monday to Sunday 08:00 to 22:00

Premises opening hours

Monday to Sunday 08:00 to 22:00

3. The applicant has indicated they will take the following steps to promote the licensing objectives –

Prevention of crime and disorder

- There shall be 24 hour CCTV coverage with cameras monitoring the entrance, exit and other parts of the premises.
- There shall be vigilance in the prevention of illegal drug use at the premises.
- A notice clearly indicating the hours of operation shall be displayed on the outside of the premises.

Public Safety

- There will be security lights inside and outside the premises.
- An accessible ramp will be provided for wheelchair users.
- All parts of the premises and all fittings will be maintained at all times.

Prevention of Public Nuisance

- Customers will be asked not to congregate and talk loudly in the street outside the premises.
- Notices requesting the public to respect the needs of nearby residents and leave the premises quietly shall be clearly displayed.
- Adequate waste receptacles shall be provided for customer use.

The protection of children from harm

(Superseded by conditions agreed with Police – see 4, below)

4. In addition, following consultation with the Police, the applicant has agreed to the inclusion of the following additional conditions (Appendix 2) -

- 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 EU Member State bearing a photograph and birth date of the holder.
 - All staff shall receive training to prevent under age sales of alcohol. All staff shall receive regular refresher training to prevent underage sales. This training to be documented and details of training to be made available on request.
 - An incident book shall be maintained to record all challenges and refused sales to persons who cannot comply with these conditions.
 - A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
5. Representations have been received from persons residing in the vicinity of the premises (attached as Appendices 3, 4 and 5). The persons have been informed that only concerns that relate to the four licensing objectives can be considered by the Licensing Committee in relation to this application.

C. Background Information

6. Under the Licensing Act 2003 in England and Wales the determination of an application for a premises licence where representations have been made can be made by a sub-committee as arranged by the licensing committee (section 10 (4) (a) (i) Licensing Act 2003).
7. A party who wishes to withdraw any representations they have made, may do so, by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held, or orally at the hearing (section 10 (a) and (b) Licensing Act 2003 (Hearings) Regulations 2005).
8. Time limits for hearings may be extended where it is in the public interest, and hearings can be adjourned where the Authority considers it necessary for further consideration of representations (sections 11 and 12 Licensing Act 2003 (Hearings) Regulations 2005).
9. Except where an Authority considers that the public interest in doing so outweighs the public interest in the hearing, the public shall not be excluded from a hearing (section 14 Licensing Act 2003 (Hearings) Regulations 2005).
10. At the beginning of the hearing, the Authority shall to explain to the parties the procedure it proposes to follow (section 22 Licensing Act 2003 (Hearings) Regulations 2005).

D. Considerations

14. At a hearing the Licensing Authority may:
- a. Grant the application subject to modifying conditions that are consistent with the operating schedule in a way it considers appropriate for the promotion of the licensing objectives.
 - b. Reject one or more requested licensable activities.

- c. Reject the application.
- d. Refuse to specify a person as a designated premises supervisor (DPS).

15. All decisions of the Licensing Authority, and any conditions imposed, must be appropriate for the promotion of the licensing objectives.

IMPLICATIONS

Policy: There have been no changes to policy.

Financial: None arising directly from the report.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDICES

- 1. Copy of application.
 - a. Plan
- 2. Police – conditions previously agreed.
- 3. Representation 1.
- 4. Representation 2.
- 5. Representation 3.

LIST OF BACKGROUND PAPERS

None