

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
LICENSING SUB-COMMITTEE	20 <sup>th</sup> December 2011

Report template revised February 2007



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RELATION TO S K NEWSAGENTS 462 LEYLAND ROAD, LOSTOCK HALL PRESTON PR5 5RY	REGENERATION, LEISURE AND HEALTHY COMMUNITIES	Kay Lovelady	4

## SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been made by Mrs Kalarani Sivakumar for a premises licence under Section 17 of the Licensing Act 2003 in respect of S K Newsagents, 462 Leyland Road, Lostock Hall PR5 5RY

The application could have an impact on several of the Council's Corporate Priorities. It should be borne in mind however, that the application must be determined in accordance with the Licensing Act 2003, Council's Licensing Policy Statement and the statutory guidance issued under Section 182 of the Licensing Act 2003.

## RECOMMENDATIONS

The Sub-Committee conduct the hearing in accordance with the hearing procedure and decide accordingly.

## DETAILS AND REASONING

Mrs Kalarani Sivakumar has submitted an application for the grant of a Premises Licence under Section 17 of the Licensing Act 2003 in relation to premises at 462 Leyland Road, Lostock Hall, Preston Lancashire PR5 5RY

The premises currently operate as a Newsagents/Convenience Store in Lostock Hall. The applicant wishes to extend the business to offer off sales in respect of alcohol from 08.00 to 22.00 Monday to Sunday with the premises opening hours being 05.00 – 22.00 Monday to Sunday.

## Representations from Responsible Authorities

On receiving the application the Police entered into discussions with the applicant regarding their concerns and a set of conditions as outlined below are agreed with the applicant and as such representations were withdrawn: There conditions were as follows:

1. The premises shall operate a comprehensive CCTV system to the satisfaction of Lancashire Constabulary. The front door will be covered enabling a frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of at least 28

days with date and time stamping. Recordings shall be available immediately upon the request of Police or authorised officer upon reasonable request.

2. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show the Police recent data or footage with the absolute minimum of delay when requested.
3. The door to the stock room to the rear of the premises should be fitted with a suitable keypad lock for security purposes.

The Licensing Officers also wrote to the applicant via their agent on the 15<sup>th</sup> November 2011 not only to propose conditions which reflect the conditions the applicant wished to put forward by way of their operating schedule but also confirm that the conditions proposed in the correspondence from the Police are agreed. The applicant has since confirmed in writing that the conditions are agreed. The suggested conditions are as follows:

1. If the CCTV system breaks down it will be reported to the Police and repaired within 48 hours
2. The appropriate CCTV notification signs shall be displayed within the premises.
3. Persons attempting to purchase alcohol who appear to be under 25 shall be asked for identification
4. Acceptable identification documents shall be: Passport, Photocard Driving Licence, PASS accredited cards
5. A refusals register shall be maintained on the premises, and available for inspection to Responsible Authorities
6. Staff training on responsible retailing shall take place every six months. A record of this training shall be maintained on the premises, and available for inspection to Responsible Authorities.
7. The Designated Premises Supervisor or a representative shall maintain liaison with the Police
8. The Premises shall not engage in any adult entertainment or service activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

### **Representations from Interested parties**

One representation consisting of a petition with an appointed spokes person has been received against the application. Copies of his letters are attached to this report.

The representation raises issues of public nuisance in the area, which they claim have probably been brought on as a result of drink. Issues of crime and disorder, public safety and protection of children from harm are raised but no specific examples are provided.

The main concern of the opponents is the number of premises in the area that are licensed to sell alcohol. Committee will be aware the South Ribble Borough Council does not have a Cumulative Impact Policy

As stated at Section 17 of South Ribble Borough Council's Licensing Policy "17.1 The policy does not seek to limit the number of licensed premises that will be permitted on the ground that the licensing authority considers that there are already enough licensed premises to satisfy the demand. This is a matter for planning control and the market and not for this policy". Consideration should be given to Sections 17 and 18 of the Licensing Policy.

There is also a petition in favour of the application a copy of which is attached.

The relevant issue from a licensing perspective is how the application impacts on the four licensing objectives and whether the granting of the application would be proportionate to those objectives. The Committee is obviously aware that they have the power to refuse the application or impose conditions to ensure proportionality.

### **Licensing Act 2003**

The Council must carry out its licensing functions with the intention of promoting the licensing objectives.

The licensing objectives are:-

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

The Council must also have regard to:

1. Its own Policy Statement;
2. Secretary of State guidance (Section 182 of the Licensing Act 2003).

### **Licensing Statement**

The attention of Licensing Sub-Committee is drawn to the Council's 'Statement of Licensing Policy.' In particular:

1. Section 10 – Prevention of Crime and Disorder
2. Section 11 is of particular relevance. This section deals with the 'Prevention of Public Nuisance'.
3. Section 12 - this section looks at 'Mechanisms for dealing with Public Nuisance'.
4. Section 14 – Protection of Children from Harm
5. Section 17 – Cumulative Impact
6. Section 18 – Saturation Controls

Consideration should be given to the fact that these issues have not been raised by the Police or other Responsible Authorities

### **Secretary of State Guidance**

Members' attention is drawn to the statutory guidance issued under Section 182 of the Licensing Act 2003 which is of relevance to such hearings.

Members should make themselves aware of all relevant parts of the statutory guidance prior to determining this application including the guidance on the four licensing objectives and Cumulative Impact but keeping in mind that no Policy currently exists in South Ribble.

Members should consider the contents of 'Annex D – Pool of Conditions' of the Guidance issued under Section 182 of the Licensing Act 2003.

## WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

<b>FINANCIAL</b>	There are no financial implications for the authority.
<b>LEGAL</b>	When determining this hearing the Council must comply with the rules of natural justice.  Any party at the hearing has the right of appeal to the Magistrates Court.
<b>RISK</b>	Please see above.
<b>OTHER (see below)</b>	There are no other risks associated with this proposal.

<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Efficiency Savings</i>	<i>Equality, Diversity and Community Cohesion</i>
<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>
<i>Respect Agenda</i>	<i>Staffing</i>	<i>Sustainability</i>	<i>Training and Development</i>

## BACKGROUND DOCUMENTS

- The hearing procedure
- Application Summary Sheet
- Site Plan of the Premises and neighbouring properties.
- Application form
- Representations from Responsible Authorities
- Representations from Interested Parties