

**1 WEST END LATE SHOP 3, 39 ALEXANDRA ROAD, MORECAMBE**

**DECISION OF LICENSING ACT SUB-COMMITTEE**

**WEDNESDAY 20<sup>TH</sup> JANUARY 2010**

**WEST END LATE SHOP No 3**

The Sub-Committee comprised of Councillor Janie Kirkman (Chairman), Councillor Bob Roe and Councillor Paul Woodruff

The Legal Adviser was Luke Gorst, Assistant Solicitor.

The Democratic Support Officer was Tom Silvani, Democratic Services.

An application for a premises licence had been made by Sinnathamby Vijitharan under Section 17 of the Licensing Act 2003 in respect of the West End Late Shop No 3, 39 Alexandra Road, Morecambe LA3 1RN

The hearing was held in light of three representations from interested parties living in the vicinity of the premises.

The applicant of the proposed premises, Mr Vijitharan, was present at the hearing.

Interested parties who had made representations, Mrs Lean, Mrs Thevathas and Councillor Robinson were present at the hearing.

All parties were informed that the members of the Sub-Committee knew one of the interested parties, Councillor Robinson, in their capacity as Lancaster City Councillors only.

The Chairman explained the procedure to those present, and stated that the hearing would be a discussion led by the licensing authority, and any questions would be put through the Chairman.

The Senior Licensing Officer, Caroline Morrison, introduced the report and stated that, whilst initially the Police had objected to the application, they had now withdrawn their representation after agreeing a number of conditions with the applicant.

Interested parties then presented their representations against the application.

Mr Vijitharan then presented the applicant's case and helped answer questions.

After summing up by the parties, the Sub-Committee withdrew to make its decision, and sought advice from its legal adviser as to the appropriate phraseology of the decision.

**DECISION**

The Sub-Committee has taken this application on its merits having carefully considered all the written information before it, and all the representations and views expressed at the hearing.

The Sub-Committee has noted that the initial licence application was to enable the premises to sell alcohol for consumption off the premises from 0600 hours until midnight every day from the premises and for 24 hour provision for sales via internet and telephone orders. The Sub-Committee understands that the applicant has agreed to amend his application to sell alcohol from the premises from 0900 hours until 2200 hours every day with the 24 hour provision for internet and phone sales remaining.

The Sub-Committee has noted the concerns of the interested parties as to the potential for public nuisance and the protection of children from harm given the proximity of schools in the area and the potential for morning alcohol sales.

The Sub-Committee has taken the view that the hours requested in the application for internet and telephone sales are excessive particularly given that the premises is situated in a residential area and people will have to get up for work and school in the morning.

The premises will therefore close to the public between the hours of 2200 hours and 0900 hours the following day for the sale of alcohol from the premises and normal off sales will not be permitted during these hours, however, sales of alcohol, by way of internet and phone orders, are permitted from 0900 hours until 0200 hours the following day every day.

The Sub-Committee, however, does welcome the conditions that have now been agreed with the Police and is satisfied that they are a suitable mechanism for upholding the four licensing objectives by ensuring satisfactory training is maintained by management at the premises.

The licence will also be subject to the conditions offered by the applicant and agreed with Police. The licence will therefore contain the following conditions and timings:-

- All staff will successfully complete training in age related products prior to commencing employment, refresher training will also be successfully completed not more than every 3 months, this will be fully documented and be available for inspection to police officers or other authorised persons.
- A system of till prompts for all age related products will be installed at the premises and will be used during all transactions.
- Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: - [UK photo driving licence]- [Passport]- [PASS card, (proof of age standards scheme)]
- To install, maintain and operate a CCTV system, which complies with the minimum requirements, expected of the Lancashire Constabulary and shall record during all

hours that a licensable activity takes place on the premises.

- For all mail order deliveries any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: - [UK photo driving licence]- [Passport]- [PASS card, (proof of age standards scheme)]
- The premises will close to the public between the hours of 2200 hours and 0900 hours the following day for the sale of alcohol from the premises and normal off sales will not be permitted during these hours, however, sales of alcohol, by way of internet and phone orders, are permitted from 0900 hours until 0200 hours the following day every day

In addition to this and to deter people from simply standing outside the premises using their mobile phones the licence shall also contain the following conditions:-

- Deliveries between 2200 hours and 0200 hours the following day cannot be made within the immediate vicinity of the premises unless to a home address
- All deliveries to be made by Personal Licence Holders
- A system of recording identification requests and refusals on deliveries be recorded and be made available to police officers and other authorised persons on request

Whilst not a condition of the licence the Sub-Committee would hope that all alcohol is stored in such a way that it is not easily viewed or accessible from the street.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision. The parties are also strongly reminded of the statutory right of responsible authorities and interested parties to seek a review of a licence on the basis that the licensing objectives are not being met.

Signed.....Dated.....

Councillor Janie Kirkman (Chairman)

**Any queries regarding these Minutes, please contact  
Tom Silvani, Democratic Services - 01524 582132 - tsilvani@lancaster.gov.uk**