

10 August 2023

Dear [REDACTED]

**APPLICATION FOR A PREMISES LICENCE
NEW SHOP AT 88 WADDICAR LANE, MELLING, L31 1DY**

I hope you are keeping well.

I am contacting you on behalf of my client, Mr Thevappody Nithiyananthan, in respect of his application for a premises licence at the above shop.

The Council have sent me a copy of your representation and I thought it would be useful if I contacted you to outline this application further, and to explain the steps that would be taken to promote the licensing objectives.

The new shop, which as you know is currently empty, will become a new general convenience store selling a wide range of goods including bread, milk, snacks, sweets, dairy goods, soft drinks, etc.

Mr Nithiyananthan would also like to include some alcohol for sale alongside all the other goods. The proposed alcohol sales would just be a part of the overall business. The focus of the shop will be as a general convenience store - this isn't a shop that would just focus on alcohol sales. Please note that this application is only about the sale of alcohol – it isn't about whether the shop can open as a convenience store, or if a new shop is needed in the area.

The licence application includes a document called an Operating Schedule – this is an important part of the application which shows the steps that would be taken at the shop to promote the licensing objectives. Each of these steps become legally enforceable licence conditions should the application be approved.

I'm not sure if you've had sight of the proposed Operating Schedule for the shop – and so I attach a copy (see below) for your information. The proposed conditions include;

a CCTV camera system covering inside and outside the shop;

the adoption of the 'Challenge 25' under age policy to ensure that all measures are in place to ensure that no-one under 18 is able to buy alcohol and other age-restricted goods;

regular staff training;

an incident log;

and keeping an alcohol refusals register

Every new application involves an extensive consultation exercise carried out with the various responsible authorities including the Police, the Councils Licensing Authority, Trading Standards, Environmental Health, Public Health, Child Protection, Planning, etc

Please note that none of the Responsible Authorities have submitted any representations against this application – they have all assessed the application including the Operating Schedule and they are satisfied that the licence can be granted.

In particular, the Police are crucial for new licence applications as they are the Council's main source of information regarding local crime, disorder and ASB. The Police are satisfied that this application would not impact on local crime and disorder, and that the application can be granted.

Mr Nithiyanthan is a responsible person – he has a Personal Licence, plenty of retail experience and he knows the local area very well. He will run the shop well with a licence and will of course do everything that he can, within his control, to prevent any disturbance or problems.

Any issues with crime and ASB are of course dealt with by the Police. The licensing law is not the primary mechanism for the control of ASB once an individual is beyond the direct control of the business (with a premises licence). As I say above, the Police have been fully consulted and they are satisfied that this application can be approved.

Licensed premises are well-regulated - they must promote the licensing objectives and fully comply with all of their licence conditions. If they don't, then the Authorities can take action - this includes prosecution, a licence review, revocation of the licence, etc.

The Police and the other Authorities will target any 'problem premises' and take action if something goes wrong. Likewise, if there was evidence of problems at this shop in the future (if granted a licence) in connection with the licensing objectives, then you can call for the licence to be reviewed - the matter would then be considered by the Licensing Sub Committee.

I note from your representation that you are concerned with traffic and parking issues in the area and I can appreciate that this is an issue for you. People should park their cars sensibly and respectfully, and shouldn't cause any obstruction to local residents. Unfortunately, as we know, not everyone does this.

However, I have to advise you that in terms of this licence application, issues such as traffic and parking are not a relevant consideration when determining the application. The Licensing authority will be able to confirm this. Those issues are dealt with under Planning, and any problems could also possibly be reported to the Highways Department of the Council, and to the Police.

Mr Nithiyanthan will take on board the issues you mention and will arrange deliveries at appropriate times. He'll also put notices up telling customers to park sensibly and not cause an obstruction.

I hope the above information is helpful and informative. I ask you to give Mr Nithiyanthan the opportunity to demonstrate that the shop will sell alcohol responsibly and not cause problems.

I look forward to hearing from you and please do not hesitate to contact me if you have any queries.

Yours sincerely

Ian Rushton
JL Licensing



Operating schedule/proposed licence conditions

This operating schedule has been put together having regard to the current information such as the Council's Statement of Licensing Policy and the Home Office Guidance.

This is a new business venture and the site, currently empty, is being refurbished to become a new general convenience store which will sell a wide range of goods including newspapers, magazines, groceries, soft drinks, cigarettes, dairy goods, snacks, confectionery, household goods, etc.

The applicant, an experienced retailer and a personal licence holder, would like to include some alcohol sales to allow the business to develop and offer the full all-round convenience service. The focus of the shop will be as a general convenience store with the proposed alcohol sales just being a part of the overall business.

The proposed licence conditions are shown below and the applicant would welcome any discussions with responsible authorities and/or interested parties on this application.

Prevention of crime and disorder

A CCTV camera system capable of providing quality images shall be used. Cameras will cover the inside of the premises and the area immediately outside. Images will be retained for a period of at least 28 days and be made available to Police Officers on reasonable written request for evidential purposes, in accordance with the relevant data protection legislation (currently GDPR 2018).

The CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.

A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing under age sales and complying with licence conditions. Refresher training will be provided every 12 months, records will be kept and be made available to responsible authorities

The PLH and staff will be vigilant and monitor the area immediately outside the shop to check that youths are not causing annoyance by congregating.

Spirits will be kept behind the counter.

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature, witnessed by staff. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.

The premises shall operate an alcohol refusals policy - alcohol will not be sold to;

(1) Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);

(2) Any person found to be drinking alcohol in the street;

(3) Any person who is drunk or appears to be drunk;

(4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;

(5) Any person unable to provide valid ID when requested by staff;

(6) Any person who is verbally or physically abusive towards staff or customers.

(7) To any person suspected of trying to buy alcohol for another person(s) who may be under age.

A notice advising customers of the refusals policy shall be on display.

An appropriate number of staff shall be on duty in the shop - the number of staff on duty will be assessed and determined on a regular basis by the PLH/DPS taking account of any peak periods in terms of sales, volume of customers, etc.

Public safety

No specific risks have been identified under the Licensing Act 2003 (note - the applicant is aware of the need to comply with other legislative requirements to ensure that the shop is safe for customers and staff).

Prevention of public nuisance

Deliveries to the premises will be arranged so as not to cause will not lead to any public nuisance.

Notice(s) shall be on display in the premises asking customers to leave the premises quietly.

Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.

Protection of children from harm

The shop shall adopt the Challenge 25 Policy.

Anyone who appears to be under 25 years old who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.

A refusals register (for the sale of alcohol) will be kept and be available for inspection by responsible authorities.

A notice shall be displayed in the premises where it can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

NOTE TO RESPONSIBLE AUTHORITIES AND OTHER PERSONS - IF YOU HAVE ANY QUERIES OR COMMENTS ON THESE PROPOSALS, PLEASE CONTACT IAN RUSHTON ON [REDACTED] OR BY EMAIL [REDACTED] TO DISCUSS FURTHER - PRIOR TO MAKING ANY REPRESENTATIONS.