

# LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 20 October 2010

Present:

Councillor S Taylor (Chair)

Councillors WJ Davies

H Smith

54 **APPOINTMENT OF CHAIR**

**Resolved - That Councillor Sue Taylor be appointed Chair for this meeting.**

55 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members were asked to consider whether they had any personal or prejudicial interests in connection with any items on the agenda, and, if so, to declare them and state what they were.

No such declarations were made.

56 **WEST KIRBY GRILL, GRANGE ROAD, WEST KIRBY**

The Director of Law, HR and Asset Management reported upon an application that had been received from Yuksel Demirkan to vary a Premises Licence in respect of West Kirby Grill, Grange Road, West Kirby, under the provisions of the Licensing Act 2003.

The application to vary the Premises Licence was as follows:

The applicant had requested to remove the Supply of Alcohol and Recorded Music from the Premises Licence and to include the following Licensable Activity. The applicant also sought to extend the Hours the Premises are Open to the Public:

**Late Night Refreshment**

Sunday to Thursday	23:00 to 00:00
Friday and Saturday	23:00 to 01:00

**Hours Open to the Public**

Sunday	12:00 to 00:00
Monday to Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00

The applicant had requested to extend Late Night Refreshment and Hours Open to the Public by 30 minutes on Bank Holidays.

The applicant had also requested to remove the following conditions from the Premises Licence which relate to the Supply of Alcohol:

- No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- All staff must receive drugs awareness training and a basic understanding of the law relating to alcohol.
- No children will be allowed on the premises unless accompanied by an adult.
- All staff to receive training as to under age drinking.

The applicant was required to submit an operating schedule setting out how they would conduct/manage their business in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the licence be granted.

Two representations had been received from local residents in respect of this application. The representations related to anti-social behaviour and public nuisance that was currently a problem within the vicinity of the premises. Copies of the representations were available.

The applicant had submitted five letters from local residents in support of the application and one letter from the 1<sup>st</sup> West Kirby Scouts Group. A petition had also been received in support of the application signed by local residents together with a plan which gave details of how many people had signed the petition and from what address. The application had also provided details of drinks and food outlets within the vicinity of the premises.

Mr Demirkan attended the meeting together with his Solicitor, Mr Johnson, to outline the application. There were no local residents in attendance.

The Licensing Officer confirmed that all relevant documentation had been sent and received and reported that a local resident, had expressed a wish to attend the meeting, however, as he was unable to do so had sent an email in support of his representation that he had requested be read out at the meeting.

Mr Johnson advised that if the application were to be granted Mr Demirkan wished to surrender both the alcohol and entertainment licence and therefore there would be

one less alcohol outlet in the area. He referred to the fact that no representations had been received from any of the responsible authorities, in particular Merseyside Police or Environmental Health, he also referred to the letters of support that had been received in respect of the application. He reported that Mr Demirkan had owned the premises since September and had had no trouble since this time and therefore felt that the premises had been well run. He referred to the fact that there was adequate CCTV at the premises and notices were displayed asking customers to leave quietly. He advised that a number of restaurants in the area had licences until 1 am with live music and late night refreshment and therefore felt that the application was reasonable.

Mr Johnson and Mr Demirkan responded to questions from Members of the Sub-Committee and Mr Abraham, Legal Adviser to the Sub-Committee.

The Licensing Officer read out the email that had been received from the local resident who wished to attend the meeting.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Department of Culture, Media and Sport Guidance issued under Section 182 of the Licensing Act 2003.

Members considered the written evidence from local residents regarding anti-social behaviour and public nuisance which they considered was currently a problem within the vicinity of the premises, Members also had regard to concerns that an increase in the hours that the premises are open could lead to an increase in anti-social behaviour within the vicinity of the premises.

Members also had regard to the fact that there were no representations from the Responsible Authorities, in particular Merseyside Police and Environmental Health and also that there had been representations in support of the application.

#### **Resolved -**

**(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.**

**(2) That the application to vary a Premises Licence in respect of West Kirby Grill be granted with the following hours:**

#### **Late Night Refreshment**

**Sunday to Thursday 23:00 to 00:00  
Friday and Saturday 23:00 to 01:00**

**Hours Open to the Public**

**Sunday** 12:00 to 00:00  
**Monday to Thursday** 11:00 to 00:00  
**Friday and Saturday** 11:00 to 01:00

**Non-Standard Timings**

**Late Night Refreshment and Hours Open to the Public has been extended by 30 minutes on Bank Holidays.**

**(3) That the following condition be applied to the Premises Licence:**

- **Notices must be displayed stating that the last order for food must be made 10 minutes prior to closing the premises.**

**57 SAINSBURYS, 143 PENSBY ROAD, HESWALL**

The Director of Law, HR and Asset Management reported upon an application that had been received from Sainsburys Supermarkets Limited for the grant of a Premises Licence in respect of Sainsburys, 143 Pensby Road, Heswall, under the provisions of the Licensing Act 2003.

The premises do not currently hold a Premises Licence and are currently vacant. The application for the grant of a Premises Licence was for the hours as stated below following amendment prior to the hearing:

**Supply of Alcohol**

**Sunday to Saturday** 07:00 to 23:00

**Hours Open to the Public**

**24 Hours**

The applicant was required to submit an operating schedule setting out how they would conduct/manage their business in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the licence be granted.

Twenty-seven representations had been received in respect of the application from local residents. The representations related to anti-social behaviour and public nuisance which residents considered was currently a problem within the vicinity of the premises. A petition had also been received containing 104 signatures, which also related to anti-social behaviour and public nuisance. Copies of the representations and petition were available.

Councillor Robert Wilkins had also made a representation as a Councillor representing constituents within his Ward. The representation supported the concerns expressed by local residents. A copy of the representation was available.

Mr Botkai, Solicitor attended the meeting together with Mr Boothroyd, Area Manager and Ms Zouch, Manager, to outline the application.

Also in attendance were Councillor Robert Wilkins, Mrs Adlard and Mr Clegg.

The Licensing Officer confirmed that all documentation had been sent and received.

Mr Botkai addressed the Sub-Committee and explained that a standard application had been submitted and had been amended to the hours set out above subsequent to speaking with Merseyside Police and having regard to the objections received. He referred to the Council's Statement of Licensing Policy and the fact that Merseyside Police had not made any objections to the application. He advised that if the premises were to become the focus of disturbance, residents would have the power to bring the premises to review, however this had never previously happened with any Sainsburys store and it was not to be expected. He referred to the hours applied for and felt that it would not be necessary for those hours to be restricted and reiterated that the store would be trading from 7am to 11pm. He referred to the petition received and asked Members to consider the weight they attached to it. He reported that concerns regarding noise and traffic would be dealt with under the planning application. He felt that one of the concerns raised regarding underage sales was a valid concern and reported that Sainsburys had adopted a 'Think 25' policy and displayed posters to reflect this. Confirmation was also given that signage would be displayed and till prompts would be in place. All staff would be trained regarding alcohol sales and records were kept of such training, refresher training took place every six months and the store also carried out internal test purchasing. He urged that the store would do everything they could to ensure that no sales of alcohol to persons under the age of eighteen would take place.

Mr Botkai responded to questions from Members of the Sub-Committee, Mr Abraham, Legal Adviser to the Sub-Committee, Councillor Wilkins, Mrs Adlard and Mr Clegg.

Mrs Adlard addressed the Sub-Committee, advised that she was the lead petitioner and verified the relativity of some of the addresses contained within the petition. She felt that the hours requested for the sale of alcohol were excessive and would cause a lot of disturbance as the premises were situated immediately adjacent to residential properties. She felt that the request to sell alcohol until 11pm was far too late as there were already problems with young people in the area.

Councillor Wilkins referred to the licensing objective of the prevention of public nuisance in that there was already public nuisance in the area on Friday and Saturday nights and that the application would affect large numbers of households as the premises were situated in a residential area.

Mr Clegg emphasised that the nature of the area was primarily residential and felt there would be the potential for anti-social behaviour. He expressed his concern regarding the late licence for selling alcohol.

Mr Botkai submitted that the sale of alcohol until 11 pm was a reasonable request and reported that stores in other areas safely sell alcohol at these times and urged

that if any problems were experienced the community should engage with the Manager of the premises so that steps may be taken to resolve them.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Department of Culture, Media and Sport Guidance issued under section 182 of the Licensing Act 2003.

Members considered representations from local residents and a Ward Councillor regarding anti-social behaviour and public nuisance which they considered was currently a problem within the vicinity of the premises and concerns that the sale of alcohol at the premises will lead to the sale of alcohol to persons under 18 years of age and an increase in anti social behaviour within the vicinity of the premises.

Members also had regard to the fact that there were no representations from the Responsible Authorities, in particular, Merseyside Police.

**Resolved -**

**(1) That, in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.**

**(2) That the application for a Premises Licence in respect of Sainsburys be granted with the following hours:**

**Supply of Alcohol**

**Sunday to Saturday 07:00 to 23:00**

**Hours Open to the Public**

**24 Hours**