

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 24 March 2011

Present:

Councillors D McCubbin R Wilkins
 H Smith P Glasman

J Salter (Reserve Member)

91 **APPOINTMENT OF CHAIR**

Resolved -

- (1) That Councillor D McCubbin be appointed Chair for this meeting.
- (2) That Councillors D McCubbin, P Glasman and B Wilkins consider the application in respect of Tesco's.
- (3) That Councillors D McCubbin, P Glasman and H Smith consider the application in respect of 218-220 Wallasey Village.

92 **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.

93 **TESCO, 190 HOYLAKES ROAD, MORETON**

The Director of Law, HR and Asset Management reported upon an application that had been received from Tesco Stores Limited for the grant of a Premises Licence in respect of Tesco, 190 Hoylakes Road, Moreton, under the provisions of the Licensing Act 2003.

The premises do not currently hold a Premises Licence. The application for the grant of a Premises Licence was for the hours as stated below following an amendment to the hours for the Supply of Alcohol subsequent to consultation with Merseyside Police prior to the hearing:

Supply of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

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.

In respect of this application, six representations had been received by Local Residents. The representations related to anti-social behaviour and public nuisance which they stated was currently a problem within the vicinity of the premises. Copies of the representations were available.

No representations had been received from any of the Responsible Authorities.

Mr T Varney, Solicitor attended the meeting together with Mr P Weston, Area Manager, Mr M Siles, Operations Manager and Mr P Bentley, Store Manager, to outline the application.

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

Mr Varney addressed the Sub-Committee and provided some background to the application. He reported that Tesco's was a national retailer which sold alcohol as part of a range of products and that there were over 2,000 licensed stores who were vastly experienced and had good systems in place regarding the sale of alcohol. He informed Members that staff were equipped to meet the four licensing objectives and that training was reviewed regularly. He advised that the application had been submitted in order to offer a more rounded product and that the hours applied for had been amended subsequent to consultation with Merseyside Police. He reported that Tesco's operated a 'Think 25' policy and that the store played an active role within the community. He reminded Members that no representations had been made by any of the Responsible Authorities and that only a limited number of residents had made representations.

Mr Varney, Mr Weston, Mr Siles and Mr Bentley responded to questions from Members of the Sub-Committee.

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 Statutory Guidance issued under section 182 of the Licensing Act 2003.

Members of the Licensing Act 2003 Sub-Committee considered the written representations from local residents 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 would 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.

In determining the matter Members had regard to the applicant's approach to compliance with the Licensing Act 2003 and the Licensing Objectives through extensive training and monitoring of staff in relation to the prevention of the sale of

alcohol to young persons under the age of 18 years and the refusal of the sale of alcohol to persons who are drunk.

Members noted that the store would have extensive CCTV coverage and employ a pro active approach to liaise with the community and Merseyside Police so as to prevent public nuisance within the vicinity of the premises.

Members considered that the conditions applied were a proportionate response to the application presented and were necessary for the promotion of the Licensing Objectives.

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 Tescos be granted with the following hours:

Supply of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 6:00 to 23:00

(3) That the following conditions be attached to the Premises Licence:

- **The premises must adopt a Think 25 Policy and display the appropriate posters regarding this Policy.**
- **Staff working at the premises must receive regular updated training in respect of preventing the sale of alcohol to persons under 18 years of age and training records must be kept and maintained and made available to an Authorised Officer on request.**
- **The premises must maintain a refusal log with regular checks. This log must be made available on request to an Authorised Officer.**
- **Posters must be displayed at the premises stating that no sale of alcohol will take place to persons buying alcohol on behalf of persons under the age of 18 years.**
- **The Premises Licence Holder or his/her representative must ensure that inspections of the outside area of the premises are undertaken on a daily basis in order that the outside area is free from bottles, glasses and general customer debris. A record of these checks must be maintained and available for inspection by an Authorised Officer.**
- **The premises must only accept a passport, a photo driving licence or PASS accredited identification in support of till checks.**

- **CCTV must be installed at the premises and must be at least in accordance with the minimum specification issued by the Licensing Authority. Tapes and visual images recorded shall be retained for a period of 31 days and access to the system must be made available to an Authorised Officer on request.**
- **A person must be identified as a contact for the community to report complaints relating to the sale of alcohol. The contact details of this person must be displayed on the premises.**

94 **218-220 WALLASEY VILLAGE, WALLASEY**

The Director of Law, HR and Asset Management reported upon an application that had been received from Navjot Kaur Chahal for the grant of a Premises Licence in respect of 218-220 Wallasey Village, Wallasey, under the provisions of the Licensing Act 2003.

The premises, previously known as 'The Local' had a Premises Licence which had been surrendered in August 2010.

Members of the Licensing Act 2003 Sub-Committee had previously considered an application for the grant of a Premises Licence for these premises by Laura Colbourne however this application had been refused as it was considered that granting the application would undermine the licensing objectives with regard to crime and disorder, public nuisance and the protection of children from harm.

The application for the grant of the Premises Licence for these premises was for the following hours:

Supply of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 08:00 to 23:00

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.

In respect of this application, six representations had been received by Local Residents. The representations related to anti-social behaviour and public nuisance which was a problem when the premises previously had a Premises Licence. The representations also related to anti-social behaviour which they stated was currently a problem within the vicinity of the premises. Copies of the representations were available.

A representation had also been received from Ward Councillors, Kate Wood, Lesley Rennie and Paul Hayes. The representation supported the concerns expressed by local residents. A copy of the representation was available.

No representations had been received from any of the Responsible Authorities.

The applicant attended the meeting together with her Solicitor, Mr Johnson.

Councillor Hayes was also in attendance together Mr Jones, Mr Delamere and Mr Taylor, local residents.

The Licensing Officer confirmed that all documentation had been sent and received. She reported that the applicant and Mr Jones had both requested to submit photographs to Members. Mr Jones had no objections however Mr Johnson objected therefore it was agreed that the photographs submitted by Mr C Johnson would be considered by the Sub-Committee.

One of the local residents expressed his concern regarding no representation being made by Merseyside Police. Cecilia Rathe, Legal Advisor to the Sub-Committee confirmed that no representation had been received by Merseyside Police and therefore they were not in attendance.

Mr Johnson outlined the application to Members. He reported that the premises had traded as an off licence for over 20 years and that it had undergone refurbishment since it had ceased to operate. He reported that mechanisms had been installed to record purchases and deliveries and to log sales, till prompts and CCTV. He felt that these mechanisms would address the licensing objective of the protection of children from harm. He explained that the applicant wanted the flexibility to sell alcohol and to offer that facility to the local community. He reported that there would be a designated area for wines and beers and that the applicant had over ten years experience within the licensing trade and that no representations had been brought against her during that time. He informed Members that the applicant had never previously and had no intention of breaching any of the licensing objectives and that she had attended a number of courses regarding the sale of alcohol to underage persons. He felt that many safeguards had been put in place in order to meet the required criteria and asked that the application be granted.

Mr Johnson and Mrs Chahal responded to questions from Mr Jones, the other local residents and Members of the Sub-Committee.

Mr Jones reported that his grounds for objection were based on the four licensing objectives. He reported that Wallasey Village was a hotspot for public disorder and that crime and nuisance already existed in the area.

Mr Taylor reported that he resided above the premises and that there was already debris surrounding the premises and drunks in the area.

Mr Delamere expressed his concerns regarding traffic issues and delivery vehicles parking on double yellow lines outside the premises.

Councillor Hayes reported upon the existing problems of anti-social behaviour and highway and traffic problems in the area. He felt that the applicant was not aware of

the existing problems and the potential for them to be exacerbated by the sale of alcohol at the premises. He expressed his concerns regarding Mr Chahal's involvement with the running of the premises.

Councillor Hayes and the local residents responded to questions from Members of the Sub-Committee.

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 Statutory Guidance issued under section 182 of the Licensing Act 2003.

Members of the Licensing Act 2003 Sub-Committee 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. Members also considered concerns that the sale of alcohol at the premises would 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.

In determining the matter Members gave consideration to the applicant's willingness to liaise with Merseyside Police to meet the Licensing Objectives and measures already taken by the applicant regarding training on the sale of alcohol to persons under the age of 18 years. Members also had regard to the measures proposed by the applicant to prevent the sale of alcohol to young persons, including till prompts and staff training. Members noted that a comprehensive CCTV system had been installed at the premises.

Members considered that the hours and conditions applied were a proportionate response to the application presented and were necessary for the promotion of the Licensing Objectives.

Members took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence

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 218-220 Wallasey Village, Wallasey be granted with the following hours:

Supply of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 08:00 to 23:00

(3) That the following conditions be attached to the Premises Licence:

- **The premises must adopt a Think 25 Policy and display the appropriate posters regarding this Policy.**
- **Staff working at the premises must receive regular updated training in respect of preventing the sale of alcohol to persons under 18 years of age and training records must be kept and maintained and made available to an Authorised Officer on request.**
- **The premises must maintain a refusal log with regular checks. This log must be made available on request to an Authorised Officer.**
- **Posters must be displayed at the premises stating that no sale of alcohol will take place to persons buying alcohol on behalf of persons under the age of 18 years**
- **The Premises Licence Holder or his/her representative must ensure that inspections of the outside area of the premises are undertaken on a daily basis in order that the outside area is free from bottles, glasses and general customer debris. A record of these checks must be maintained and available for inspection by an Authorised Officer.**
- **The premises must only accept a passport, a photo driving licence or PASS accredited identification in support of till checks.**
- **CCTV must be installed at the premises and must be at least in accordance with the minimum specification issued by the Licensing Authority. Tapes and visual images recorded shall be retained for a period of 31 days and access to the system must be made available to an Authorised Officer on request.**
- **A person must be identified as a contact for the community to report complaints relating to the sale of alcohol. The contact details of this person must be displayed on the premises.**