

# LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 21 April 2011

Present:

Councillors    A Brighthouse                    S Whittingham  
                         C Povall

95    **APPOINTMENT OF CHAIR**

**Resolved - That Councillor C Povall be appointed Chair for this meeting.**

96    **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.

97    **82 - 84 GRANGE ROAD WEST, BIRKENHEAD**

The Director of Law, HR and Asset Management reported upon an application that had been received from Kamaleswari Rajenthiram for the grant of a Premises Licence in respect of 82-84 Grange Road West, Birkenhead, 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 following hours:

**Supply of Alcohol**

Sunday to Saturday                    07:00 to 00:00

**Hours Open to the Public**

Sunday to Saturday                    07:00 to 00:00

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, a representation had been received from a local resident. The representation related to anti-social behaviour, public nuisance and underage drinking which was currently a problem within the vicinity of the premises. A copy of the representation was available.

Representations had also been received from Ward Councillors, Jean Stapleton and George Davies. The representation supported the concerns expressed by the local resident. Copies of the representations were available.

Following representations made by Merseyside Police a number of conditions as set out in the report had been agreed to by the applicant. No other representations had been received from any of the Responsible Authorities.

The applicant, Mrs Rajenthiram attended the meeting with her son Rajendiran Vinothan and Ms Sherratt who outlined the application.

Councillor George Davies was in attendance together with Mr T Dewhurst, local resident.

The Licensing Manager confirmed that all documentation had been sent and received. It was confirmed that Councillor Stapleton had given permission for Councillor Davies to speak on her behalf. Mr Dewhurst requested that he be permitted to refer to some additional documentation which was agreed to by Ms Sherratt and this was therefore submitted to Members.

Ms Sherratt informed Members that Rajendiran Vinothan would be running the premises and that it would be a family-run business. She reported that Mrs Rajenthiram was temporarily the Designated Premises Supervisor until Rajendiran Vinothan took over. The purpose of the application was that they felt the premises would not be viable without a Premises Licence. She reported that the family owned a licensed premises in Liverpool and therefore were experienced in selling alcohol. She informed Members that following liaisons with Merseyside Police a number of conditions to be attached to the Premises Licence had been agreed including a 'Challenge 21' policy and the installation of CCTV. She outlined how the premises would be operated and referred to the case of Thwaites. She reminded all parties that if any problems should occur in the future the Licence may be brought into review at any time and asked that the Premises Licence be granted.

Ms Sherratt and Rajendiran Vinothan responded to questions from Members of the Sub-Committee, Mr Dewhurst, Councillor Davies and Mr Abraham, Legal Adviser to the Sub-Committee.

Councillor Davies outlined existing problems within the vicinity regarding alcohol and anti-social behaviour. He reported that the area was already saturated with licensed premises and felt that if the application were to be granted it would cause problems in a predominantly residential area.

Councillor Davies and Mr Dewhurst responded to questions from Members of the Sub-Committee.

In determining the matter, Members gave careful consideration to the application and representations made in writing and orally at the hearing.

Members gave consideration to the representations made by a local resident and Ward Councillor George Davies relating to concerns that the sale of alcohol at the premises could lead to an increase in anti-social behaviour within the vicinity of the premises.

Members of the Licensing Act 2003 Sub-Committee noted that the applicant would be operating a 'Think 21' policy and using CCTV cameras at the premises.

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 relevant guidance issued under Section 182 of the Licensing Act 2003.

**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 82-84 Grange Road West be granted with the following hours:**

**Supply of Alcohol**

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

**Hours Open to the Public**

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

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

- **Staff must attend training on the prevention of the sale of alcohol to persons under the age of 18 years. This training must be completed before the premises opens.**
- **Records of training must be supplied to the Licensing Authority when this training has taken place.**
- **All 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 available on request to an Authorised Officer.**
- **The premises must adopt a 'Think 21' Policy and display the appropriate posters regarding this Policy.**
- **The premises must maintain a refusals log book. This log book must be made available on request to an Authorised Officer to ensure that it is being used.**
- **CCTV must be installed at the premises. Tapes and visual images recorded shall be retained for a period of 31 days and the system installed at the premises must be at least in accordance with the specification issued by the Licensing Authority.**

- **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.**

98     **STEADMANS CONVENIENCE STORE, 224-226 REEDS LANE, MORETON**

The Director of Law, HR and Asset Management reported upon an application that had been received from Trading Standards for the review of a Premises Licence in respect of Steadmans Convenience Store, 224-226 Reeds Lane, Moreton, under the provisions of the Licensing Act 2003.

The premises currently have a Premises Licence which allows the licensable activities as set out in the report.

A copy of the Premises Licence setting out the hours and conditions attached to the licence was available.

The Director advised that the Sub-Committee may, having regard to the application for review and any relevant representations, take such of the following steps as it considered necessary for the promotion of the licensing objectives:

- Modify the Conditions of the Licence.
- Exclude a licensable activity from the scope of the Licence.
- Remove the Designated Premises Supervisor.
- Suspend the Licence for a period not exceeding three months.
- Revoke the Licence.

The Licensing Authority may decide that no action would be necessary if it found that the review did not require it to take any steps necessary to promote the licensing objectives.

The application had been submitted by Trading Standards who advised that the grounds for review were in relation to the protection of children from harm following the sale of alcohol to persons under the age of 18 years during test purchase operations at the premises on 15 May 2007, 14 November 2007 and 3 June 2010.

Mr A Bushell, Senior Assistant Trading Standards Officer attended the meeting.

Mr and Mrs McKenzie, the Premises Licence Holder and Designated Premises Supervisor respectively were also in attendance.

The Licensing Officer reported that all documentation had been sent and received and that Mr Bushell had requested to submit a photograph of the volunteer. This was agreed to by Mr and Mrs McKenzie and therefore the photograph was submitted to Members.

Mr Bushell referred to the representations he had made in which he had recorded previous test purchasing visits resulting in the sale of alcohol to a child under the age of 18. He referred to the operation conducted on 3 June 2010 during which a visit had been made to the premises and the underage volunteer had purchased a bottle

of rose Lambrini wine. The seller was subsequently interviewed by Mr Bushell during which certain salient points arose including the fact that she was not aware who the Designated Premises Supervisor was and was not sure of the legal age for persons buying alcohol. She was also uncertain what age policy the premises operated. Mr Bushell subsequently interviewed Mrs McKenzie and reported that she had a lot of experience within the licensing trade. He also reported that the premises currently operate a 'Think 21 Policy' and a till prompt was in operation. He reported that although training records were kept at the premises the seller had been trained only six weeks prior to making the sale. Mr Bushell proposed that certain conditions be attached to the Premises Licence which were outlined within the report.

Mr Bushell responded to questions from Members of the Sub-Committee and Mr and Mrs McKenzie.

Mr McKenzie informed the Sub-Committee that he and his wife were responsible traders and felt that they had done everything they could to prevent issues such as this. He outlined the training procedures which were in place at the premises and submitted the training manual which Members of the Sub-Committee took into consideration. He reported that a refusals register was kept at the premises and properly maintained and a till prompt was already in place.

Mr McKenzie, Premises Licence Holder 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 relevant guidance issued under Section 182 of the Licensing Act 2003.

Members of the Sub-Committee considered evidence presented by Trading Standards relating to alcohol being sold to an under aged person which seriously undermined the licensing objective of the Protection of Children from Harm.

Members considered that the conditions attached to the Premises Licence was a proportionate response to the application presented and 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 following additional conditions be attached to the Premises Licence:**

- **The premises must adopt a Challenge 25 Policy and display the appropriate posters. All staff must be trained on the policy.**
- **The premises must only accept a passport, photo driving licence or PASS accredited identification as proof of age.**
- **The premises must maintain and keep a refusals log which must be checked regularly by the Designated Premises Supervisor or Premises**

**Licence Holder who must sign the log after each check. All staff must be trained to ensure that they are aware what the refusals log is and where it is kept. The refusals log must be kept next to the till at all times when the premises is open. The refusals log must be made available to an authorised officer upon request.**

- **All employees must receive written training regarding the sale of alcohol prior to serving alone on the till. This must be signed by the employee and the Designated Premises Supervisor upon completion of the training. The training must cover the use of a refusals book and the Challenge 25 Policy. Written refresher training must be undertaken with all employees responsible for the sale of alcohol at least once every six months. All training must be documented in writing and made available to any authorised officer.**
- **The premises must have an electronic till prompt to remind employees to use the 'Challenge 25' policy when an age restricted product is scanned.**
- **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.**

**99 THE COURTYARD, 9 ROSE MOUNT, OXTON**

This application was withdrawn prior to the hearing.