

# LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 4 May 2011

Present:

Councillor S Taylor (Chair)

Councillors J Salter

H Smith

## 105 APPOINTMENT OF CHAIR

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

## 106 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

No such declarations were made.

## 107 PENINSULA MINI MART, 208 LISCARD ROAD, WALLASEY

The Director of Law, HR and Asset Management reported upon an application that had been received from Merseyside Police for the review of a Premises Licence in respect of Peninsula Mini Mart, 208 Liscard Road, Wallasey, under the provisions of the Licensing Act 2003.

The premises currently have a Premises Licence to allow 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.

A review of the premises had previously been considered by the Licensing Act 2003 Sub-Committee on 17 February 2011 when it was resolved that conditions be imposed on the Premises Licence relating to underage sales of alcohol.

The application had been submitted by Merseyside Police and the Licensing Sergeant advised that the grounds for review were in relation to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm due to illicit alcohol being sold at the premises.

A representation had been received from Trading Standards who supported the application made by Merseyside Police.

Constables Rita Jones and Carl Cottrell, Police Licensing, attended the meeting together with Mr J Malone, Trading Standards Manager and Mr A Bushell, Senior Assistant Trading Standards Officer.

Mr Parthipan, the Premises Licence Holder and Designated Premises Supervisor was also in attendance.

The Licensing Officer reported that all documentation had been sent and received and that Mr Bushell had requested to submit a copy of the refusals register which had previously been referred to. This was agreed to by Mr Parthipan and was therefore submitted to Members. The Licensing Officer further reported that Mr Parthipan had only recently received the documentation after being away, therefore she requested whether he was content for the matter to be considered. He confirmed that he was content to proceed with the hearing.

The Chair outlined the procedure of the hearing and the Licensing Officer outlined the report. Mr Parthipan confirmed he fully understood.

Constable Jones reported upon the details of the grounds for the review. She reported that Merseyside Police had serious concerns regarding the way in which the premises had been run. She referred to the review that had already been undertaken by Trading Standards relating to the sale of alcohol to an underage person. She reported that further to a visit to the premises made by officers from Merseyside Police, Trading Standards and Wirral Borough Council on 7 March 2011 illicit alcohol had been seized from the premises. She also reported that it had become unclear as to who was responsible for running the premises. Constable Jones asked that the Premises Licence be revoked due to the continued poor history at the premise, the poor running of the premises regarding underage sales of alcohol and counterfeit alcohol and the fact that the conditions imposed at the previous review had not been adhered to.

Constable Jones responded to questions from Members of the Sub-Committee.

Mr J Malone advised Members that the application made by Merseyside Police was supported by Trading Standards. He referred to the visit made to the premises on 7 March 2011 when illicit alcohol was seized at the premises. He submitted a bottle of the illicit alcohol which Members of the Sub-Committee inspected. He reported that the offences of the Trade Marks Act 1994 and the Consumer Protection From Unfair Trading Regulations 2008 had been committed. He also referred to the previous review of the premises relating to the sale of alcohol to a child volunteer. He referred

to a visit made to the premises by a Licensing Enforcement Officer where it was found that the conditions imposed on the Premises Licence at the previous review hearing were not being adhered to.

Mr Malone responded to questions from Members of the Sub-Committee.

Mr Parthipan was given the opportunity to respond to the Review application.

Mr Parthipan responded to questions from Members of the Sub-Committee, Constable Jones, Mr Bushell, the Licensing Officer and Mr Abraham, Legal Adviser to the Sub-Committee.

Mr Parthipan was asked if he knew the conditions of the Premises Licence and his responsibilities under the Licensing Act 2003. Mr Parthipan was unable to provide a satisfactory response but did refer to a visit made by a Licensing Officer, when the conditions of the Premises Licence were explained to him.

In determining the Review application, Members of the Licensing Act 2003 Sub-Committee had regard to the licensing objectives, the Council's Statement of Licensing Policy and relevant guidance issued under Section 182 of the Licensing Act 2003, in particular paragraphs 11.23 - 11.28.

Members accepted the evidence provided by Merseyside Police and Trading Standards that illicit alcohol had been seized from the premises and that alcohol had previously been sold to persons under the age of 18 years.

Members noted that there had been a Licence Review on 17 February 2011 and conditions attached to the Licence had not been complied with by Mr Parthipan. Members had concerns that Mr Parthipan demonstrated a disregard for the conditions of the Premises Licence as well as his responsibilities under The Licensing Act 2003.

Accordingly Members considered it necessary in the interests of the wider community and for the promotion of the licensing objectives, in particular the prevention of crime and disorder to revoke the 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 Premises Licence in respect of Peninsula Mini Mart, 208 Liscard Road, Wallasey, be revoked.**