

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 1 March 2017

Present:

Councillors RL Abbey
 L Reecejones
 M Sullivan

30 **APPOINTMENT OF CHAIR**

Resolved – That Councillor M Sullivan be appointed Chair for this meeting.

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

Members of the Sub-Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

32 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - VPJ CONVENIENCE LIMITED**

The Managing Director for Delivery reported upon an application that had been received from VPJ Convenience Limited for a Premises Licence in respect of 41 New Chester Road, New Ferry CH62 1HD, under the provisions of the Licensing Act 2003.

It was reported that these premises were currently trading as a Post Office and do not currently have a Premises Licence. The application was for a Premises Licence and the hours requested were outlined within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed 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 application be granted.

Members were informed that following discussions with Merseyside Police, the applicant had agreed to include a number of conditions on the Premises Licence should it be granted.

A representation had been received from a Ward Councillor, Councillor Warren Ward. The representation related to concerns in respect of street drinking which it was believed was currently a problem within the vicinity of the premises. Councillor Ward expressed concern that should the application be granted there would be an increase in alcohol related anti-social behaviour. A copy of the representation was available.

The applicant attended the meeting. Councillor Ward was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that a petition had been submitted by the applicant which had been circulated to Members.

Councillor Ward addressed the Sub-Committee and advised Members that street drinking was a major issue in New Ferry. He expressed his concerns that an additional outlet selling alcohol would make it easier for access to be gained to alcohol. He believed that should the application be granted, the licensing objectives would be undermined and that a number of residents had informed him that they would prefer to use another post office.

The applicant referred to the petition he had submitted advising that customers were content for the application to be granted. He informed Members that the premises would be a convenience store selling confectionary, household products and clothing and that alcohol would be a secondary product. He reported that he was working with Environmental Health.

Councillor Ward and the applicant responded to questions from Members of the Sub-Committee and Mr A Bayatti, Legal Advisor to the Sub-Committee.

Members had regard to concerns raised by the Ward Councillor in respect of existing problems of street drinkers and antisocial behaviour that was currently a problem in the area. In considering this, Members took into account the measures the applicant stated would be in place at the premises which included staff training and that beers, lagers or ciders with an ABV of 6.5% would not be stocked at the premises or sold in cans or plastic bottles.

In response to concerns from residents regarding using the post office if it was to sell alcohol, Members were content to accept the offer made by the applicant to amend the application to supply alcohol from 12:00 instead of 10.00 am.

Members took into consideration the conditions proposed by the applicant to uphold the Licensing Objectives including the fact that CCTV would be installed, a Challenge 25 Policy would be implemented, a refusals log would be maintained and also that a documented training scheme would be used for all staff authorised to sell alcohol.

In determining the matter Members considered that there was no direct evidence that the premises would operate in a way that would undermine the Licensing Objectives.

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

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 also 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 VPJ Convenience Limited, 41 New Chester Road, New Ferry, be granted with the following hours:

Sale by Retail of Alcohol

Monday to Saturday 12:00 to 22:00
Sunday 10:00 to 16:00

Hours Open to the Public

Monday to Saturday 08:30 to 22:00
Sunday 09:00 to 16:00

(3) That in addition to the appropriate conditions proposed in the operating schedule and those agreed to following discussions with Merseyside Police the following conditions also be applied to the licence:

- No person must be allowed to sell alcohol at the premises unless they have undertaken appropriate training relating to the prevention of sale of alcohol to persons under 18 years.**
- The sale of alcohol at the premises must not be promoted through any advertising that may be seen outside of the premises.**