

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 5 May 2017

Present:

Councillors M Sullivan
D Burgess-Joyce
D Mitchell

42 **APPOINTMENT OF CHAIR**

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

43 **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.

Councillor D Mitchell declared a personal interest by virtue of an individual named within the report being known to him.

44 **APPLICATION TO REVIEW A PREMISES LICENCE - 10 O'CLOCK SHOP, 18 GRANGE MOUNT, BIRKENHEAD**

The Managing Director for Delivery reported upon an application that had been received from the Licensing Authority for a Review of the Premises Licence in respect of 10 o'clock Shop, 18 Grange Mount, Birkenhead, under the provisions of the Licensing Act 2003.

The Managing Director for Delivery advised that the Sub-Committee may, having regard to the application to review the Premises Licence and any relevant representations, take such of the following steps as it considered appropriate 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.

Members were informed that the Licensing Authority may decide that no action would be appropriate if it found that the summary review did not require it to take any steps that were appropriate to promote the licensing objectives.

The grounds for review were in relation to the sale of alcohol being sold outside of the hours permitted by the Premises Licence, alcohol being sold to a person who was drunk and the premises employing an individual who is not permitted to work in the UK.

Members were informed that the premises currently hold a Premises Licence allowing the licensable activities as set out within the report.

A representation had been received from Merseyside Police which supported the application to Review the Premises Licence made by the Licensing Authority. Representations had also been received which related to concerns that there has been alcohol related anti-social behaviour within the vicinity of the premises. Copies of the representations were available.

Mr A Bushell, Licensing Operations Manager attended the meeting. Also in attendance were Constable J Moran and Sergeant K Wilkinson.

The Premises Licence Holder attended the meeting together with his representative, Ms Sherratt.

The Licensing Manager confirmed that all documentation had been sent and received, also that further documentation had been circulated prior to the meeting.

Mr A Bushell reported that on 1 February 2017 the premises had been visited as part of a multi-agency operation. During this visit a bottle of white wine, namely Yellow Tail Pinot Grigio was sold outside of the hours permitted by the Premises Licence. Following immigration checks undertaken by Merseyside Police it was confirmed that the person who had sold the alcohol was not legally entitled to work in the UK. Mr Bushell advised that on 3 February 2017 the premises had been re-visited and the person who was not entitled to work in the UK had again been seen behind the counter. He informed Members that during a further visit to the premises it had been reported that a Police Officer had witnessed a 'street drinker' being sold a single can of Oranjeboom Beer.

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

Sergeant K Wilkinson reported that she had worked in the area for a number of years and that the biggest issue was street drinking. She referred to the two homeless hostels situated in the area and the number of reports she had received in respect of begging. Sergeant Wilkinson stated that it was clear that street drinkers are alcohol dependent which can result in medical emergencies should they not have alcohol in their system. Also there had been a recent increase in the number of assaults on street drinkers by young people and that dispersal zones were in place to alleviate this. Sergeant Wilkinson informed Members that she was in the process of encouraging all premises to join the Reduce The Strength campaign in order to prevent street drinkers gaining access to high strength alcohol. Members were advised that Sergeant Wilkinson had requested that the test operation be carried out in order to establish whether premises were selling alcohol prior to their permitted hours as this had an impact on the community.

Constable J Moran reiterated the existing problems in the area and advised that a combined approach was required to tackle the problems. Constable Moran informed Members that she sought a suspension of the Premises Licence and that a number of conditions be attached.

Sergeant Wilkinson responded to questions from Members of the Sub-Committee, Mr A Bayatti, Legal Advisor to the Sub-Committee and the Premises Licence Holder's representative.

Ms G Sherratt advised that the Premises Licence Holder accepted the seriousness of the Review process and did not contest any of the evidence submitted by the Licensing Authority and Merseyside Police relating to the sale of alcohol to the officer outside of the hours permitted by the licence and in respect of the employment on 1 February 2017 of a person not entitled to work in the UK. Ms Sherratt sought to make assurances about the future management of the premises through proposed conditions which she believed would address the issues raised.

Ms Sherratt responded to questions from Members of the Sub-Committee, Mr A Bayatti, Legal Advisor to the Sub-Committee and the Premises Licence Holder's representative.

In determining the review, Members had regard to the licensing objectives, the Council's Statement of Licensing Policy and Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Members considered the submissions made by the Licensing Authority, the representations made by Merseyside Police, Ward Councillors, and a local resident. Members also considered submissions made by Ms Sherratt on behalf of the Premises Licence Holder.

In determining the matter, Members of the Sub-Committee gave consideration to the views of the Licensing Authority and Merseyside Police that the problems identified at the premises could be addressed through better management and the implementation of the conditions proposed by the Premises Licence Holder subject to certain amendments and additions. Members noted that the Premises Licence Holder was willing to work with the appropriate authorities to prevent crime and disorder and public nuisance being caused by the sale of alcohol to street drinkers and that he was also willing to ensure that anyone working in the premises is trained appropriately.

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 Conditions of the Premises Licence in respect of 10 O'Clock Shop, 18 Grange Mount, Birkenhead be modified as follows:**
 - All approved documents detailing the right to work in the UK of any individual employed at the premises must be retained on the premises for the entire period of their employment. These documents must be available at the premises to be inspected by an Authorised Officer on request.**

- **CCTV must operate at the premises which records high definition colour images. The system must be capable of capturing facial images of individuals when entering the premises and cover the external area immediately outside the premises. Recorded images must be retained for a minimum period of 31 days. Images must be provided to the Police and other Responsible Authorities upon request and copies made available within 48 hours.**
- **A register of refusals to sell alcohol must be maintained at the premises. This register must also be used to record incidents at the premises when individuals are challenged in respect of the sale of alcohol for whatever reason. The register must be examined by the Designated Premises Supervisor with the date and time of each check recorded on the register at the time the check is undertaken.**
- **All persons working in the store must receive training on how to manage any person who they suspect may create a public nuisance in the store and within the vicinity of the store. Such persons must be asked to leave the area quietly and an entry made of the incident in the register.**
- **No person is permitted to sell alcohol in the store without first obtaining the Level 1 Award in Responsible Alcohol Retailing.**
- **The Designated Premises Supervisor must hold the Level 2 Award for Designated Premises Supervisors**
- **Refresher training on the following matters must take place at least every 6 months. This training must be documented and these records be made available on request to an authorised officer.**
 - I. **The prevention of the sale of alcohol to persons under the age of 18**
 - II. **The Challenge 25 Policy**
 - III. **The sale of alcohol to persons who are drunk**
 - IV. **The social responsibility of persons permitted to sell alcohol**
 - V. **The conditions of the Premises Licence**
- **Beer, lager or cider with an ABV of 6.5% and above must not be sold at the premises in plastic bottles or tin cans.**
- **The Premises must implement and maintain a Challenge 25 Policy. Posters relating to this Policy must be displayed prominently in the Premises.**