

LICENSING ACT 2003**LICENSING ACT 2003 SUB-COMMITTEE****22 NOVEMBER 2017**

REPORT TITLE	APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
REPORT OF	MANAGING DIRECTOR FOR DELIVERY

REPORT SUMMARY

The purpose of this report is to consider an application for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Mr Suntharamoorthy Ragupathy** and relates to the premises located at **82-84, Grange Road West, Birkenhead, CH41 4DB**.

RECOMMENDATION/S

The Licensing Act 2003 Sub-Committee are asked to consider the application for a Premises Licence in respect of the above premises.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Committee to determine the application due to relevant representations being received.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 On 10 July 2017, following a request from Merseyside Police, a Special Cumulative Impact Policy for an area of Birkenhead, including Grange Road West, was approved by Wirral Council. This Policy relates to premises licensed for the sale by retail of alcohol for consumption off the premises only. The request was made due to the level of crime and disorder, public nuisance, littering, street drinking, under-age drinking and anti-social behaviour believed to be resulting in part from the number of off-licence premises located in the area.

- 3.2 The effect of adopting a special policy of this kind to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

- 3.3 The premises subject to this report is located within the special cumulative impact area.

- 3.4 These premises previously had a Premises Licence which was revoked by the Licensing Act 2003 Sub-Committee on 18 February 2016 following a Closure Order issued by Wirral Magistrates Court.

3.2 APPLICATION

The application for a Premises Licence is as follows:

Sale by Retail of Alcohol

Monday to Sunday 08:00 to 23:00

Hours Open to the Public

Monday to Sunday 06:00 to 23:00

3.3 PROMOTION OF LICENSING OBJECTIVES

Applicants are required to submit as part of their application an operating schedule, taking into account the Special Cumulative Impact Policy as detailed within paragraph 3.2 of this report, that sets out how they will conduct/manage their business to promote the four Licensing Objectives. A copy of the full application is available.

Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of licence should the application be granted.

3.4 **RELEVANT REPRESENTATIONS**

The following representations have been received in respect of the above application.

Merseyside Police

A representation has been received from Merseyside Police who believe that if this application is granted then the premises will add to the cumulative impact in that area and that the application should be refused. A copy of the representation is available.

Licensing Authority

A representation has been received from the Licensing Authority who have concerns with the application as the premises are located within an area where known street drinkers congregate and cause anti-social behaviour. The Licensing Authority considers that the applicant has failed to demonstrate through the operating schedule that the granting of a licence will not add to the cumulative impact in the area. A copy of the representation is available.

Public Health

A representation has been received from Public Health which relates to concerns that an increase in the availability of alcohol at this location where deprivation is high and the density of licensed premises is high could undermine each of the four Licensing Objectives. A copy of the representation is available.

Ward Councillors

In respect of this application, a representation has been received from Councillor Gillian Wood, who is the Councillor for the Claughton Ward, the Ward where these premises are located. A representation has also been received from Councillors Phil Davies and Jean Stapleton who have advised that this application directly affects their Ward, namely Birkenhead and Tranmere. The representations relate to the history of criminal activities linked directly to these premises and the possible anti-social behaviour if the application is granted. The representations also relate to the cumulative impact of licensed premises in that area where these premises are located. Copies of the representations are available.

Local Resident

A representation has been received from a Local Resident who is concerned with the application due to the previous criminal activities which took place at the premises. The representation also relates to anti-social behaviour which the resident advises is currently a problem within the vicinity of the premises. A copy of the representation is available.

Arch Initiatives

A representation has been received from Arch Initiatives due to anti-social behaviour being caused by street drinkers which they state is currently a problem within the vicinity of the premises. The Arch Initiatives consider that if the application is granted then this will add to the anti-social behaviour. A copy of the representation is available.

3.5 There have been no representations received from the following Responsible Authorities:

Wirral Safe Guarding Children Board
Fire Authority

4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 A decision of this Committee can be subject to Appeal.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are none arising directly from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 Statutory consultation has been undertaken in respect of this application.

9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

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APPENDICES

None

REFERENCE MATERIAL

- Application for a Premises Licence
- Representations received from Responsible Authorities and Other Persons

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location of premises



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