

LICENSING ACT SUB COMMITTEE

Wednesday, 8 November 2023

Present: Councillors A Hodson
S Bennett
K Stuart

19 APPOINTMENT OF CHAIR

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

20 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Licensing Act 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.

21 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 9 BROADWAY, BEBINGTON CH63 5ND

The Director of Law and Governance reported upon an application that had been received from Stephen Banton for a Premises Licence in respect of 9 Broadway, Bebington, CH63 5ND.

The hours applied for the Premises Licence were set out 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 had been provided to Members. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

Following discussions with Merseyside Police and the Licensing Authority, the applicant had agreed to have a number of conditions placed on the Premises Licence, as set out within the report, should the application be granted.

In respect of the application three representations had been received from local residents. The representations related to concerns that the operation of the premises would add to public nuisance and anti-social behaviour which the residents considered was currently a problem within the vicinity of the premises. Copies of the representations had been provided to Members.

The applicant attended the meeting. A local business owner who had made a representation was also in attendance together with a member of staff.

The Licensing Manager confirmed that all documentation had been sent and received.

The Licensing Manager outlined the report.

The applicant addressed the Sub-Committee and advised that the operating model of the business was that it would be a small micro pub located on Broadway which would have a community feel and would operate a book share club, offer board games and be open to dog walkers.

The applicant informed Members that it was intended that the business would attract local residents for a craft ale or glass of wine, dog walkers would be welcome and for the premises to be a nice place to go for a drink. Members of the Sub-Committee were informed that only background music would be played, that the premises could accommodate 38 customers seated and that there would be no vertical drinking.

In response to questions from Members of the Sub-Committee and the legal advisor to the Sub-Committee, the applicant advised that there would be no television in the premises and therefore there would be no screening of sporting events. It was made clear that the application was for the consumption of alcohol on the premises only and that there was no intention to provide any outdoor drinking area.

The applicant advised the Sub-Committee that although they had no previous experience in licensed premises, experienced staff would be employed.

It was reported that the applicant had liaised with Merseyside Police and the Licensing Authority and had agreed to a number of conditions being placed on the Premises Licence should the licence be granted. These conditions included a comprehensive CCTV system to operate at the premises, the training of staff on their responsibilities under the Licensing Act 2003, a Challenge 25 Policy and the management of customers to prevent public nuisance being caused to local residents.

The Licensing Manager advised Members of the Sub-Committee that whilst the applicant had agreed to having a condition placed on the Premises Licence that required acoustic plasterboard and insulation being installed in the ceiling of the premises, any such action would require approval from the landlord and that such a condition may subsequently be unenforceable. In respect of potential noise transmission from the premises through the walls to the business next door, the applicant advised that they would be willing to take steps to mitigate noise transmission both through the ceiling and the walls as part of the renovation of the premises.

The applicant stated that he would take all measures necessary to prevent public nuisance and that he would welcome local residents to meet at the premises on a regular basis.

The local business owner in attendance informed Members of the Sub-Committee that they operated a tutoring business for 3 to 18 year olds which required a quiet atmosphere to be maintained. The local business owner expressed concerns in respect of noise being transmitted through the adjoining wall of the premises and emphasised how important a peaceful environment was required in order for the business to be conducted.

The local business owner advised Members of the Sub-Committee that businesses in the community where the premises was seeking to locate work together and support each other and that there had been some concern that the applicant had not made contact with the businesses as part of the application process. Concerns were also expressed in respect of the lack of experience of the applicant in operating a licensed premises and that the applicant would not necessarily be at the premises during its operation.

The local business owner responded to questions from the legal advisor to the Sub-Committee and provided details in respect of the opening hours of the tutoring business.

In determining the application Members of the Licensing Act 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.

In coming to their decision, Members also had regard to the Statutory Guidance issued under the Licensing Act 2003 and that their decision must be evidenced based.

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 9 Broadway, Bebington, CH63 5ND, be granted with the following hours:

Sale of alcohol during the following hours for consumption 'on' the premises only:

Monday and Tuesday	17:00 to 20:30
Wednesday	16:00 to 22:30
Thursday to Sunday	14:00 to 22:30

Hours Open to the Public

Monday and Tuesday	17:00 to 21:00
Wednesday	16:00 to 23:00
Thursday to Sunday	14:00 to 23:00

(3) That in addition to the conditions submitted as part of the application and relevant conditions agreed with the Licensing Authority and Merseyside Police, the following condition be placed on the Premises Licence:

- The Designated Premises Supervisor must delegate authority to sell alcohol to a Personal Licence Holder when they themselves cannot be present at the premises.**

22 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - KEERTHI SUPERSTORE, 56 KING STREET, WALLASEY, CH44 8AU

The Director of Law and Governance reported upon an application that had been received from Pamini Mathiyaparanam for a Premises Licence in respect of Keerthi Superstore, 56 King Street, Wallasey, CH44 8AU.

The hours applied for the Premises Licence were set out 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 had been provided to Members. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application three representations had been received from local residents. The representations related to concerns of crime and disorder, anti-social behaviour and underage drinking which residents considered was currently a problem within the vicinity of the premises. Copies of the representations had been provided to Members.

The applicant's agent attended the meeting together with the applicant's brother. Two local residents who had made representations were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received.

The Licensing Manager outlined the report.

The applicant's agent addressed the Sub-Committee and advised that although the premises had previously traded as a convenience store with a Premises Licence, this was an application for a new licence which was a new business venture for an empty shop which was being refurbished to become a new general convenience store selling a wide range of goods. Members of the Sub-Committee were advised that alcohol sales would be part of the business in order to offer an all round service to customers.

Members were informed that alcohol sales would be between 12-15% of the floor space and spirits would be kept behind the counter. It was highlighted that the applicant had submitted a comprehensive set of conditions to be attached to the Premises Licence should it be granted. These included a CCTV system covering inside and outside the premises, a Challenge 25 Policy and that no member of staff would be allowed to sell alcohol until they had received training in respect of their obligations under the Licensing Act 2003.

In response to questions from Members of the Sub-Committee, local residents and the legal advisor to the Sub-Committee, the applicant's agent advised that the applicant would be re-locating to Merseyside and would be the Designated Premises Supervisor at the premises and had previous experience working in licensed premises. The applicant's brother would also be working at the premises and there would be two trained members of staff working at the premises at any one time.

Further to concerns raised in respect of the hours of the sale of alcohol, the applicant's agent submitted that although the application had been made for the sale of alcohol from 6.00 am they would be content for this to be reduced by one hour in the morning to start from 7.00 am.

The local residents in attendance expressed their concerns regarding the number of premises selling alcohol within the vicinity of the premises. The local residents advised that the premises was located in a drug and rehabilitation area and they were concerned that the operation of another licensed premises in the vicinity would lead to an increase in anti social behaviour in the area. The local residents informed Members of the Sub-Committee that they had written to Merseyside Police in respect of their concerns.

In determining the application Members of the Licensing Act 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.

In coming to their decision, Members also had regard to the Statutory Guidance issued under the Licensing Act 2003 that their decision must be evidenced based and in this regard gave consideration to the fact that no evidence had been provided by Merseyside Police that the granting of the application would lead to anti-social behaviour or criminal activity within the vicinity of the premises.

In determining the application Members of the Licensing Act Sub-Committee had regard to the fact that no representations had been received from any of the Responsible Authorities, in particular Merseyside Police, Trading Standards and the Licensing Authority.

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 Keerthi Superstore, 56 King Street, Wallasey CH44 8AU, be granted with the following hours:

Sale of alcohol during the following hours for consumption ‘off’ the premises only:

Sunday to Saturday 07:00 to 00:00

Late Night Refreshment

Sunday to Saturday 23:00 to 00:00

Hours Open to the Public

Sunday to Saturday 06:00 to 00:00