

LICENSING ACT SUB COMMITTEE

Thursday, 14 December 2023

Present: Councillors S Bennett
G Davies
L Luxon-Kewley

23 APPOINTMENT OF CHAIR

Resolved – That Councillor S Bennett be appointed Chair for this meeting.

24 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.

25 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 252 PRICE STREET, BIRKENHEAD, CH41 3PS

The Director of Law and Governance reported upon an application that had been received from Anna Singh for a Premises Licence in respect of 252 Price Street, Birkenhead, CH41 3PS.

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 should the application be granted. These conditions were also set out within the report.

In respect of the application two representations had been received. The representations related to concerns of crime and disorder, anti-social behaviour and underage drinking. 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.

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

The Licensing Manager outlined the report and reported and advised the Members of the Sub-Committee that the applicant had indicated that they wished to amend the application in respect of the time that the premises would be open to the public on Sundays. The applicant then advised the Sub-Committee that they wished to reduce the Hours Open to the Public on Sundays to 21:00.

The applicant addressed the Sub-Committee and advised that this was an application for a Premises Licence to support a new business venture for an empty shop that is being refurbished to become a new general convenience store. The applicant reported that the premises would be trading under the Go Local brand and would sell a wide range of products including hot food and hot drinks and that alcohol sales will be part of the business. Members were further informed that the proposed alcohol sales was in order to offer an all-round service to customers.

Members of the Sub-Committee had been provided with a plan of the premises and the applicant informed them that spirits would be kept behind the counter and all alcohol would be within close proximity to the counter where sales would take place. Members were made aware that following discussions with Merseyside Police and the Licensing Authority the applicant had submitted a comprehensive set of conditions to be attached to the Premises Licence should the application be granted. These included a CCTV system covering inside and outside the premises and a Challenge 25 Policy. Members were also made aware 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 and the legal advisor to the Sub-Committee, the applicant advised that they had experience in operating convenience stores for over ten years and that they currently operated two premises in Wirral, one in Leasowe and one in Wallasey. The applicant also advised that should the application be granted they would no longer have direct involvement in operating a store in Wallasey and would be directly involved in the operation of the business at 252 Price Street.

The local business owner in attendance expressed their concerns regarding the operation of a further premises selling alcohol in the area. They believed that another store in the area would lead to more nuisance and could have an impact on the ability of the police to address crime and disorder in the area.

They submitted that they had no factual evidence to support these concerns and that they were hypothetical. Further concerns raised were that another business operating in this area would have detrimental effect on the competition between businesses in the area, in particular businesses that are not able to invest in a franchise. It was the belief of the local business owner that there was no need for another store of this nature of this area.

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 252 Price Street, Birkenhead, CH41 3PS, be granted with the following hours:

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

Monday to Saturday	07:00 to 22:00
Sunday	10:00 to 21:00

Hours Open to the Public

Monday to Saturday	07:00 to 22:00
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Sunday

10:00 to 21:00