

LICENSING ACT SUB COMMITTEE

Friday, 17 May 2024

Present: Councillor A Hodson (Chair)

Councillors G Davies J Stewart Laing

4 APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Andrew Hodson be appointed Chair for this meeting.

5 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary interests and any other relevant interest and to state the nature of the interest.

There were no declarations of interests.

6 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 351 WOODCHURCH ROAD, PRENTON, CH42 8PE.

The Director of Law and Corporate Services had submitted a report to the Licensing Act Sub-Committee to consider an application for a Premises Licence under the provisions of the Licensing Act 2003. The application was made by Mr Hastyar Husseni, in respect of 351 Woodchurch Road, Prenton, CH42 8PE.

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, nine representations from local residents objecting to the proposal had been received. The representations related to concerns of public safety due to the location of the premises, under-age drinking, public nuisance, and anti-social behaviour. Copies of the representations were made available to Members. Two representatives attended the meeting.

The applicant's representative, JMC, informed Members that the applicant Mr Husseni had been unable to attend the meeting, due to a family member having been taken ill overseas. Mr Husseni's business partner Mr Hassan and another individual Mr Halmat Ahmed who also had an interest in the premises however were in attendance.

The Licensing Manager confirmed that all documentation had been sent and received. The Licensing Manager outlined the report to Members, and informed them that no representations had been made from the nine responsible authorities objecting to the application.

The Applicant's representative addressed the Sub-Committee and sought clarification with the Licensing Manager as to which representations related to the objectors in attendance at the meeting.

The Applicant's representative informed the Sub-Committee that his representations would be based on key statements of fact. He confirmed that he had studied relevant licensing guidance, and a full risk assessment had been conducted against the four licensing objectives.

The representative told Members that the original application had reasonably addressed each of the licensing objectives and a robust operating schedule had been included. There had been a consultation process, and each of the nine responsible authorities had agreed and accepted the documentation submitted. He highlighted that no concerns had been raised on the original application. The staff who would be involved with the premises were experienced in the retail sale of alcohol, and had successfully owned several similar businesses across the Wirral and Chester for approximately eight years.

The representative addressed the concerns raised by the objectors, and summarised that the majority of these had been based on issues unrelated to the premises, or issues in effect prior to the shop opening.

The representative gave details about how the premises would manage its operation, including the conditions within the operating schedule, training materials and the use of refusal books and incident books. He highlighted to Members that the objections included assumptions around the management of the premises.

It was raised by the representative that one of the objections included reference to an incident of an underage sale by the applicant. It was explained to Members that the applicant had been charged with an offence to selling alcohol to a minor in 2019.

Following a short adjournment the representative further informed Members that the under age sale had been a test purchase in 2018 and the applicant had been fined in 2019. He said his client had been remorseful and following the revocation of the Premises Licence, had subsequently sold the premises. The representative further confirmed that there had been no further incidents in respect of other premises his client had subsequently been involved with.

The representative stated that they wished for the Sub-Committee to grant the licence with the original conditions, again highlighting the lack of objections by the nine responsible authorities, and explained to Members that he would be acting as an Agent for the Applicant moving forward. He would therefore support the Applicant and his business partner and would put together a training programme for them. It was suggested by the Applicant's representative that if Members had concerns regarding the proposed Designated Premises Supervisor they could determine that another individual be appointed to this role.

Following questions by Members, it was explained that the Applicant, his business partner and Mr Ahmed all worked together and had an ongoing interest in the premises. The Applicant's representative therefore proposed that Mr Ahmed be put forward as the DPS, as he held a personal licence and had experience in the retail sale of alcohol along with the Applicant.

Questions were raised by the objectors in attendance, on the issue of parking/pedestrian management, the method of barring customers, details on staff training and the sign which had been recently installed above the premises.

Considering the queries raised, Members asked further questions to the Applicant's representative on the issue of the underage sale in 2018 and who would be responsible for ongoing training at the premises. The representative told Members that he had discussed this briefly with the applicant when submitting the original application. He noted that the applicant had felt regret over the incident and felt if this had been an issue, it would have been raised by one of the responsible authorities. In response to a query on whether Mr Hussein would be responsible for training staff, despite his previous failings, the representative reiterated the option to change the proposed DPS. In light of the concerns raised it was submitted by the Applicants representative that Mr Hussein be withdrawn as the proposed DPS but that the individual with an interest in the premises identified as Mr Ahmed be put forward instead.

It was clarified to the Sub-Committee that the applicant, his business partner and Mr Ahmed all had financial interests in the property, however only Mr Hussein was listed as owning the premises and was to be represented at the meeting as an individual. Mr Ahmed had previously owned his own premises in Chester, however this had been sold recently and he could therefore be committed fully to this premises. Mr Hassan, who had been identified as Mr Hussein's business partner, was a proposed supplier of the premises.

Two members of the public were in attendance to make representations at the meeting. The main concerns of the objectors were:

- Parking
- Deliveries and times of these
- Issues with underage drinking in the area surrounding the premises
- Increasing anti-social behaviour in the area due to alcohol consumption
- Noise from shutters

In response to the objections the applicant's representative advised the objectors in attendance that they would be amenable to working with their neighbours, and both men in attendance said they would be welcome to come into the shop to discuss issues at any time.

In summarising the Applicant's case his representative reiterated the view that the application submitted had been a robust one based on the four licensing objectives. It was a small business, and with the proposed new DPS, it would be a strong business with none of the responsible authorities objecting. The applicant was also agreeable, following concerns on delivery times and noise, of restricting these to more appropriate hours.

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.

Members also had regard to concerns expressed by local residents and in this regard took into consideration the conditions proposed by the applicant, in particular staff training, as well as the conditions relating to CCTV, and a challenge 25 policy being in place.

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

Resolved – That:

- (1) The application for a Premises Licence in respect of 351 Woodchurch Road, Prenton, CH42 8PE, be granted with the following hours:**

**Sale by Retail of Alcohol (For consumption 'Off' the Premises)
Sunday to Saturday 08:00 to 00:00 Hours
Open to the Public
Sunday to Saturday 08:00 to 00:00**

(2) In addition to the conditions submitted as part of the application, the following condition be placed on the Premises Licence:

- **There must be no deliveries taking place at the premises between the hours of 9pm to 9am.**

It was further noted by Members that the Applicant would be seeking to withdraw the nominated Designated Premises Supervisor named within the application form. As the Premises Licence had been granted without a Designated Premises Supervisor being specified, there could be no sale of alcohol at the premises until the licence was varied to include another named Designated Premises Supervisor.