

# LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 20 September 2012

Present: Councillor WJ Davies (Chair)

Councillors S Niblock M Hornby  
D Roberts C Povall

## 37 APPOINTMENT OF CHAIR

### Resolved -

(1) That Councillor S Niblock be appointed Chair to consider the application regarding The Corner Store together with Councillors C Povall and D Roberts.

(2) That Councillor W J Davies be appointed Chair to consider the application regarding Mr Pizza together with Councillors M Hornby and D Roberts.

## 38 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the 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.

## 39 APPLICATION TO REVIEW A PREMISES LICENCE - THE CORNER STORE, 104 WOODCHURCH LANE, PRENTON

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Merseyside Police for the review of a Premises Licence in respect of The Corner Store, 104 Woodchurch Lane, Prenton, under the provisions of the Licensing Act 2003.

The premises have a Premises Licence which allows the licensable activities as set out in the report.

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

The Licensing Authority may decide that no action would be necessary if it found that the review did not require it to take any steps necessary to promote the licensing objectives.

The application had been submitted by Merseyside Police and the Licensing Sergeant advised that the grounds for review were in relation to the premises being linked to criminal activity, namely a number of illegal immigrants being employed at the premises.

Constables R Jones and P Coley, Merseyside Police, attended the meeting.

Mrs Lally, Designated Premises Supervisor and Premises Licence Holder was also in attendance together with her Solicitor, Miss Moore.

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

Constable Jones outlined the application for review. She reported that two illegal immigrants had been found working at the premises and gave details of the individuals, how they had been discovered at the premises and the action that had been taken against them by the relevant agencies. She informed Members that it was a criminal offence to knowingly employ an illegal immigrant. Constable Jones advised Members that Mrs Lally had been interviewed under caution and that she stated she had not known the males were illegal immigrants. Constable Jones also reported that the individuals found working at the premises had received no training in respect of their responsibilities when selling alcohol. Constable Jones expressed the importance of training in order to prevent the sale of alcohol to persons under the age of 18 years. Constable Jones proposed that a number of conditions be attached to the Premises Licence to which the Premises Licence Holder had been in full agreement with.

Miss Moore addressed Members and advised that Mrs Lally was in agreement with the conditions proposed by Merseyside Police and that some of the conditions had already been implemented at the premises.

Mr Abraham, Legal Advisor to the Sub-Committee made reference to the Statutory Guidance in relation to the reasons that had resulted in the Review application and sought clarification as to why Merseyside Police were content for conditions to be imposed on the Premises Licence. Constable Jones reported that it was considered this would be the most appropriate way to address the issues in these particular premises.

Members gave careful consideration to the application made by Merseyside Police to review the Premises Licence at The Corner Store, 104 Woodchurch Lane, Prenton.

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

Members accepted the evidence provided by Merseyside Police that illegal immigrants were found working at the premises. Members also had regard to the fact that the Premises Licence Holder and Designated Premises Supervisor had

accepted the seriousness of the matter and shown a willingness to work with Merseyside Police.

**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 be modified as follows:**

- **From 5 November 2012, the Designated Premises Supervisor at these premises must hold a minimum Level 2 Award for Designated Premises Supervisors.**
- **From 5 November 2012, all staff authorised to sell alcohol must attend training delivered either by Wirral Trading Standards or a training provider who can deliver accredited training in relation to under-aged sales and a record of this training must be made available to an authorised officer on request.**
- **A CCTV system must be installed at the premises which complies with the minimum specification of Wirral Borough Council. The system must be maintained in good working order and in compliance with the minimum specifications of Wirral Borough Council. Tapes/discs to be produced to the Police or an authorised person on request.**
- **A till prompt system must be installed and maintained at the premises in order to alert staff to check the age of any purchaser attempting to buy age related products.**
- **The premises must also maintain a hand-written refusals log to record the refusal of sales of alcohol to persons under the age of 18 years. The refusals log must be checked regularly by the Designated Premises Supervisor or Premises Licence Holder who must sign the log after each check. All staff must be trained to ensure that they are aware what the refusals log is and where it is kept. The refusals log must be kept next to the till at all times when the premises is open. The refusals log must be made available to an authorised officer upon request.**
- **A Challenge 25 Policy must be in force at the premises and must be maintained. Signage must be prominently displayed regarding this policy.**
- **Details of any employee or proposed employee who is not a registered UK citizen must be notified to Merseyside Police prior to them commencing employment, in order that their immigration status can be verified.**

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Farhad Daemi for a Premises Licence in respect of Mr Pizza, 158c Bebington Road, Bebington, under the provisions of the Licensing Act 2003.

The application was for the grant of a new Premises Licence with the hours outlined within the report.

The applicant was required to submit an operating schedule setting out how they would conduct/manage their business in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the licence be granted.

Representations had been received from Ward Councillors Jerry Williams, Christina Muspratt and Walter Smith. The representations related to anti-social behaviour which they considered was a current problem within the vicinity of the premises. Copies of the representations were available.

The applicant, Mr Daemi, attended the meeting together with Mr Hamid who presented the application.

Ward Councillor, Walter Smith was also in attendance.

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

The applicant explained that the business had been there for about 18 years and had been open from 4 pm to 11 pm. He reported that he had never experienced any problems and there had been no incidents at the premises. He informed Members that most of the business would be from deliveries rather than passing trade and that the business had been struggling financially.

Mr Hamid responded to questions from Members of the Sub-Committee, Mr Abraham, Legal Advisor to the Sub-Committee and Councillor Smith.

Councillor Smith reported that although there had been no recorded incidents of anti-social behaviour the premises was situated in close proximity to residential property. He reported that Ward Councillor, Councillor Muspratt had received a number of complaints from local residents regarding customers behaving in an anti-social manner. Councillor Smith raised concerns regarding noise nuisance at a later hour should the application be granted and believed that the application to be open until 1am was unreasonable.

Councillor Smith responded to questions from Members of the Sub-Committee.

In determining the application the Licensing Act 2003 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 heard representations from Mr Hamid on behalf of Mr Daemi, the applicant in support of the application.

Members had regard to the representations made by the Ward Councillors relating to concerns that if the application was granted, this could result in disturbance to local residents at a late hour.

Members also had regard to the fact that the main business to be operated from the premises during the hours applied for is through deliveries. Members also noted that it was reported that there were no incidents or complaints recorded in respect of the premises.

Members noted there were no representations from any of the Responsible Authorities, in particular Merseyside Police, or evidence provided in support of anti-social behaviour linked to the premises.

**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 Mr Pizza, 158c Bebington Road, Bebington, be granted with the following hours:**

**Late Night Refreshment**

**Sunday to Saturday 23:00 to 01:00**

**Hours Open to the Public**

**Sunday to Saturday 16:00 to 01:00**