

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 27 September 2012

Present:

Councillors	G Davies	D Mitchell
	R Gregson	A Sykes

41 **APPOINTMENT OF CHAIR**

Resolved -

(1) That Councillor D Mitchell be appointed Chair to consider the item regarding Tesco together with Councillors G Davies and R Gregson.

(2) That Councillor R Gregson be appointed Chair to consider the item regarding Venice Pizzeria together with Councillors G Davies and A Sykes.

42 **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.

43 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TESCO, 111 KING STREET, WALLASEY.**

The Director of Law, HR and Asset Management reported upon an application that had been received from Tesco Stores Limited for the grant of a Premises Licence in respect of Tesco, 111 King Street, Wallasey, under the provisions of the Licensing Act 2003.

The premises do not currently hold a Premises Licence. The application for the grant of a Premises Licence was for the following hours:

Supply of Alcohol

Sunday to Saturday 06:00 to 23:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

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.

In respect of this application, a representation had been received from a local resident and two local businesses. The representations related to alcohol and drug related problems within the vicinity of the premises and expressed concerns that this would increase should the application be granted. Copies of the representations were available.

No representations had been received from any of the Responsible Authorities.

Mr S Potter, Area Manager, attended the meeting together with Mr C Gerrard, Store Manager and their Solicitor Mr Rees-Gay, to outline the application.

Mr Lockwood from King Street Post Office and Mrs Quinn, local resident, were also in attendance.

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

Mr Rees-Gay addressed the Sub-Committee and provided some background to the application. He reported that Tesco were vastly experienced and had good systems in place regarding the sale of alcohol. He informed Members that all staff were trained regarding the four licensing objectives and that refresher training was provided. He reported that Tesco operated a 'Think 25' policy. He also reported that the Store Manager could be contacted at all times should any issues arise and that local people would be employed at the premises. Mr Rees-Gay pointed out that no representations had been received from Merseyside Police and stated that there was no evidence linking any of the concerns raised to the premises and that a security guard would be employed at the premises during opening hours. During busy periods there would also be an overlap of security staff employed at the premises. He further reported that the premises would have a positive effect on the local economy and the local community and also that there would be extensive CCTV coverage.

Mr Rees-Gay, Mr Potter and Mr Gerrard responded to questions from Members of the Sub-Committee, Mr D K Abraham, Legal Advisor to the Sub-Committee, Mr Lockwood and Mrs Quinn. It was established through questions that the store was designated a critical risk store and because of this status as opposed to a non critical store, alcohol would not be promoted at the front entrance of the premises.

Mr Lockwood expressed his concerns regarding the sale of alcohol being permitted at the premises and his concerns regarding the licensing objective of the protection of children from harm. He pointed out that there were a number of licensed outlets within the vicinity and questioned the need for another outlet which would sell alcohol.

Mrs Quinn expressed her disappointment that no representations had been made by Merseyside Police. She reported that local residents suffered from drink and drug related crime and anti social behaviour and believed that this would be exacerbated should the application be granted.

Mr Lockwood and Mrs Quinn 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 of the Licensing Act 2003 Sub-Committee considered the representations made by Mr Lockwood from King Street Post Office and Mrs Quinn, local resident, regarding drink and drug related crime and anti-social behaviour, which they considered was currently a problem within the vicinity of the premises and would be exacerbated if the application was granted.

Members also considered the representations made by Mr Reece-Gay, Solicitor on behalf of Tesco as well as the Area Manager and Store Manager.

Members had regard to the fact that there were no representations from the Responsible Authorities, in particular, Merseyside Police.

In determining the matter, Members had regard to the applicants' approach to compliance with the Licensing Act 2003 and the Licensing Objectives through extensive training and monitoring of staff in relation to the prevention of sale of alcohol to young persons under the age of 18 years and the refusal of sale of alcohol to persons who are intoxicated.

Members noted that the store would have extensive CCTV coverage, employ a security officer during the opening hours of the store and adopt a pro-active approach to liaise with the community in order to prevent public nuisance within the vicinity of the premises.

Members noted that the store was designated by Tesco as a 'critical' store and appropriate measures would be put in place to uphold the Licensing Objectives.

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 following 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 Tesco's, 111 King Street, Wallasey be granted with the following hours:

Supply of Alcohol

Sunday to Saturday 06:00 to 23:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

44 **APPLICATION TO REVIEW A PREMISES LICENCE -VENICE PIZZERIA, 35-35B, NEW CHESTER ROAD, NEW FERRY**

The Acting Director of Law, HR and Asset Management reported upon an application received from Merseyside Police for the review of a Premises Licence in respect of Venice Pizzeria, 35-35B New Chester Road, New Ferry, under the provisions of the Licensing Act 2003.

The respondent had been given notice of the hearing, however she failed to attend.

Mr D K Abraham, Legal Advisor to the Sub-Committee, referred to Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 which outlined the consideration of an application in the absence of the applicant.

Members gave careful consideration to the regulation concerned and decided that the matter be deferred in order that the respondent be given a further opportunity to attend.

Resolved - That this matter be deferred to 11 October 2012.

45 **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - CLASSIFICATION OF A FILM IN ACCORDANCE WITH GUIDANCE ISSUED BY THE BRITISH BOARD OF FILM CLASSIFICATION**

The Acting Director of Law, HR and Asset Management reported upon the requirement of the Licensing Act 2003 Sub-Committee to consider an appropriate film classification for an unclassified film which was proposed to be shown at Light Cinema, Marine Point, Kings Parade, New Brighton.

The Licensing Manager outlined the report and responded to questions from Members of the Sub-Committee.

Members gave consideration to the synopsis of the film and considered the licensing objective in respect of the protection of children from harm.

Resolved - That Members classified the film called 'Derby Baby' to be viewed at the Light Cinema, Marine Point, Kings Parade, New Brighton as 12A.