

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 2 November 2012

Present:

Councillors	S Niblock	H Smith
	D Roberts	M Hornby

59 **APPOINTMENT OF CHAIR**

Resolved - That Councillor S Niblock be appointed Chair for this meeting.

60 **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.

61 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 14A BROMBOROUGH ROAD, BEBINGTON**

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Mrs Dissanayake for the grant of a Premises Licence in respect of 14a Bromborough Road, Bebington, under the provisions of the Licensing Act 2003.

The premises have not previously been licensed.

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, seven representations had been received from local residents. A representation had also been received by 16 residents of The Wiend. The representations related to concerns of public safety due to increased traffic problems and anti-social behaviour caused by youths which they considered was currently a problem within the vicinity of the premises. Copies of the representations were available.

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

Mrs Dissanayake attended the meeting together with her representative Mr P Douglas.

Mrs Andrews, local resident, was also in attendance together with Mrs Wahlers and Mr and Mrs Schorah.

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

Mr Douglas addressed the Sub-Committee. He advised that the premises would be a convenience store with approximately 20% of sales being alcohol sales and that they would operate under a premier brand. He informed Members that CCTV would be installed at the premises, that electronic till prompts would be in place together with a manual refusals log and that a Challenge 25 Policy would be in operation. He referred to concerns of local residents regarding the operating hours and advised that the applicant would be prepared to sell alcohol from 8 am if this would ease some concerns raised. He also referred to the concerns regarding anti-social behaviour but believed these problems could not be connected to the premises as they were not yet trading. He referred to paragraph 7.6 of the Council's Statement of Licensing Policy and stated that the issue of need was not part of the Policy. He reported that the applicant was very experienced and currently holds a Personal Licence and would be the Designated Premises Supervisor at these premises. He also reported that she would be content to undertake any training available. He informed Members that her husband was currently a Designated Premises Supervisor at three premises. He referred to the fact that no representations had been made by Merseyside Police and believed that the current problems referred to by the residents would not be exacerbated should the licence be granted and asked that the application be granted in its entirety.

Mr Douglas responded to questions from Members of the Sub-Committee, Mr D K Abraham, Legal Advisor to the Sub-Committee and Mrs Andrews.

Mrs Andrews expressed her concerns regarding the location of the premises and the problems regarding traffic restrictions. She raised concerns regarding underage drinking and anti-social behaviour in Mayer Park which was situated in close proximity to the premises. She stressed the point that there was limited parking surrounding the premises and raised concerns regarding the possibility that this would lead to parking violations. She believed that the application should be refused due to the parking issues and the public nuisance late at night.

Mrs Andrews 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 had regard to the written representations made by the local residents, Mr Douglas on behalf of the applicant and the oral representations made by Mrs Andrews on behalf of local residents.

Members had regard to concerns of local residents regarding the location of the premises in respect of the parking restrictions surrounding the premises however considered that this was a matter to be dealt with through enforcement under other legislation. Members also gave consideration to the fact that the premises are situated in close proximity to the entrance of Mayer Park which raised concerns of

under age drinking and youths congregating in the park. In considering this, Members had regard to the measures the applicant stated would be in place at the premises to prevent the unlawful sale of alcohol.

Members took into consideration the conditions proposed by the applicant to uphold the Licensing Objectives including the fact that CCTV would be installed, a Challenge 25 Policy would be implemented, there would be a manual refusals log at the premises and also that staff authorised to sell alcohol would attend training delivered either by Wirral Trading Standards or a training provider who can deliver accredited training in relation to under-aged sales.

In determining the matter Members considered that there was no direct evidence that the premises would operate in a way that would undermine the Licensing Objectives.

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

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 14A Bromborough Road, Bebington be granted as applied for, namely with the following hours:

Supply of Alcohol

Monday to Saturday 07:00 to 23:00
Sunday 07:00 to 22:00

Hours Open to the Public

Monday to Saturday 06:00 to 23:00
Sunday 07:00 to 22:00

(3) That the following condition put forward by the applicant at the hearing be attached to the Premises Licence:

- The premises must have an electronic till prompt to remind employees to use the 'Challenge 25' policy when an age restricted product is scanned.**

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 Al Verona Pizzeria, 188 Brighton Street, Wallasey, under the provisions of the Licensing Act 2003.

The Licensing Manager confirmed that all documentation had been sent and that notice had been sent to the licence holder's home address, however, this had been returned marked "addressee gone away". Notice had then been further served on the premises concerned by hand on 17 October 2012. No response to this had been received.

Sergeant P Jenkins and Constable P Coley attended the meeting.

Members determined that the matter should proceed in the absence of the licence holder due to all the requisite papers having been served and that the respondent had also been given a previous opportunity to attend the Licensing Act 2003 Sub-Committee.

Members gave careful consideration to the application made by Merseyside Police to review the Premises Licence at Al Verona Pizza and the representations made by Sergeant Jenkins.

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, in particular, paragraphs 11.25 - 11.31.

Members accepted the evidence provided by Merseyside Police that the gas and electricity supplies at the premises had been unlawfully tampered with and that the energy supplies to the premises had been stolen. Members had regard to the fact that Merseyside Police had major concerns in respect of the licensing objectives of public safety and crime and disorder regarding this.

Members considered that placing conditions on the Premises Licence would not be appropriate.

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 Premises Licence in respect of Al Verona Pizza, 188 Brighton Street, Wallasey, be revoked.