

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 17 January 2013

Present: Councillors WJ Davies (Chair)
A Sykes
P Williams

In attendance: Councillors I Williams

76 APPOINTMENT OF CHAIR

Resolved - That Councillor W J Davies be appointed Chair for this meeting.

77 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 the application on the agenda and state the nature of the interest.

Councillor P Williams declared a non pecuniary interest by virtue of being acquainted with Mr D Horton (who was objecting to the application made by Sainsbury's Supermarkets Ltd) as a consequence of being a previous member of Birkenhead Choral Society.

No objections to this were raised by the applicant company.

78 APPLICATION FOR A PREMISES LICENCE - SAINSBURY'S SUPERMARKETS LIMITED, GREASBY ROAD, GREASBY

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Sainsbury's Supermarkets Limited for the grant of a Premises Licence in respect of Sainsbury's, Greasby Road, Greasby, 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:

Sale by Retail of Alcohol

Sunday to Saturday 07:00 to 23:00

Hours Open to the Public

Sunday to Saturday 24 Hours

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, 32 representations had been received from local residents which related to concerns that if the application were to be granted anti-social behaviour and public nuisance would increase within the vicinity of the premises due to the availability of alcohol and the premises being open 24 hours a day.

Representations had also been received from Ward Councillors Tony Cox and Wendy Clements who had also submitted a petition containing 133 signatories by local residents and which supported the individual representations.

A representation had also been received from Mr Chris Blakeley on behalf of Esther McVey, MP who had been contacted by her constituents regarding concerns that the levels of anti-social behaviour would increase (which they considered were currently a problem in the area) should the application be granted. Copies of all representations were available.

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

Mr Boothroyd, Area Manager, attended the meeting together with his Solicitor Mr Botkai, to outline the application.

Councillor M Hornby made representations on behalf of the ward councillors and also assisted Mr Horton, a local resident who objected to the application.

The Licensing Manager confirmed that all documentation had been sent and received. The Licensing Manager further confirmed that a response had been received from Mr Blakeley on behalf of Esther McVey MP indicating that he was unable to attend and also informed Members that the application had been amended for the sale by retail of alcohol to commence at 8 am further to the representations received.

Mr Botkai addressed the Sub-Committee and provided some background to the application. He reported that Sainsbury's were applying for a Premises Licence to sell alcohol and did not intend to open 24 hours a day. He advised that he wished to amend the application for the supply of alcohol to commence at 8 am instead of 7 am and referred to the hours that the premises had been granted planning permission for. He addressed the concerns raised by local residents and referred to the lack of evidence to support many of the objections and the fact that no representations had been received by any of the Responsible Authorities. He asked that the application be granted as requested.

Mr Botkai and Mr Boothroyd responded to questions from Members of the Sub-Committee, Councillor Hornby and Mr Horton and displayed a floor plan of the premises.

Councillor M Hornby referred to the motion put to the full meeting of the Council which was held on 17 December 2012, however, Mr D K Abraham, Legal Advisor to the Sub-Committee advised that that was a separate matter and not an issue for the Sub-Committee.

Mr Horton informed Members that he had had concerns regarding the layout of the store, however, had been encouraged by the proposals set out by the applicant. He urged that the application be amended for the hours open to the public to match the hours applied for the sale of alcohol.

After giving further consideration to the representations made, Mr Botkai proposed that he would amend the application in respect of the hours open to the public to 8am - 11pm Monday to Saturday and 8am - 6 pm on a Sunday. Mr Botkai also advised Members that in response to the representations made, alcohol would not be displayed in the premises within 5m of the entrance.

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 in writing and those made orally by Councillor Hornby on behalf of Councillors Clements and Cox and in support of Mr Horton.

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

In considering the matter Members had regard to the applicant's 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 the sale of alcohol to young persons under the age of 18 years.

Members noted that the store would have extensive CCTV coverage so as to prevent crime and disorder and public nuisance within the vicinity of the premises.

Members accepted that the applicant had amended the application regarding the hours applied for and were informed that no alcohol would be displayed within 5 metres of the store entrance in order to address the concerns of local residents.

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 Sainsbury's, Greasby Road, Greasby be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 08:00 to 23:00

(3) That the following condition be attached to the Premises Licence:

- **That no alcohol must be displayed within 5 metres of the store entrance.**