

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 7 February 2013

Present:

Councillors S Niblock
 C Povall
 D Roberts

87 **APPOINTMENT OF CHAIR**

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

88 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Sub-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.

89 **APPLICATION FOR A PREMISES LICENCE - PRM CHOICE PALACE, 188 BOROUGH ROAD, SEACOMBE**

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Mr Archchunan Thangarajah for the grant of a Premises Licence in respect of PRM Choice Palace, 188 Borough Road, Seacombe, under the provisions of the Licensing Act 2003.

The premises had not previously been licensed. The application for the grant of a Premises Licence was for the following hours:

Supply of Alcohol

Sunday to Saturday 08:00 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, two representations had been received from local residents. A representation had also been received from a local business. The representations related to anti-social behaviour which was currently a problem within

the vicinity of the premises. A petition had been received signed by 385 local residents. The petition had been signed by local residents due to concerns relating to the cumulative impact of licensed premises within the vicinity of the premises and anti-social behaviour.

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

Mr P Douglas, attended the meeting together with the applicant.

Councillor J Salter, Ward Councillor, was in attendance on behalf of those local residents who petitioned and also assisted Mr Shardey and Ms Morton, who objected to the application.

The Licensing Manager confirmed that all documentation had been sent and received and that additional documentation had been received and distributed to all parties. Councillor Salter requested to submit a map displaying the number of off licences in the area. Mr Douglas had no objection to this and the map was therefore considered by Members.

Mr Douglas addressed the Sub-Committee and advised that the applicant had purchased the premises in 2007 and already owned several licensed premises on the Wirral and in Liverpool. He reported that the applicant had met with Sergeant Jenkins who had no objections to the application provided that certain criteria were met which had been addressed in the operating schedule. He sympathised with the objectors to the application but believed the objections were based upon need and speculation and submitted that there was no evidence to suggest that anti-social behaviour levels would increase should the application be granted.

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

Councillor Salter referred to the statistics he had submitted which had been supplied by Sergeant Jenkins, Merseyside Police. He made reference to the number of outlets which sold alcohol in the area and believed another outlet was not necessary. He also expressed concerns regarding the sale of high strength beers and ciders. Councillor Salter referred to the petition against the application which contained 373 signatories and advised Members that he was in support of the petition as he believed another outlet selling alcohol in the area would exacerbate the current problems of anti-social behaviour and requested that the application be refused.

Ms Morton advised Members that she had concerns regarding the safety of elderly residents in the area.

Mr Shardey believed that another premises selling alcohol was not necessary and that it would add to current problems in the area.

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 considered the written and oral representations made by the applicant and his representative Mr Douglas.

Members also considered the representations of the Ward Councillor and Mrs Morton and Mr Shardey.

Members also 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 lack of direct evidence that the licensing objectives would be undermined should the application be granted.

Members considered the representations made in respect of how the premises would be operated and how the licensing objectives would be maintained. Members noted in particular the comprehensive conditions put forward by the applicant in agreement with Merseyside Police and that they would be incorporated as part of the conditions of the licence of the premises which would include a Challenge 21 Policy, CCTV, an incident book and staff training. An electronic till prompt and an age verification policy would also be implemented at 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 PRM Choice Palace, 188 Borough Road, Seacombe be granted with the following hours:

Supply of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

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

- **That no cider with an ABV of 6.5% or above may be sold or supplied from the premises.**

90 APPLICATION FOR A PREMISES LICENCE - CLUB ZU, 28 OLIVER STREET EAST, BIRKENHEAD

Members were advised that Merseyside Police had withdrawn their representation following agreement by the applicant to accept conditions proposed by them.