

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 25 April 2013

Present:

Councillors S Niblock
 J Salter
 I Williams

104 **APPOINTMENT OF CHAIR**

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

105 **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.

106 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by the paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

107 **APPLICATION FOR THE GRANT OF A PERSONAL LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003**

The Strategic Director of Regeneration and Environment reported upon an application received from PW for a Personal Licence under the provisions of the Licensing Act 2003.

The report was exempt because it contained sensitive and personal information regarding the individual concerned.

It was reported that under the provisions of the Licensing Act 2003 the Licensing Authority must seek guidance from the Police if the applicant is convicted of a relevant offence. An Objection Notice had been received in respect of the application on the grounds that the applicant had been convicted of a relevant offence. A copy of the Notice of Objection was available.

The applicant attended the meeting and made representations in support of his application.

Sergeant Barrigan and Constable Coley attended the meeting. Sergeant Jenkins made representations regarding the Objection Notice submitted by Merseyside Police.

Sergeant Barrigan and the applicant responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee.

Members gave careful consideration to Mr PW's application for a Personal Licence and the Objection Notice submitted by Merseyside Police and in doing so referred to the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In determining the matter, Members had to consider that the crime prevention objective would not be undermined should the application be granted.

Having considered the representations made by Mr PW, Members were not satisfied that the crime prevention objective would not be undermined should the application be granted.

Resolved - That the application made by PW for the grant of a Personal Licence be refused under the provisions of the Licensing Act 2003.

108 **APPLICATION TO VARY A PREMISES LICENCE - CONVENIENCE STORE, 7 OXTON ROAD, BIRKENHEAD**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Mr Milosz Kwiecien to vary a Premises Licence in respect of the Convenience Store, 7 Oxtan Road, Birkenhead, under the provisions of the Licensing Act 2003.

The variation requested was to extend the Licensed area so that the premises located at 9 Oxtan Road, Birkenhead would be included on the Licence. The hours permitted within the current Premises Licence were to remain the same.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed 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.

A representation had been received from Birkenhead and Tranmere Ward Councillors which related to anti-social behaviour and the issue of street drinkers within the vicinity of the premises. The Councillors were concerned that the availability of alcohol may increase which would have a negative impact in relation to anti-social behaviour and street drinkers within the vicinity of the premises should the application be granted. A copy of the representation was available.

The applicant attended the meeting. Councillor Stapleton, Ward Councillor was also in attendance.

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

The applicant addressed the Sub-Committee and explained that the reason he had made the application was to increase the size of his shop in order that he could extend the range of food products for sale at the premises. He confirmed that he did not intend to increase the alcohol sales and that he was aware of the problems in the area regarding street drinkers and anti-social behaviour. The applicant was willing to work with the authorities to assist in combating these problems and advised Members that following advice from Merseyside Police he was willing to become a Member of PubWatch.

The applicant responded to questions from Members of the Sub-Committee, Councillor Stapleton and Mr D K Abraham, Legal Advisor to the Sub-Committee.

Councillor Stapleton spoke on behalf of Ward Councillors and residents and expressed her concerns regarding the number of outlets selling alcohol in the vicinity of the premises. She advised Members of the issues in the area regarding street drinkers which led to anti social behaviour. Councillor Stapleton reported that the street drinkers congregated in the car park behind the premises and that shop owners and residents suffered from daily anti social behaviour. Councillor Stapleton expressed concerns that whilst the applicant had stated that he did not intend to increase the supply of alcohol at the premises, there was a possibility this may happen in the future and requested that the variation be refused.

Councillor Stapleton 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 considered the representations made by the applicant. Members also considered the representations of the Ward Councillor regarding anti social behaviour caused by street drinking in and around the vicinity of the premises.

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

Members considered the representations made by the applicant in respect of how the premises would operate as a consequence of the variation. Members noted the contents of the operating schedule and the conditions that would be incorporated on the Premises Licence. Members also noted that as a consequence of the variation, the applicant was not seeking to extend the volume of sales of alcohol from the premises and that his intention was to offer an increase in non alcohol products.

Members noted the applicant's willingness to work with the Police and other agencies to address the concerns of local residents and become a Member of the local PubWatch Scheme in order to assist in dealing with issues of anti social behaviour in the area.

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 in respect of the Convenience Store, 7 Oxton Road, Birkenhead, be varied as applied for, namely that the licensed area be extended to include the premises located at 9 Oxton Road, Birkenhead.

(3) That the following condition be placed on the Premises Licence:

- **That the premises must be a Member of the local PubWatch Scheme.**