

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 17 May 2013

Present:

Councillors	W J Davies	J Salter
	A Leech	M Hornby
	S Niblock	

112 **APPOINTMENT OF CHAIR**

Resolved -

(1) That Councillor W J Davies be appointed Chair to consider the item regarding News and Booze together with Councillors M Hornby and S Niblock.

(2) That Councillor J Salter be appointed Chair to consider the item regarding Port Sunlight Garden Centre together with Councillors M Hornby and A Leech.

113 **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.

114 **APPLICATION FOR A PREMISES LICENCE - NEWS AND BOOZE, 264-266 CONWAY STREET, BIRKENHEAD**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Mr Sukhdeep Thiara for a Premises Licence in respect of News and Booze, 264-266 Conway Street, Birkenhead, under the provisions of the Licensing Act 2003.

The hours requested were outlined within the report and it was further reported that the Licensing Act 2003 Sub-Committee had revoked the Premises Licence following a review made by Merseyside Police on 20 October 2011.

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. Further to a meeting with Merseyside Police the applicant had agreed to a number of conditions being imposed on the Premises Licence should the Licence be granted.

Representations had been received from a local resident and from Stronger Communities Initiative Assembly. The representations related to anti-social behaviour caused by youths within the vicinity of the premises.

A representation had also been received from Birkenhead and Tranmere Ward Councillors which supported the concerns of local residents. Copies of all the representations were available.

Councillor Niblock declared that he was related to a member of the public who was in attendance. Mr D K Abraham, Legal Advisor to the Sub-Committee confirmed that the member of the public had not made any representations and therefore the matter could proceed.

The applicant attended the meeting. Councillors Kenny and Stapleton, Ward Councillors, were also in attendance together with Mrs S Hughes, local resident.

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

The applicant addressed the Sub-Committee and explained that he had relocated to the area from London in order to start a business venture. He understood the concerns of local residents but expressed a wish to work with the community to ensure anti social behaviour would not occur. He also advised that he would work with the responsible authorities. He informed Members that he would not permit customers to drink outside the premises and that CCTV would be installed. He offered to reduce the hours applied for and estimated that the percentage of alcohol sales would be 65%. The applicant offered to reduce the strength of cans of cider and lager from 9% ABV to 8% ABV and advised that he would become a member of Shopwatch and Pubwatch. He reported that he had previous experience at a premises in London and requested that the application be granted.

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

Councillor Stapleton reported upon the problems that had occurred in 2011 relating to anti social behaviour, including drunken teenagers, drugs and violence which occurred on a daily basis when the premises previously held a Premises Licence. She advised that the playground in the area had been burnt down and that children were prevented from playing in the area due to the alcohol related anti social behaviour at the time when the premises previously had a licence to sell alcohol. She advised that the area had greatly improved since the previous Premises Licence had been revoked and that a large amount of work had been undertaken to improve the area which had since changed significantly. Councillor Stapleton informed Members that selling alcohol at the premises would be a magnet for street drinkers and urged that the application be refused.

Councillor Kenny spoke on behalf of residents and Ward Councillors and requested that the application be rejected. He referred to the serious problems of street drinkers in the area and advised that residents suffered on a daily basis. He believed that existing problems would be exacerbated should the application be granted. He reported upon the work undertaken to improve the area by the Stronger Community

Initiative Assembly and believed that this would be undermined should the application be granted. Councillor Kenny confirmed that there had been a mobile police unit situated in the area to deal with issues of anti social behaviour. Councillor Kenny urged that the application be refused.

Councillors Kenny and Stapleton responded to questions from Members of the Sub-Committee.

Mrs Hughes reported upon the previous problems she had personally encountered when the premises had held a Premises Licence. She advised Members that these problems had greatly improved since the Premises Licence had been revoked and expressed concerns that the problems would reoccur should the application be granted. She advised Members that since the licence had been revoked it was a better place to live for both adults and children 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 of the Licensing Act 2003 Sub-Committee heard representations made by the applicant in support of the application, including the steps that would be taken to prevent the sale of alcohol to persons under the age of 18 and persons who were known street drinkers.

Members had regard to the representations made by and on behalf of local residents, both in writing and orally at the Hearing, concerning public nuisance and alcohol related anti social behaviour that was prevalent at the time when the premises was previously licensed to sell alcohol. Members also took into account evidence that street drinking was currently a particular problem in the Birkenhead area which was not contested by the applicant.

In determining the matter Members had particular regard to the evidence provided by local residents and the Ward Councillors as to how the area has improved significantly in respect of the level of alcohol related anti-social behaviour within the vicinity of the premises since the previous Premises Licence was revoked. Members also took into account the reported work that had been undertaken by the Stronger Communities Initiative Assembly and local residents to improve the area since the Premises Licence had been revoked.

In determining the matter Members of the Licensing Act 2003 Sub-Committee gave consideration to the representations made by the applicant in support of the application, including the steps that would be taken to prevent the sale of alcohol to persons under the age of 18 and persons who were known street drinkers. Members also took into account that the applicant advised that should a licence be granted, alcohol sales were expected to account for 65 per cent of sales.

In determining the application Members were guided by their responsibility to assess the evidence on both the risks and benefits for or against making the determination. Members concluded that the granting of a licence with conditions was not an appropriate step to take in promoting the Licensing Objectives particularly relating to the prevention of public nuisance and the protection of children from harm.

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 News and Booze, 264-266 Conway Street, Birkenhead, be refused.

115 APPLICATION FOR A PREMISES LICENCE - PORT SUNLIGHT GARDEN CENTRE, THE CAUSEWAY, PORT SUNLIGHT

The Strategic Director of Regeneration and Environment reported upon an application that had been received from M & S Wilkinson Limited for a Premises Licence in respect of Port Sunlight Garden Centre, The Causeway, Port Sunlight, under the provisions of the Licensing Act 2003.

The hours requested were outlined within the report. 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.

Representations had been received from four local residents. The representations related to concerns that should the application be granted, this would result in an increase in anti-social behaviour and noise nuisance which was currently considered to be a problem within the vicinity of the premises. Copies of all the representations were available.

Mrs H Wall, Manager and Mr M Scott, Garden Centre Manager attended the meeting.

The Licensing Manager confirmed that all documentation had been sent and received and that one of the representations that had been made had subsequently been withdrawn.

Mr Scott addressed the Sub-Committee and advised Members that there was no intention for the premises to be open daily until 11 pm. He explained that the application had been made in order that the premises could occasionally hold events such as late night shopping round Christmas time, flower arranging events and charity funding events. He informed Members that the intention was to sell premium priced alcohol in the café and alcohol for consumption of the premises in gift packs. He reported that the range of alcohol on offer would be limited and that they were not seeking to change the use of the premises and that the premises would operate as it does currently for most of the year and asked that the application be granted.

Mr Scott responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to 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 representations made and gave due consideration to the way in which the business would operate with a Premises Licence and determined that the licensing objectives would not be undermined should the application be granted.

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 Port Sunlight Garden Centre, Port Sunlight, be granted.**