

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 17 July 2013

Present:

Councillors E Boulton
M Hornby
P Williams

1 **APPOINTMENT OF CHAIR**

Resolved - That Councillor P Williams be appointed Chair for this meeting.

2 **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.

3 **APPLICATION FOR A PREMISES LICENCE - LISCARD CONVENIENCE STORE, 218 LISCARD ROAD, LISCARD**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Mr Wshiar Mohammed for a Premises Licence in respect of Liscard Convenience Store, 218 Liscard Road, Liscard, 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. Following discussions with Merseyside Police, the applicant had agreed to certain conditions being imposed on the Premises Licence should the application be granted.

A representation and a petition had been received which had been signed by 25 Members of the Central Liscard Area Residents Association. A further petition had also been received signed by 87 local residents. The representation and petitions related to the cumulative impact of licensed premises within the vicinity of the premises in respect of anti-social behaviour, in particular under aged drinking. A copy of the representation and petitions were available.

A representation had also been received from Ward Councillor, Bernie Mooney. The representation supported the concerns expressed by local residents. A copy of the representation was available.

The applicant attended the meeting together with his representative, Mr Jordan.

Councillor Mooney, Ward Councillor and Mr Singh, a local businessman were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and informed Members that Mr Hale, Chair of Central Liscard Area Residents Association, was unable to attend but that Councillor Mooney would address the issues he had raised in his representation.

Mr Jordan advised the Sub-Committee that the applicant would be willing to reduce the hours applied for regarding the sale of alcohol to:

Monday to Saturday 08:00 to 23:00

Sunday 09:00 to 22:00

He further informed Members that no more than 25% of the floor space would display alcohol and gave details of the staff training programme that would be in place which included an ID procedure, the consequences of underage sales and selling outside of the hours permitted, proxy sales, street drinkers, a refusals register and the placing of appropriate signage which would be displayed in the window, at the point of sale and by the alcohol display. He advised that a strong training programme would be put in place in order to address the issues that had been raised in the representations. He believed that there was no evidence that the applicant would sell to people under the age of 18 or to those intoxicated or street drinkers and that there was no link to anti social behaviour. He referred to the fact that no representations had been submitted by Merseyside Police and there was no evidence to suggest the premises would not promote the licensing objectives. He advised Members that training would be updated every four months and that the applicant would also attend any training delivered by Trading Standards and asked that the application be granted.

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

Mr Singh reported upon high levels of binge drinking in the vicinity of the premises and stated that there were already a number of off licences in the area. He informed Members of problems of youths congregating outside licensed premises and causing anti social behaviour.

Councillor Mooney commended the existing premises however she outlined the very serious problem of underage drinkers in Liscard and expressed her concerns regarding the possibility of another outlet being permitted to sell alcohol as there were already a number of licensed premises within the vicinity. She commented upon the location of the premises and raised concerns regarding traffic problems. Councillor Mooney further explained to Members that the biggest issue was regarding people buying alcohol and consuming it at the back of the premises opposite the park and reported upon the problem of people buying alcohol on behalf of people who are under the age of 18. Councillor Mooney expressed concerns regarding the staffing levels at the premises and the enforcement of the proposals put forward by the applicant. Councillor Mooney commented upon the need for a special cumulative impact policy in the area and requested that the application be refused.

Councillor Mooney and Mr Singh responded to questions from Members of the Sub-Committee.

Further to questions raised by the Members of the Sub-Committee, the applicant's representative confirmed that he would be content for the hours of the sale of alcohol to be reduced from 23:00 to 22:00.

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 and had regard to the representations made by Mr Singh and Ward Councillor, Bernadette Mooney relating to concerns that the sale of alcohol at the premises could lead to an increase in anti social behaviour within the vicinity of the premises.

Members had regard to the fact that there were no representations from the Responsible Authorities, in particular, Merseyside Police but noted that the applicant had agreed to adopt certain conditions proposed by Merseyside Police should the application be granted, which included staff training, a Challenge 25 Policy and the maintenance of a refusals log.

Members determined that there was no evidence presented by those objecting, that the granting of a Premises Licence would result in the sale of alcohol to persons under the age of 18 from these premises or that there would be an increase in anti social behaviour and had regard to the measures put forward by the applicant to prevent the sale of alcohol to persons under the age of 18 years.

Members considered the representations made in respect of how the premises would be operated and how the licensing objectives would be maintained and noted the contents of the operating schedule and the conditions that will be incorporated on the Premises Licence.

Members took into account that the applicant would voluntarily take part in any initiative undertaken by the Licensing Authority/Merseyside Police regarding the sale of alcohol to prevent crime and disorder and public nuisance in the area.

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 following 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 in respect of Liscard Convenience Store, 218 Liscard Road, Liscard, be granted with the following hours:

Sale by Retail of Alcohol

Monday to Saturday

08:00 to 22:00

Sunday 09:00 to 22:00

Hours Open to the Public

Monday to Saturday 07:00 to 23:00

Sunday 09:00 to 23:00

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

- **Prior to being allowed to sell alcohol, all employees must receive in house training in respect of the legal requirement to refuse the sale of alcohol to persons under the age of 18 years, people buying on behalf of persons under 18, as well as persons who are drunk. Documentation must be provided to an Authorised Officer on request to demonstrate that such training has taken place.**
- **All staff working at the premises must receive regular updated training in respect of preventing the sale of alcohol to persons under 18 years of age, people buying on behalf of persons under 18, as well as persons who are drunk. Documentation must be provided to demonstrate that such training has taken place to an Authorised Officer on request.**
- **The premises must adopt a Challenge 25 Policy and display the appropriate posters regarding this Policy.**
- **The premises must maintain a refusals log book. This log book must be made available on request to an Authorised Officer to ensure that it is being used.**
- **CCTV must be installed at the premises in accordance with the specification issued by the Licensing Authority.**
- **Notices must be displayed in a prominent position and be visible to individuals outside of the premises stating that it is illegal to buy alcohol for somebody under the age of 18 and that the premises will not sell to individuals purchasing alcohol on behalf of anybody under the age of 18.**