

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 4 December 2013

Present:

Councillors J Salter
M Hornby
P Williams

39 **APPOINTMENT OF CHAIR**

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

40 **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.

41 **APPLICATION TO VARY A PREMISES LICENCE - STEADMANS, 183-185 SEABANK ROAD, NEW BRIGHTON**

This application had been withdrawn prior to the hearing.

42 **APPLICATION FOR A PREMISES LICENCE - DAILY POST, 84 BEBINGTON ROAD, NEW FERRY**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Vinothin Shanmugalingam Kugathas for a Premises Licence in respect of the Daily Post, 84 Bebington Road, New Ferry, 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.

A representation had been received from a local resident. The representation related to concerns that alcohol related anti-social behaviour may increase should the application be granted.

A representation had also been received from Merseyside Police. The representation related to concerns that the proposed Licence Holder and Designated Premises Supervisor would not act in accordance with the Licensing Objectives should the application be granted. Copies of the representations were available.

The applicant attended the meeting together with her representative and the proposed Designated Premises Supervisor.

Sergeant S Barrigan and Constable R Jones, Merseyside Police, were also in attendance.

Councillor Niblock, Ward Councillor attended the meeting on behalf of the local residents who had made written representations.

The Licensing Manager confirmed that all documentation had been sent and received and informed Members that the local resident who had made a written representation had provided written authorisation for Councillor Niblock to speak on his behalf.

The applicant's representative advised Members that the premises was a small retail store situated in a residential area. He advised that the applicant was re-locating back to the area with her family and that she had not been aware of her brother's immigration status at the time she specified that he would be the Designated Premises Supervisor at the premises. He reported that the applicant's cousin would now be the Designated Premises Supervisor who had obtained her Personal Licence and had experience of working in a garage in London that sold alcohol. He informed Members that the reason for the application was to make the premises financially viable and that the applicant realised her responsibilities with regard to selling alcohol and outlined how the premises would be operated in that a number of measures would be in place including staff training, Challenge 25 Policy and CCTV coverage. He also advised that the applicant was willing to work with residents and the Police and was willing to adopt and agree any conditions proposed.

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

In response to questions raised, the proposed Designated Premises Supervisor demonstrated her knowledge of the licensing objectives and outlined measures that would be applied to uphold these. The applicant proposed that no beer or cider above 6.5% ABV would be sold at the premises.

Sergeant Barrigan reported upon concerns relating to the ability of the proposed Designated Premises Supervisor and the applicant to effectively uphold the licensing objectives. He advised Members that statements made by the applicant during the application process had differed from information given at the hearing. Sergeant Barrigan also informed Members that the premises was located within an area that was subject to a Designated Public Places Order and that he had concerns regarding the level of anti social behaviour linked to alcohol within the area. Sergeant Barrigan proposed that a number of conditions be attached to the Premises Licence should it be granted.

Sergant Barrigan responded to questions from the applicant's representative.

Councillor Niblock expressed concerns regarding the location of the premises in that it was situated in a Designated Public Places Order area and that the Order had been made due to issues of antisocial street drinkers in the area. He reported upon

the number of licensed premises within the vicinity and referred to Section 7 of the Council's Statement of Licensing Policy and Sections 13.19 and 13.27 of the Statutory Guidance issued under Section 182 of the Licensing Act 2003. Councillor Niblock also expressed concerns as to whether the licensing objectives would be upheld and requested that no single cans be sold and that the application be refused.

Councillor Niblock responded to questions from Members of the Sub-Committee and the applicant's representative who agreed to the request that no single cans be sold at the premises.

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 by the applicant, Merseyside Police and Councillor Niblock on behalf of a local resident.

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 after 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 the Daily Post, 84 Bebington Road, New Ferry, be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 22:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

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

- That 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 and training records must be kept and maintained and available on request to an Authorised Officer.**
- The premises must adopt a Challenge 25 Policy and display the appropriate posters regarding this Policy.**
- The premises must maintain a refusals log book and an incident book. These log books must be made available on request to an Authorised Officer to ensure that they are being used.**
- CCTV must be installed at the premises. Tapes and visual images recorded shall be retained for a period of 31 days and the system installed at the premises must be at least in accordance with the specification issued by the Licensing Authority.**

- **Details of all staff who do not hold a UK passport, present and future, are passed to the Wirral Police Licensing Unit in order that their details are checked by the UKBA in order to ascertain their immigration status and establish as to whether it is permissible and legal to employ them.**
- **Beer or cider with an ABV above 6.5% must not be sold at the premises.**
- **Beer or cider must not be sold in single cans.**