

# LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 19 December 2013

Present:

Councillors    S Niblock  
                      T Norbury  
                      J Salter

43     **APPOINTMENT OF CHAIR**

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

44     **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.

45     **APPLICATION FOR A PREMISES LICENCE - NEWS DAYS, 47 OXTON ROAD, BIRKENHEAD**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Mr Wadah Hariz for a Premises Licence in respect of News Days, 47 Oxtan Road, Birkenhead, 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. A petition had also been received signed by 151 local residents. The representation and petition related to public nuisance being caused by street drinkers within the vicinity of the premises and concerns that if the application is granted public nuisance would increase. Copies of the representation and the petition were available.

A representation had also been received from Merseyside Police. The representation related to a current problem with street drinkers within the vicinity of the premises. Merseyside Police had concerns that the licensing objectives would not be upheld should the application be granted. A copy of the representation was available.

The applicant attended the meeting.

Sergeant S Barrigan and Constable P Coley, Merseyside Police, were also in attendance.

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 and submitted the petition was unable to attend the meeting.

The applicant advised Members that he had owned a number of licensed premises in Wirral and that he had been trading since 1996. He informed Members that he had submitted the application for a Premises Licence in order to offer customers a comprehensive range of products. He believed that the premises would not be a viable business without a Premises Licence and would close down. He reported that he was a Team Leader of Wirral Change and therefore had a knowledge of the local area and the problems regarding street drinkers in the vicinity.

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

In response to questions raised, the applicant demonstrated his knowledge of the current problems in the area and outlined some measures he considered would address these issues.

Sergeant Barrigan reported upon concerns that the premises would give rise to a negative cumulative impact on one or more of the licensing objectives should the application be granted. He accepted the applicant's knowledge of the area which was demonstrated through his verbal representations however he still believed the applicant should have a better understanding of the policies that needed to be in place to uphold the licensing objectives. Sergeant Barrigan referred to his written representations and the chronology of the applicant's involvement with the premises. Sergeant Barrigan also provided details of the crime and disorder issues caused by the misuse of alcohol in the vicinity of the premises. Sergeant Barrigan requested that the application be refused, however, if Members were minded to grant the application, Sergeant Barrigan proposed a number of conditions to be attached to the Premises Licence.

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

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 as well as those made by a local resident and the petition submitted which related to concerns of public nuisance being caused by street drinkers within the vicinity of the premises.

Members considered the representations made by Merseyside Police in respect of their concerns relating to the ability of the applicant to effectively uphold the licensing objectives. Members heard from Merseyside Police the fact that the premises is located within an area where there are concerns regarding the level of anti social behaviour linked to alcohol.

In considering these representations, Members had regard to the fact that the applicant was willing to adopt and agree all the conditions proposed by Merseyside Police, to address the concerns raised.

Members considered the representations made in respect of the applicant's knowledge of the problems in the area regarding street drinkers and the work he had undertaken to try and help address these issues.

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 News Days, 47 Oxton Road, Birkenhead, be granted with the following hours:**

**Sale by Retail of Alcohol**

**Sunday to Saturday 10:00 to 22:00**

**Hours Open to the Public**

**Sunday to Saturday 08:00 to 22:00**

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

- **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, to be passed to the Wirral Police Licensing Unit in order that their details can be checked by the UKBA in order to ascertain their immigration status and establish as to whether it is permissible and legal to employ them.**
- **The premises must adopt a Challenge 25 Policy and display the appropriate posters regarding this Policy.**
- **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.**
- **All training must be recorded and updated at least every six months.**

- **The premises must maintain a refusals log book and an incident book. These must be made available on request to an Authorised Officer to ensure that they are being used.**
- **Beer or cider with an ABV above 6% must not be sold at the premises.**
- **Beer or cider must not be sold in single cans.**
- **No sale of alcohol must be made to customers who have been identified by the authorities as known street drinkers.**
- **A till prompt system must be installed and maintained at the premises in order to alert staff to check the age of any purchaser attempting to purchase alcohol.**