

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 2 July 2014

Present:

Councillors G Ellis
 S Niblock
 M Sullivan

4 **APPOINTMENT OF CHAIR**

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

5 **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.

6 **APPLICATION FOR A PREMISES LICENCE - PASTURE NEWS, 27 PASTURE ROAD, MORETON**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from John Navarathnam for a Premises Licence in respect of Pasture News, 27 Pasture Road, Moreton, 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 Merseyside Police. The representation related to a current problem of anti-social behaviour caused by youths within the vicinity of the premises including attempts by these youths to obtain alcohol, either in person or by proxy. Merseyside Police had concerns that should the application be granted this would provide increased opportunity to commit crime and disorder. Merseyside Police also advised that the applicant had been issued with a Fixed Penalty Notice in June 2013 following the sale of alcohol to persons under the age of 18 whilst working at a store in Prescot, Merseyside. A copy of the representation was available.

The applicant attended the meeting together with his representative Mr Douglas.

Sergeant Barrigan attended the meeting together with Constable Coley and Neighbourhood Sergeant Roberts.

The Licensing Manager confirmed that all documentation had been sent and received and that Sergeant Barrigan wished to submit photographs of the premises which had been agreed to by Mr Douglas.

The applicant's representative referred to the fact that the only representation that had been received was that of Merseyside Police. He pointed out that no representations had been made by local residents, Councillors or any of the other responsible authorities. He believed that the application was not controversial in respect of the operating hours and no comment had been made upon the hours by Merseyside Police. He referred to the fact that there was no cumulative impact policy in the area and believed that granting the application would not give rise to a negative cumulative impact. He pointed out that the calls made regarding anti social behaviour had been made by the same person but that the individual concerned had not made a representation. He referred to the test purchase which had been failed by the applicant and believed that he should not be penalised by this one incident. He advised Members that the applicant would operate a Challenge 25 Policy and that staff would attend training provided by Trading Standards or an accredited BIIAB trainer. He also assured Members that if youths congregated outside the premises they would be asked to move on and proposed that the applicant would be content to leave a condition on the Premises Licence regarding this. He understood that the problems of anti social behaviour in the area were under control.

Mr Douglas informed Members that the applicant held a Personal Licence and had been trained accordingly. He advised that the applicant had been at the premises for 12 months and the reason for the application was business related. He proposed that alcohol sales would be approximately 20%. Mr Douglas believed there was a lack of evidence in support of the Police representation and referred to the Thwaites case. He requested that the applicant be given the opportunity to sell alcohol and asked that Members grant the application.

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

Sergeant Barrigan advised that the belief of Merseyside Police was that granting the Premises Licence would give rise to a negative cumulative impact on one or more of the licensing objectives and informed Members that there was an existing problem of anti social behaviour linked to licensed premises on Pasture Road. He referred to ten calls received from a nearby premises regarding a group of young males who had caused problems in and around the store and raised concerns that this cohort of males would have an increased opportunity to commit crime and disorder. Sergeant Barrigan also raised concerns regarding the protection of children from harm due to the applicant having been issued with a Fixed Penalty Notice for the sale of alcohol to persons under the age of 18 in June 2013. Sergeant Barrigan requested that Members consider refusing the Premises Licence as he had concerns regarding the applicant's ability to promote the licensing objectives.

Sergeant Roberts informed Members that he had worked in Moreton for a number of years and that the shops on Pasture Road attracted groups of young people. He advised Members that Merseyside Police had targeted this area and had achieved some success in reducing the issues but that this work was ongoing.

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

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 considered the representations made by the applicant and his representative, Mr Douglas. Members had regard to the representations made by Merseyside Police, in respect of concerns that anti-social behavior, underage drinking and public nuisance could increase should the application be granted.

In considering these concerns Members had regard to the lack of evidence provided by Merseyside Police as well as the measures that the applicant was prepared to put in place to ensure that the Licensing Objectives would be upheld and ensure that alcohol would not be sold to young persons under the age of 18, including CCTV, till prompts and staff training.

Merseyside Police had concerns that this premises would be targeted in the same way as another premises in the area and gave evidence of the applicant receiving a Fixed Penalty Notice for selling alcohol to an underage person in his previous employment. In considering this matter, Members gave consideration to the fact that the applicant was willing to undertake further training to prevent the sale of alcohol to persons under the age of 18.

In determining the matter Members have also taken 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 for a Premises Licence in respect of Pasture News, 27 Pasture Road, Moreton, be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 22:30

Hours Open to the Public

Sunday to Saturday 07:00 to 22:30

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

- **All employees must complete training in relation to the prevention of the sale of alcohol to persons under the age of 18 years before being allowed to sell alcohol in the shop. This training must be provided by**

Trading Standards or an accredited training provider. Evidence of this training must be provided to the Licensing Authority.

- **All employees must complete training in relation to proxy sales before being allowed to sell alcohol in the shop. The training must be provided by Trading Standards or an accredited training provider. Evidence of this training must be provided to the Licensing Authority.**
- **Refresher training must be conducted with staff by the Designated Premises Supervisor at least every 6 months.**
- **Written records of all training undertaken in respect of selling alcohol to persons under the age of 18 years and proxy sales must be kept at the premises and made available to an Authorised Officer upon request to satisfy the Officer that the training has taken place.**
- **The premises must adopt a Challenge 25 Policy and display the appropriate posters regarding this Policy.**
- **Posters must be displayed at the premises stating that no sale of alcohol will take place to persons buying alcohol on behalf of persons under the age of 18.**
- **The premises must maintain a refusals log book and an incident book. These log books must be checked and signed by the Designated Premises Supervisor on a weekly basis to ensure that they are being used. The books must be available to an Authorised Officer on request.**
- **CCTV must be installed at the premises at least in accordance with the specification issued by the Licensing Authority. The CCTV coverage must also include a minimum of two cameras outside of the premises.**
- **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.**
- **Any youths gathering outside of the premises must be asked to move on by staff of the premises. Records of these requests must be maintained in the incident log.**