

# LICENSING ACT 2003 SUB-COMMITTEE

Monday, 15 December 2014

Present:

Councillors    S Niblock  
                      T Norbury  
                      H Smith

41    **APPOINTMENT OF CHAIR**

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

42    **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.

43    **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WEST KIRBY ARTS CENTRE, 29 BROOKFIELD GARDENS, WEST KIRBY**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Anthony Woof for a Premises Licence in respect of West Kirby Arts Centre, 29 Brookfields Gardens, West Kirby, 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 eighteen local residents. A petition containing thirty four signatures had also been received. The representations related to public nuisance and anti-social behaviour which they considered would be caused by customers of the premises should the application be granted.

Four representations had also been received in support of the application that considered the Licensing Objectives would not be undermined should the application be granted. Copies of the representations were available.

The applicant attended the meeting with his representative, Mr Holland and the Artistic Director of the proposed centre.

A number of local residents were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that some apologies had been received from local residents who were unable to attend. The Licensing Manager further advised that the local residents in attendance had requested that the matter be adjourned.

Mr Holland commented that he had no objections to the matter being adjourned in order that any matters could be discussed between the residents and the applicant.

Mrs Black, local resident requested that the matter be adjourned in order that residents may be given further opportunity to clarify matters.

The Members of the Sub-Committee advised that as both parties were in agreement, they would allow the request for this matter to be adjourned to a date to be specified.

**Resolved – That the application for a Premises Licence in respect of West Kirby Arts Centre be adjourned.**

44 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - RB FOOD AND WINE NEWS, 405 PENSBY ROAD, PENSBY**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Sathyaseelan Arasakone for a Premises Licence in respect of RB Food and Wine News, 405 Pensby Road, Pensby under the provisions of the Licensing Act 2003.

The hours requested were outlined within the report and it was reported that the applicant had agreed to reduce the original hours applied for subsequent to discussions with Merseyside Police.

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 two local residents. The representations related to concerns that public nuisance and anti-social behaviour would increase should the application be granted. Copies of the representations were available.

The applicant attended the meeting with his representative, Mr Jordan and the proposed Designated Premises Supervisor.

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

Mr Jordan addressed the Sub-Committee and outlined the application. He advised Members that the applicant was experienced in alcohol sales and that the proposed Designated Premises Supervisor also had experience. He referred to the training programme that would be delivered to all staff which included an age verification policy, proxy sales, training on drugs/street drinkers, how to deal with groups entering

the store. He further explained that a refusal book and incident book would be kept at the premises, that signage would be in place asking people to leave quietly and that extensive CCTV would be installed. Mr Jordan addressed the representations that had been received and explained that the licensing objectives would be promoted through the training programme.

Mr Jordan, the applicant and the proposed Designated Premises Supervisor, responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee.

In response to questions, Mr Jordan explained that the applicant had two years experience of running a premises in Greasby and the proposed Designated Premises Supervisor had a number of years experience as a Designated Premises Supervisor at a petrol station which had a licence to sell alcohol.

Mr Jordan submitted that the training programme that would be put in place at the premises would address any concerns from local residents and believed the application should be granted as applied for without any additional conditions being placed upon the Premises Licence.

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 written representations made by local residents as well as information provided by the applicant in support of the application including details of the experience of the proposed Designated Premises Supervisor.

Members gave consideration to the measures proposed by the applicant that would be put in place to ensure that the licensing objectives would be promoted and how the concerns of local residents would be addressed. Members took into account the fact that the applicant had liaised with Merseyside Police and in accordance with their recommendations had amended the application in relation to the hours for the sale of alcohol.

Members noted the concern regarding the number of other licensed premises within the vicinity of these premises and took into account the Statutory Guidance which states that it is not a matter for the Licensing Authority to consider the need for premises when determining applications.

In determining the matter Members also took into account the fact that no representations had been received from any of the Responsible Authorities.

**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 RB Food and Wine News, 405 Pensby Road, Pensby, be granted with the following hours:**

**Sale by Retail of Alcohol**

**Sunday to Saturday**                      **08:00 to 23:00**

**Hours Open to the Public**

**Sunday to Saturday**                      **06:00 to 23:00**