

# LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 1 October 2015

Present:

Councillors    A Hodson  
                      S Niblock  
                      J Salter

14    **APPOINTMENT OF CHAIR**

**Resolved – That Councillor A Hodson be appointed Chair for this meeting.**

15    **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.

16    **APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - K & M GENERAL STORE, 7-9 OXTON ROAD, BIRKENHEAD**

The Strategic Director of Regeneration and Environment reported upon an application that had been received by Trading Standards to review the Premises Licence in respect of K & M General Store, 7-9 Oxtan Road, Birkenhead.

The premises currently hold a Premises Licence.

The Strategic Director advised that the Sub-Committee may, having regard to the application for review and any relevant representations, take such of the following steps as it considered appropriate for the promotion of the licensing objectives:

- Modify the Conditions of the Licence.
- Exclude a licensable activity from the scope of the Licence.
- Remove the Designated Premises Supervisor.
- Suspend the Licence for a period not exceeding three months.
- Revoke the Licence.

The Licensing Authority may decide that no action would be appropriate if it found that the review did not require it to take any steps that would be appropriate to promote the licensing objectives.

The application had been received from Trading Standards who advised that the grounds for review were in relation to illegal activity occurring at the premises which included the sale of duty diverted alcohol, the sale of alcohol outside of the permitted hours and alcohol being sold to persons under the age of 18 years.

A representation had been received from Merseyside Police who supported the application due to the illegal activities taking place at the premises. A representation had also been received from Environmental Health which related to the licensing objectives not being upheld due to alcohol being sold to persons who are already drunk and duty diverted alcohol being sold at the premises. Public Health had also submitted a representation as they considered that all four licensing objectives were being undermined by the Premises Licence Holder. Copies of all representations were available.

Heidi Jones, Trading Standards, attended the meeting together with Gill Littlehales and Geoff Lee, Merseyside Police Licensing Officers, Jon Hardwick, Environmental Health and Tricia Cavanagh, Public Health.

The Premises Licence Holder attended the meeting together with the owner of the premises and their representative, Mr Martin Green.

The Licensing Manager confirmed that all documentation had been sent and received and advised Members that Mr Green would be submitting a request for the meeting to be adjourned.

Mr Green addressed the Sub-Committee and advised that he had not received the bundle of papers that had been sent to his client, therefore, he believed that in order to make the appropriate representations he would need further time to consider all the documentation.

The Licensing Manager confirmed that all documentation had been sent to the Premises Licence holder by email.

Heidi Jones, Trading Standards advised Members that she would be opposed to an adjournment as all evidence had been served within the statutory timescales.

A short adjournment took place in order that Members may consider the request for an adjournment.

The meeting reconvened and the Chair advised that having heard the representations made, the matter would be adjourned to a future specified date, namely Thursday 22 October 2015.

**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 request for an adjournment.**

**(2) That the meeting be adjourned to Thursday 22 October 2015.**