

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 23 October 2015

Present:

Councillors G Ellis
 S Niblock
 T Norbury

24 **APPOINTMENT OF CHAIR**

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

25 **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.

Councillor T Norbury declared a non pecuniary interest by virtue of being acquainted with the applicant.

26 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ARROWE STORES, FLEETCROFT ROAD, WOODCHURCH**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Julie and Martin Evans for a Premises Licence in respect of Arrowe Stores, Fleetcroft Road, Woodchurch 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 57 local residents who requested that the application be refused. The representations related to anti-social behaviour being caused by youths within the vicinity of the premises and concerns that this would increase if alcohol was available at these premises. .

Representations had also been received from Upton Ward Councillor, Councillor Whittingham and from Margaret Greenwood MP. The representations supported the concerns expressed by local residents.

A representation had been received from Merseyside Police who advised that the premises was located within an area that suffered from high levels of anti-social

behaviour and considered the licensing objectives of crime and disorder and public nuisance would be undermined should the application be granted.

Six representations had been received from local residents who supported the application as they considered that the licensing objectives would not be undermined if the application was granted.

Copies of all representations were available.

The applicants attended the meeting together with Ms Sherratt, Licensing Matters and Ms Clover, Barrister for the applicant.

Ward Councillor Tony Smith, Geoff Lee and Samantha Cushion, Police Licensing and the Designated Police Officer for the area, Sharon Roderick were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that Councillor Smith was in attendance on authority from Councillor Whittingham. A number of local residents attended the meeting but had indicated they were content for Councillor Smith to speak on their behalf.

Ms Clover outlined the background to the application. She informed Members that the applicants were deeply rooted within the community and had bought the premises in 2001. Members were advised that the applicants had resurrected the Post Office, had a good track record and provided useful services to the community. Ms Clover informed Members how measures would be put in place to ensure that the licensing objectives would be promoted and that the alcohol would not be sold in such a way that it would be detrimental to the community. Members heard that the premises would implement a Challenge 25 Policy to prevent the sale of alcohol to persons under the age of 18 and that comprehensive training and guidance would be provided to staff working at the premises in respect of the responsible sale of alcohol. Ms Clover believed that there must be an existing failure if youths were already obtaining alcohol in the area and the premises it was obtained from should be reviewed. Members were advised that the applicants would be prepared to sign up to the voluntary scheme which was in place to reduce the high strength alcohol.

Members were advised that whilst the applicant had no experience regarding the sale of alcohol, she did have experience regarding the sale of age restricted products and that the premises operates a till prompt to remind staff to check the age of potential purchases of such products. Members were informed that the applicant had traded in this location since 2001 and was aware of the concerns raised by residents and in particular, had experience of individuals seeking to purchase age restricted products on behalf of young people. It was demonstrated to Members how a sale at the premises had been refused. Members were also informed that alcohol would constitute a modest percentage of the retail space within the shop. Ms Clover pointed out that the only representation received from a Responsible Authority was that of Merseyside Police, however she pointed out that the Police had powers to address these issues and that the area had not been made a cumulative impact zone. She also referred to the number of positive letters from local residents who were in support of the application.

Ms Sherratt informed Members that all measures were in place to uphold the licensing objectives and provided details of the training and support that would be in place and on hand should it be required by the applicant.

The applicant and her representatives responded to questions from Members of the Sub-Committee and Mr J Coen, Legal Advisor to the Sub-Committee.

Merseyside Police referred to the statement provided by Inspector Griffiths which outlined his concerns relating to historic problems with drink and drug abuse within the Woodchurch and Upton area. Information was provided relating to adult street drinkers, youth related anti-social behaviour in the shopping precinct on Fleetcroft Road over a number of years, youths congregating outside off licences, youths causing damage in communal areas, how meetings had taken place in respect of the structural layout of the precinct and that a problem solving group had been set up between the Police and Local Authority officers with a view to reducing anti-social behaviour in the area. Members were not provided with details of specific incidents or specific evidence that anti-social behaviour was linked to these premises.

Mr Lee responded to questions from Members of the Sub-Committee, Mr Coen, Legal Advisor to the Sub-Committee and Miss Clover.

Councillor Tony Smith reported that he had been Ward Councillor in Upton for twelve years and advised Members that he had worked closely with Inspector Griffiths as the Woodchurch area had suffered from drug and alcohol related problems. Members heard from Councillor Smith that he was part of a multi-agency problem solving initiative to address the issues in the area and worked closely with young people. Councillor Smith stated that whilst he wanted to see businesses thriving, it was his view that should the application be granted, this would have an adverse impact on the work that was being done to reduce anti-social behaviour in the area.

Councillor Smith responded to questions from Members of the Sub-Committee and Miss Clover.

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.

In determining the matter Members considered the submissions made by the applicant as well as representations made by residents both in support of the application and those opposing the application, Merseyside Police, Ward Councillors and Margaret Greenwood MP.

Members had regard to the concerns from both residents and Merseyside Police regarding the level of anti-social behaviour in the area where the premises was located, however, they considered that no detailed evidence had been provided to demonstrate that the granting of the licence would undermine the licensing objectives.

In determining the application, Members took into account the fact that the applicant would put effective measures in place to prevent the sale of alcohol to persons who are not lawfully entitled to purchase it. Members were also advised that should a

Premises Licence be granted, the applicant would actively participate in and support Wirral's 'Reduce the Strength' campaign.

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 Arrowe Stores, Fleetcroft Road, Woodchurch, 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 06:00 to 22:00

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

- **A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. Downloads will be provided to the Police and other authorities upon request in line with the Data Protection Act 1998.**
- **The premises must maintain a paginated refusals book. The register shall be examined on a regular basis by the duty manager/DPS and the date and time of each examination will be endorsed in the register. The register must be kept on the premises and made available for inspection by an Authorised Officer upon request.**
- **Alcohol must only be displayed/exposed for sale in accordance with the green highlighted areas on the plan.**
- **All staff must be vigilant and monitor the area immediately outside the premises to ensure that youths do not congregate. Staff must report incidents to the Police if deemed appropriate. Records of this monitoring and reporting must be maintained in the incident book and made available to an Authorised Officer upon request.**
- **The premises must adopt a Challenge 25 Policy and display the appropriate posters regarding this Policy.**

- **All staff allowed to sell alcohol in the shop must have a Level 1 qualification in Responsible Alcohol Retailing. Refresher training must be conducted with staff at least every 3 months. Written records of this training must be kept at the premises and made available to an Authorised Officer upon request.**