

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 7 July 2016

Present: Councillor T Norbury (Chair)
L Reecejones
P Stuart

4 APPOINTMENT OF CHAIR

Resolved – That Councillor T Norbury be appointed as 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 UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - BP, 1 BRIMSTAGE ROAD, BEBINGTON, CH63 3EL

The Assistant Chief Executive reported upon an application that had been received from BP, 1 Brimstage Road, Bebington, for a Premise Licence 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 noted that following receipt of the representations submitted in relation to the application, the Applicant had amended the application to reduce the hours for the sale of alcohol from 24 hours to the hours as detailed within the report. The Applicant had removed the request for Late Night Refreshment. The Licensing Manager indicated that the exact hours were to be confirmed by Mr Botkai.

The Applicant had also proposed conditions to be applied if the application was to be granted.

A representative of the applicant Mr Botkai, Solicitor representing BP Oil UK Limited attended the meeting with the proposed Designated Premises Supervisor, Mr Davidson and Mr J Williams a local resident was also in

attendance to object to the application. Councillor C Povall was in attendance as Ward Councillor who had made representations in relation to the application of late night refreshments and the premises being requested to be opened for 24 hours.

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

Mr Botkai addressed the sub-committee on behalf of BP Oil UK Limited. Members heard from Mr Botkai who outlined the reasons as to the withdrawal of the application for late night refreshments. Mr Botkai advised the Sub-Committee that in response to the representations made the applicant was also reducing the hours during which the sale of alcohol could take place to between 7:00am and 11:00pm. Mr Botkai further informed Members that there was a Planning restriction on the premises which allows the premises to operate between the hours of 8:00am to 10:00pm but he was aware that BP were seeking to vary this restriction. Mr Botkai commented that if the Members were minded to approve the licence a caveat could be placed on it to ensure that the premises did not go outside of the hours set out with the Planning application. He then identified to Members that no representations had been received from the responsible authorities.

In relation to concerns raised regarding road safety and litter Mr Botkai indicated that there was no evidence of any impact on road safety and that there would be a continual dialogue with residents should issues of litter become a problem.

Mr Botkai indicated that further to the concerns raised in relation to underage drinking, he confirmed that as part of the conditions detailed within the report there would be appropriate signage and training of staff.

Mr Botkai responded to questions from Members of the Sub-Committee Councillor Povall, local resident Mr Williams and Mr D K Abrahams Legal Advisor to the Sub-Committee. An area of concern highlighted through the questions was the application for the premises to be open to the public for 24 hours.

In response to questions, Mr Botkai clarified that the premises would not trade outside of the planning hours and he understood that any change to the hours specified within the planning restrictions would have to be agreed by a further application to Planning. After some discussion Mr Botkai agreed to amend the application reducing the hours open to the public to be from 7:00am to 11:00pm.

Having heard from Mr Botkai, Councillor C Povall indicated that she would now be withdrawing her representation given the amended application.

Mr Williams then addressed the Committee in objection to the application. He indicated that he had not been told about the previous applications to reduce the hours of opening and that a planning restriction had gone through without objection, and that residents had not been informed.

Mr Williams responded to questions and indicated that given the representations made by Mr Botkai and the clarification given by the legal Advisor and the Licensing Manager he would accept the application subject to all references to "24 hours" being removed.

In determining the application members took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003.

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 BP , Brimstage Road, Bebington, be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 07:00 to 23:00

Hours Open to the Public

Sunday to Saturday 07:00 to 23:00

(3) That in addition to the proposed conditions set out in the operating schedule the following conditions be placed on the Premises Licence:

- All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:**

Induction training which must be completed and documented prior to the sale of alcohol by the staff member.

Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or an authorised officer on request.

- **All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:**

details of the time and date the refusal was made;

the identity of the staff member refusing the sale;

details of the alcohol the person attempted to purchase.

This book/register will be available for inspection by a police officer or an authorised officer on request.

- **An incident book/register shall be maintained to record:**
 - all incidents of crime and disorder occurring at the premises;**

details of occasions when the police are called to the premises.

This book/register will be available for inspection by a police officer or an authorised officer on request.

- **All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.**
- **A notice will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration, so as not to disturb nearby residents.**