



## Licensing Act 2003 Sub-Committee

<b>Date:</b>	<b>Thursday, 4 August 2016</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Committee Room 2 - Wallasey Town Hall</b>

**Contact Officer:** Anne Beauchamp  
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### AGENDA

- 1. APPOINTMENT OF CHAIR**
- 2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Sub-Committee are 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.
- 3. APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - NANCIE HENRY, 50 GRANGE ROAD, WEST KIRBY (Pages 1 - 4)**
- 4. 13:00 - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - LIDL, OXTON ROAD, BIRKENHEAD (Pages 5 - 10)**
- 5. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider any other business that the Chair accepts as being urgent.

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## LICENSING ACT 2003

### LICENSING ACT 2003 SUB-COMMITTEE

4 AUGUST 2016

<b>REPORT TITLE</b>	<b>APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>REPORT OF</b>	<b>ASSISTANT CHIEF EXECUTIVE</b>

### REPORT SUMMARY

The purpose of this report is to consider an application to vary a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Daniel Barnes** and relates to the Premises known as **Nancie Henry, 50 Grange Road, West Kirby**.

### RECOMMENDATION

The Licensing Act 2003 Sub-Committee are asked to consider the application to vary a Premises Licence in respect of the above premises.

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATION**

- 1.1 It is a statutory requirement for this Committee to determine the application due to relevant representations received.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 There is no provision for other options to be considered.

### **3.0 BACKGROUND INFORMATION**

- 3.1 These premises which are currently trading as a clothes store also has a Premises Licence for the café which is situated within the premises. The hours permitted under the Premises Licence are as follows:

#### **Sale by Retail of Alcohol**

Sunday to Saturday 12:00 to 23:30

#### **Hours Open to the Public**

Monday to Saturday 08:00 to 23:30

Sunday 10:00 to 23:30

#### **Live Music and Recorded Music**

Monday to Saturday 08:00 to 23:30

Sunday 10:00 to 23:30

### **3.2 APPLICATION**

This application is to increase the Licensed area to include the external area to the rear of the premises. If granted, the applicant has requested the outside area be used no later than 22:00. The proposed plan of the premises is available.

### **3.3 PROMOTION OF LICENSING OBJECTIVES**

Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business to promote the four Licensing Objectives. A copy of the full application is available.

Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of licence should the application be granted.

### **3.4 RELEVANT REPRESENTATIONS**

The following representations have been received in respect of the above application.

#### **Local Residents**

In respect of this application, two representations have been received from Local Residents. The representations relate to concerns that if the application is granted noise nuisance will be caused by customers of the premises using the outside area which is close to their properties. The residents have advised that the premises are currently causing a nuisance. Copies of the representations are available.

There have been no representations received from the following Responsible Authorities:

Wirral Safe Guarding Children Board  
Planning Authority  
Fire Authority  
Licensing Authority  
Environmental Health  
Public Health  
Trading Standards  
Merseyside Police

#### **4.1 FINANCIAL IMPLICATIONS**

4.2 There are no specific implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

5.1 A decision of this Committee can be subject to Appeal.

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

6.1 There are no specific implications arising from this report.

#### **7.0 RELEVANT RISKS**

7.1 There are none arising directly from this report.

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 Statutory consultation has been undertaken in respect of this application.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?  
No because there is no relevance to equality.

**REPORT AUTHOR:** *Richard Leyland*  
*Licensing Team Leader*  
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#### **APPENDICES**

None

#### **REFERENCE MATERIAL**

- Application to vary a Premises Licence
- Representations received from Local Residents

#### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

Location of premises



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## LICENSING ACT 2003

### LICENSING ACT 2003 SUB-COMMITTEE

4 AUGUST 2016

<b>REPORT TITLE</b>	<b>APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>REPORT OF</b>	<b>ASSISTANT CHIEF EXECUTIVE</b>

### REPORT SUMMARY

The purpose of this report is to consider an application for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Lidl UK GmbH** and relates to the premises known as **Lidl, Oxtan Road, Birkenhead**.

### RECOMMENDATION/S

The Licensing Act 2003 Sub-Committee are asked to consider the application for a Premises Licence in respect of the above premises.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Committee to determine the application due to relevant representations received.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

### 3.0 BACKGROUND INFORMATION

- 3.1 These premises do not currently have a premises licence.

### 3.2 APPLICATION

The application for a Premises Licence is as follows:

#### **Sale by Retail of Alcohol**

Sunday to Saturday 07:00 to 23:00

The applicant has indicated that the sale of alcohol will be for consumption off the premises.

#### **Hours Open to the Public**

Sunday to Saturday 07:00 to 23:00

- 3.3 Following discussions with the Licensing Authority, the Applicant has agreed to the following conditions to be placed on the Premises Licence if this application is granted:

- All staff are trained and are aware of the Licensing Legislation, especially in relation to the prevention of underage sales, the prevention of sales to street drinkers and the identification of proxy sales. Staff are required to sign a register confirming that they have undertaken and completed the training and that they are aware of their responsibilities. All training records will be kept centrally at the operator's head office or regional office as appropriate and made available to the Licensing Authority or the Merseyside Police as soon as possible and in any event within 7 days of request. Training is repeated at frequent intervals, at least bi-annually.
- Beer, lager or cider with an ABV of 6.5% or above will not be sold at the premises in plastic bottles or cans.
- There will be a Challenge 25 policy operating at the premises. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. 'Challenge 25' posters shall be displayed in prominent positions at the premises.
- A comprehensive digital CCTV system will be installed at the premises giving storage of images for a period of not less than 28 days. Lidl store management will be trained to view and download CCTV footage on receipt of an internal authorisation code. For urgent matters, at all times officers will be able to view CCTV footage to verify if a reported offence is covered and, whenever required,



CCTV will be downloaded and made available to the officer as soon as reasonably practicable. For non-urgent matters, CCTV will be available to view and download at all times during normal office hours on receipt of an internal authorisation code or in any event within 48 hours.

### **3.4 PROMOTION OF LICENSING OBJECTIVES**

Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business to promote the four Licensing Objectives. A copy of the full application is available.

Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of licence should the application be granted.

### **3.5 RELEVANT REPRESENTATIONS**

The following representations have been received in respect of the above application.

#### **Ward Councillors and Chamber of Commerce**

In respect of this application, a representation has been received from Ward Councillors, Phil Davies and Jean Stapleton. A representation has also been received from the Chief Executive Officer of the Chamber of Commerce. The representations relate specifically to the proposed hours during which the premises would sell alcohol. The concerns expressed within these representations refer to the proposed hours having a negative impact on nuisance and anti-social behaviour being caused by Street Drinkers which is currently a problem within the vicinity of the premises. Copies of the representations are available.

3.6 There have been no representations received from the following Responsible Authorities:

Wirral Safe Guarding Children Board  
Planning Authority  
Fire Authority  
Licensing Authority  
Environmental Health  
Trading Standards  
Public Health  
Merseyside Police

### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from this report.

### **5.0 LEGAL IMPLICATIONS**

5.1 A decision of this Committee can be subject to Appeal.

### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

6.1 There are no specific implications arising from this report.

### **7.0 RELEVANT RISKS**

7.1 There are none arising directly from this report.

## 8.0 ENGAGEMENT/CONSULTATION

8.1 Statutory consultation has been undertaken in respect of this application.

## 9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

**REPORT AUTHOR:** *Richard Leyland*  
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## APPENDICES

None

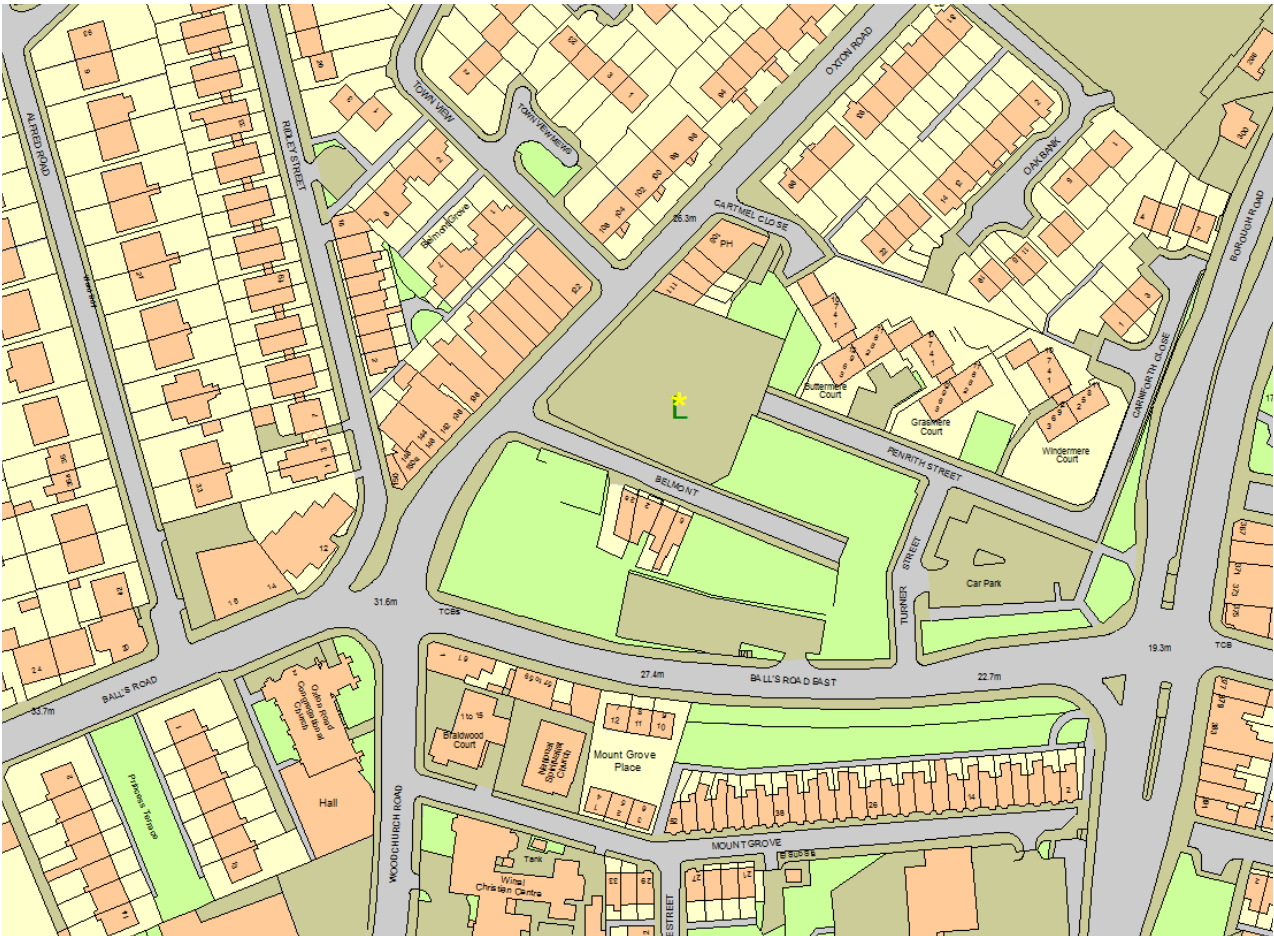
## REFERENCE MATERIAL

- Application for a Premises Licence
- Representations received from Ward Councillors and Chamber of Commerce

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date

# Location map of premises



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