

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 15 December 2016

Present:

Councillors D Burgess-Joyce
 T Norbury
 P Stuart

24 **APPOINTMENT OF CHAIR**

Resolved – That Councillor T Norbury 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.

No such declarations were made.

26 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - PREMIER OFF LICENCE, 55 OLD CHESTER ROAD, TRANMERE**

The Managing Director for Delivery reported upon an application that had been received from Joseph Kastanthanaraj for a Premises Licence in respect of Premier Off Licence, 55 Old Chester Road, Tranmere, under the provisions of the Licensing Act 2003.

It was reported that these premises previously held a Premises Licence but that this had been surrendered. 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 application be granted.

Representations had been received from Merseyside Police and the proprietor of a local business.

The representations related to concerns of the level of reported anti-social behaviour and crime and disorder within the vicinity of the premises. Copies of the representations were available.

The applicant's representative, Mr Green attended the meeting together with the applicant's brother.

Geoff Lee, Police Licensing attended the meeting. Mr Sittampalam was also in attendance who was objecting to the application.

The Licensing Manager confirmed that all documentation had been sent and received and that the applicant had given Mr Green authority to speak on his behalf.

Mr Green addressed the Sub-Committee and advised Members that the premises had previously held a licence operating with the same hours requested and that this Licence had been surrendered earlier this year without the opportunity for it to be transferred to the current applicant. Mr Green stated that the applicant would be willing to accept all the conditions proposed by Merseyside Police. Members heard that the shop had operated under Temporary Event Notices since the application had been made. Mr Green informed Members that during times that alcohol could not be sold at the premises, the shop did not open for business as it could not function without a Premises Licence. Members were advised that the percentage sale of alcohol at these premises would constitute approximately 25%. Mr Green reported that there would be at least two members of staff working in the premises at any one time and that all persons working in the premises would hold a Personal Licence.

Mr Green responded to questions from Members of the Sub-Committee, Mr Sittampalam and Mr D K Abraham, Legal Advisor to the Sub-Committee.

Mr G Lee, Police Licensing advised Members that Merseyside Police did not object to the granting of the application but that they were seeking a number of conditions to be applied to the Licence which included the implementation of a Challenge 25 Policy, the use of till prompts to prevent the sale of alcohol to persons under the age of 18 years as well as comprehensive training and guidance to be provided to staff working at the premises in respect of the responsible sale of alcohol, CCTV and no sales of strong beers, ciders or lager.

Mr Lee responded to questions from Members of the Sub-Committee.

Mr Sittampalam advised Members that he believed that the sale of alcohol at these premises would encourage youths to gather within the vicinity of the premises, a factor which would lead to anti-social behavior in the area. He informed Members that he had been part of a community action group to address issues relating to anti-social behaviour in the area but that this group had not operated for approximately twelve months. Mr Sittampalam

emphasised that through his business, he had a good relationship with the local community and he considered that there would be an adverse impact on the local community should the application be granted. Mr Sittampalam was challenged in respect of his business interests and whether this influenced his representations. Mr Sittampalam explained that he was now operating as part of a chain and his business operation was governed by the Go Local brand which would direct him to undertake specific promotions.

Mr Sittampalam presented a petition as part of his representation, however, due to the fact that the basis upon which individuals signed the petition could not be established, Members could not attach any weight to the petition.

Mr Sittampalam responded to questions from Members of the Sub-Committee.

In determining the application Members 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 took into account the fact that no detailed evidence had been provided to demonstrate that the granting of the Licence would undermine the licensing objectives. Members also noted that there were no representations from any other Responsible Authorities, in particular, Trading Standards or any representations from local residents or Pembroke Court. Members had particular regard to the fact that Merseyside Police provided no evidence for the application to be refused and advised Members that they were content for the application to be granted subject to the proposed conditions referred to.

In determining the matter Members also took 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 Premier Off Licence, 55 Old Chester Road, Tranmere, be granted as follows:

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

(3) That in addition to the conditions proposed by Merseyside Police and included in the operating schedule of the application, the following conditions be applied to the Premises Licence:

- **All staff working at the premises must have a Level 1 Award in Responsible Alcohol Retailing before being allowed to sell alcohol in the premises.**
- **Refresher training based on the Responsible Alcohol Retailing course module must be delivered every 12 weeks. A written record of this training must be maintained and be available to an Authorised Officer on request.**