

# LICENSING ACT 2003 SUB-COMMITTEE

Tuesday, 21 November 2017

Present: Councillors AER Jones M Sullivan  
P Stuart D Burgess-Joyce

## 74 APPOINTMENT OF CHAIR

### Resolved –

(1) That Councillor P Stuart be appointed Chair to consider the application relating to Newsmag, 13 Albert Road, Hoylake together with Councillors D Burgess-Joyce and A Jones.

(2) That Councillor P Stuart be appointed Chair to consider the application relating to 36 Derby Road, Tranmere together with Councillors M Sullivan and A Jones.

## 75 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.

## 76 APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - NEWSMAG, 13 ALBERT ROAD, HOYLAK

The Managing Director for Delivery informed the Sub-Committee that the applicant and his agent were unable to attend and had formally requested that this matter be adjourned to a future date.

Resolved- That this matter be adjourned to a future date.

## 77 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISION OF THE LICENSING ACT 2003 - 36 DERBY ROAD TRANMERE

The Managing Director for Delivery reported upon an application that had been received from Mr Robin Jackson for 36 Derby Road, Tranmere, for a Premises 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 managed in accordance with the four licensing objectives. A copy of the full application was available.

Representation had been received from a local resident and from an individual who owns three properties on Derby Road, two of which are premises authorised to sell alcohol for consumption off the premises. The representations related to anti-social behaviour which they advised is currently a problem within the vicinity of these premises. Copies of the representations were made available.

Written representations were received from Ward Councillors, Phil Davies, Jean Stapleton and Pat Cleary. The Councillors had also submitted a petition signed by 16 local residents who were against the application. The representations related to concerns that these premises were located in an area which currently suffers from alcohol related anti-social behaviour. Copies of the representations and the petition were made available.

Apologies had been received from Councillors Cleary and Stapleton as they were unable to attend the meeting.

The applicant Mr Jackson and his agent Mr Rushton were in attendance at the meeting.

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

Mr Rushton addressed the Sub-Committee on behalf of the applicant. He informed Members that the applicant had been working in licensed retail for over 16 years. He advised that he had amended the application after discussions with Merseyside Police by agreeing for a condition to be imposed that beer, larger or cider with an ABV of 6.5% or more must not be sold at the premises in plastic bottles or tin cans. Mr Rushton explained to Members that he had attempted mediation with Councillors and Mr Ahmed but had received no response. Members also noted that the applicant had sought to engage with those who had made representations and that this had resulted in a local resident withdrawing their objection.

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

Outlined the measures that would be put in place to prevent alcohol being sold in such a way that would be detrimental to the community and to ensure that the Licensing Objectives would be promoted.

Mr Rushton and Mr Jackson responded to questions from Members of the Sub-Committee and Mr D K Abraham Legal Advisor to the Sub-Committee.

An area of concern highlighted through the questions was the Challenge 25 Policy and the employment and training of staff. The applicant responded and advised that there would be an electronic till prompt to prevent underage sales, all staff would be appropriately trained and would be able to use or unlock the CCTV if this is requested by the Police. Mr Rushton also told Members that there would be no promotion of alcohol in a way that could be seen from outside of the shop.

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 took into consideration the fact that the applicant agreed to the conditions proposed by Merseyside Police prior to the hearing. Members also had regard to the fact that there were no representations from any of the Responsible Authorities and also took into account 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 36 Derby Road, Tranmere, be granted for the following hours:**

**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) The Licensing Act 2003 Sub-Committee determined that in addition to the appropriate conditions proposed in the operating schedule and the further condition agreed with Merseyside Police the following conditions be applied to the licence:**

- No person may be allowed to sell alcohol at the premises unless they have received training related to the Licensing Objectives, Challenge 25, proxy sales and serving to intoxicated persons. Evidence of this training must be provided to an authorised officer on request.**
- Refresher training must be provided to all staff every 6 months.**
- A record of all training must be maintained and made available to an authorised officer on request.**
- All staff must be trained in the operation of the CCTV system.**

- **The premises must operate a challenge book and record all challenges in respect of the sale of alcohol.**
- **Challenge 25 must operate at the premises.**