

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 9 February 2018

Present:

Councillors AER Jones
 C Meaden
 D Mitchell

87 **APPOINTMENT OF CHAIR**

Resolved – That Councillor D Mitchell be appointed Chair for this meeting.

88 **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.

89 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 71-73 RIDGEWOOD DRIVE, PENSBY**

The Managing Director for Delivery reported upon an application that had been received from Mr PararaJasingam Sathakaran for a Premises Licence in respect of 71-73 Ridgewood Drive, Pensby under the provisions of the Licensing Act 2003.

It was reported that these premises do not currently have a premises licence and are currently operating as a convenience store. 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.

Members were advised that following discussions with Merseyside Police, the applicant had agreed to include a number of conditions to be placed on the Premises Licence should the application be granted.

Nine representations had been received from local residents. A petition had also been received signed by 97 local residents. Further to receiving the petition, the Licensing Authority received a further nine supporting representations from residents who had signed the petition. The representations related to anti-social behaviour caused by youths within the vicinity of the premises. The representations also related to the cumulative impact of licensed premises in the area where the premises are located. Copies of the representations and petition were available.

The applicant attended the meeting together with his representative, Mr Douglas.

Councillor M Sullivan, Ward Councillor, was also in attendance together with Mr Roberts and Mr Hall, local residents.

The Licensing Team Leader confirmed that all documentation had been sent and received and that additional documentation had also been circulated.

Mr Douglas addressed Members and explained that discussions had been held with Merseyside Police and advised that the area was not plagued by antisocial behaviour or street drinking. He outlined the measures that would be put in place to prevent alcohol being sold in such a way that it would be detrimental to the community and to ensure that all four of the Licensing Objectives would be promoted. These measures included the introduction of a Challenge 25 Policy, an electronic till prompt to prevent underage sales as well as ongoing staff training which would be reviewed on a 12 month basis. Mr Douglas advised Members that in addition to the conditions proposed in the Operating Schedule and those agreed with the Police, it was proposed that there would be no advertising of the sale of alcohol in the windows of the premises, there would be no beer, lager or cider with an ABV of 6.5% and above sold at the premises except for artisan beers and also the applicant would voluntarily sign up to the Reduce the Strength initiative. It was also proposed that the premises would be community based and that they would deliver convenience foods and alcohol to regular customers. He further advised that the applicant was a good operator, had never had cause for concern and had run a premises in Kirkdale for the last five years with no issues. He reported that the applicant had spent £50,000 on the premises and was content to reduce the hours applied for the sale of alcohol to 10.00 pm to address any concerns raised.

Mr Douglas and the applicant responded to questions from the other parties present, Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee.

A local resident addressed the meeting and advised that the majority of residents who lived in the area were senior citizens who had concerns in respect of the opening of these premises beyond the hours previously traded at this location as well as the proposed supply of alcohol. Members noted the concerns raised by the Ward Councillor in respect of home deliveries in respect of alcohol. In light of this the applicant withdrew this proposal and was content for a condition to be placed on the Premises Licence in respect of this.

The Ward Councillor raised concerns following representations made by local residents relating to the impact of these premises opening in an area which could result in anti-social behaviour within the vicinity of the premises. Members were also advised of an incident that had taken place in the vicinity of the premises prior to the applicant having purchased these premises.

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.

Members noted that the applicant had engaged in discussions with Merseyside Police as a consequence had subsequently amended their application by agreeing to

have a number of additional conditions imposed on the licence. These included the installation of an extensive CCTV system, training for all staff involved in downloading CCTV footage and for such footage to be provided to all Authorised Officers upon request. It was further agreed that a condition be placed on the licence that all instances of crime and disorder to be reported to the Police and that all spirits be kept behind the sales counter and not be available for self-service at any time.

Members also noted that the applicant had given consideration to the representations that had been submitted against the granting of the Premises Licence and agreed to amend the application further so that the sale of alcohol would cease and the premises would close at 22:00.

In determining the application Members had regard to the experience of the applicant and the proposed conditions that he agreed be placed on the Premises Licence should the application be granted.

Members also took into consideration the fact that the applicant had agreed to the conditions proposed by Merseyside Police prior to the Hearing and that there were no representations from any of the other Responsible Authorities.

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 71-73 Ridgewood Drive, Pensby, be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 22:00

Hours Open to the Public

Sunday to Saturday 06:00 to 22:00

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

- **Beer, lager or cider with an ABV of 6.5% and above must not be sold at the premises in plastic bottles or tin cans save for artisan beer.**
- **There must be no advertising that alcohol is for sale in the windows of the premises.**
- **There must be no deliveries of alcohol from the premises.**