

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 25 April 2019

Present:

Councillors L Rowlands
 AER Jones
 C Meaden

28 **APPOINTMENT OF CHAIR**

Resolved – That Councillor L Rowlands be appointed Chair for this meeting.

29 **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.

30 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - MRH GREASBY, GREASBY ROAD, GREASBY**

The Corporate Director for Business Management reported upon an application that had been received from Malthurst Limited for a Premises Licence in respect of MRH Greasby, Greasby Road, Greasby.

It was reported that the premises does not currently hold a Premises Licence and proposed hours of operation 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.

Following discussions with Public Health and Merseyside Police, the applicant had agreed that a number of conditions be placed on the Premises Licence should the application be granted.

In respect of the application, eight representations had been received from local residents. The representations related to concerns of nuisance being caused by customers of the premises at a late hour should alcohol be made available. The representations also related to the cumulative impact of licensed premises in the area where these premises are located. Copies of the representations were available.

The applicant attended the meeting together with his solicitor, Mr Botkai. Ward Councillor Wendy Clements was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that further to discussions with Merseyside Police and Public Health, the applicant had agreed to a number of conditions being placed on the Premises Licence should it be granted.

Mr Botkai advised Members of the Sub-Committee that he wished to amend the application from 24 hours for the Sale by Retail of Alcohol and Late Night Refreshment to the Sale by Retail of Alcohol from 6.00 am to 11.00 pm and also that he wished to withdraw the request for Late Night Refreshment. He advised that the company had over 500 sites with 24 hour licences and that the vast majority of these had been granted without opposition. He referred to the conditions that had been agreed to be placed upon the Premises Licence and requested that a condition be removed that was no longer relevant. He believed that the representations made by local residents had been addressed further to the amended application.

Councillor Clements addressed the Committee and advised that she was speaking on behalf of local residents. Councillor Clements indicated that the local residents welcomed the changes made to the application and the withdrawal of the request for Late Night Refreshment and also the conditions that would be placed on the Premises Licence.

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 of the Licensing Act 2003 Sub-Committee considered the representations made by the applicant and those made by the Ward Councillor on behalf of local residents.

Members had regard to the fact that further to consideration of the representations made, the applicant had reduced the hours applied for the sale of alcohol from 6 am to 11 pm and had withdrawn the application for Late Night Refreshment. This amendment had been discussed with local residents which resulted in there being no representations from local residents at the hearing in respect of the amended application.

Members noted that further to discussions with Merseyside Police and Public Health, the applicant had agreed to a number of conditions being placed on the Premises Licence should it be granted.

In determining the application Members had regard to the fact that there were no representations from local residents in respect of the amended application.

Members also had regard to the fact that there were no representations from the Responsible Authorities, in particular, Merseyside Police.

In coming to their decision, Members also had regard to the Review procedure provided by the Licensing Act 2003 should concerns arise that the licensing objectives are being undermined after the Licence has been granted.

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 MRH Greasby, Greasby Road, Greasby be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 06:00 to 23:00

Hours Open to the Public

Sunday to Saturday 24 Hours

(3) That following the amendments to the application and representations made by the applicant no licensable activities would be provided beyond 23:00.

(4) Members also resolved not to impose the following condition:

- **The entrance door to the shop will be closed to customers between the hours of 23:00 and 05:00. Any sales between these hours will be made through the night pay window.**