

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 15 July 2020

Present:

Councillors A Hodson
T Norbury

G Davies
K Greaney

13 APPOINTMENT OF CHAIR

Resolved –

- (1) That Councillor A Hodson be appointed Chair to consider the application in respect of One Stop News and Booze together with Councillors G Davies and T Norbury.
- (2) That Councillor T Norbury be appointed Chair to consider the application in respect of Fit Grill together with Councillors G Davies and K Greaney.

14 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.

15 10.00 AM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ONE STOP NEWS AND BOOZE, VITTORIA STREET, BIRKENHEAD

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Governance and Assurance reported upon an application that had been received from Bakhtawar Singh Sahota for a Premises Licence in respect of One Stop News and Booze, Vittoria Street, Birkenhead.

It was reported that the premises are currently operating as a convenience store and that the previous Premises Licence had been revoked by the Licensing Act 2003 Sub-Committee on 17 May 2017.

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 Merseyside Police, the applicant agreed that a number of conditions be included on the Premises Licence relating to CCTV, staff training,

spirits to be kept behind the counter and a refusals policy to be kept on display to be placed on the Premises Licence should the application be granted. Details of these conditions were outlined within the report.

In respect of the application a representation had been received from Councillor Julie McManus, Ward Councillor. The representation related to concerns of anti-social behaviour which Councillor McManus advised was currently a problem within the vicinity of the premises and which she considered would be exacerbated should the application be granted. The representation was supported by Councillor Brian Kenny and Magenta Living. Copies of the representation were available.

The applicant attended the meeting by way of video conference with his daughter. His representative, Mr Craig and the proposed Designated Premises Supervisor were also in attendance.

Ward Councillor Julie McManus also attended by way of video conference.

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

The Licensing Manager outlined the report.

The applicant's representative addressed the Sub-Committee. He set out the application and referred to the hours applied for as modest. He informed Members of the Sub-Committee that the Premises Licence Holder would have no day to day running or involvement with the premises and that this responsibility would rest with the proposed Designated Premises Supervisor. The applicant's representative provided an overview of the conditions that the applicant would be content to have included on the Premises Licence should it be granted. He advised that the applicant had agreed a number of conditions with Merseyside Police, which included CCTV, staff training and spirits to be kept behind the counter and that the applicant would be content for further conditions to be placed on the Premises Licence should Members consider it appropriate to do so.

The proposed Designated Premises Supervisor who lives in the locality and currently works in the premises informed the Sub-Committee that she had not witnessed any anti-social behaviour in the area. She explained that whilst she had managed a local café she had no experience working in a licensed premises selling alcohol, however, Members were advised that she had obtained the Personal Licence qualification.

The applicant's representative and the proposed Designated Premises Supervisor responded to questions from Members of the Sub-Committee and Mr A Bayatti, legal advisor to the Sub-Committee.

Councillor McManus addressed the Sub-Committee and advised Members of the Sub-Committee of her concerns regarding anti-social behaviour in the area, in particular the impact of such behaviour on elderly residents within the locality. Councillor McManus informed Members of the Sub-Committee that it was her view that another premises selling alcohol in the area would result in an increase in anti-social behaviour. Councillor McManus reported that she had attended a number of residents meetings where residents had raised concerns regarding the level of anti-social behaviour in the area.

In response to the representations made by Councillor McManus, it was submitted by the applicant's representative that the concerns expressed by Councillor McManus were speculative and were not supported by evidence.

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 had regard to the submissions made by the applicant's representative, on behalf of the applicant together with supporting documentation that had been submitted in advance of the hearing and also the representations made by Councillor Julie McManus, Ward Councillor.

Members had particular regard to the fact that no evidence had been submitted to support the representations that anti-social behaviour existed in the area and that such behaviour was linked to the consumption of alcohol or the current operation of these premises. Members took into consideration the measures set out by the applicant to uphold the licensing objectives and the willingness of the applicant to accept any appropriate conditions to be applied to the Premises Licence.

In determining the application Members also had regard to the fact that there were no representations from any residents or from any of the Responsible Authorities, in particular Merseyside Police.

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 One Stop News and Booze, Vittoria Street, Birkenhead be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 21:00

Hours Open to the Public

Sunday to Saturday 07:00 to 21:00

(3) That the following conditions be attached to the Premises Licence:

- **The Designated Premises Supervisor must hold a minimum Level 2 Award for Designated Premises Supervisors.**

- **A written recruitment procedure must be in place which includes the steps that will be taken by the Premises Licence Holder to check the immigration status and the eligibility of an individual to work in the UK in accordance with the Home Office Guidance applicable at the time of the recruitment. The recruitment procedure must be available for inspection by the Police or other Authorised Officers upon request and must include an Appendix providing details of staff employed at the premises.**

16 **2:00PM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - FIT GRILL, 1A VILLAGE ROAD, OXTON**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Governance and Assurance reported upon an application that had been received from Fit Foods Wirral Limited for a Premises Licence in respect of Fit Grill, 1a Village Road, Oxtan.

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 Merseyside Police, the applicant agreed that a number of conditions be included on the Premises Licence relating to no open vessels, glasses, bottles to be allowed to be taken beyond the Licensed Area, CCTV, the primary use being as a café/restaurant and alcohol will only be sold as an ancillary to the provision of food and staff training. Details of these conditions were outlined within the report.

In respect of the application a representation had been received from a local resident. The representation related to concerns that noise nuisance would be caused by customers smoking outside the premises as well as customers and staff leaving the premises late at night. Concern had also been raised regarding an increase in anti-social behaviour should the application be granted. A copy of the representation was available.

The applicant attended the meeting by way of video conference.

The Licensing Manager confirmed that all documentation had been sent and received and that attempts had been made to contact the local resident who had submitted the representation, however, no response had been received in respect of his attendance at the hearing.

The Licensing Manager outlined the report.

Members of the Licensing Act 2003 Sub-Committee had regard to the submissions made by the applicant, Mr Robinson and the written representation made by a local resident.

Members heard from the applicant, Mr Robinson, who set out the application and referred to the hours applied for. It was explained to the Sub-Committee that the applicant intended the premises to be operated as a restaurant promoting healthy food and drink and not as a bar for customers to consume alcohol without a meal.

In response to the representations made by a local resident, Mr Robinson submitted that the premises would not cause a nuisance to local residents. He advised the Sub-Committee that he had experience in operating licensed premises, the premises was limited to holding a maximum of 30 covers and there would be procedures in place to manage customers leaving the premises. The applicant confirmed that he would be implementing a strict no smoking and no vaping policy outside of the premises and would display signs advising customers that this was the case and also that the storage of refuse would take place at the rear of the premises. In addition, Mr Robinson agreed to amend the application to reduce the terminal hour for alcohol sales to 9.30 pm.

Members of the Sub-Committee were made aware that the applicant had agreed a number of conditions with Merseyside Police, one of which stated that the primary use of the premises shall be that of a café/restaurant and alcohol would only be sold as an ancillary to the provision of food.

The applicant responded to questions from Members of the Sub-Committee and Mr A Bayatti, legal advisor to the Sub-Committee.

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 had regard to the measures that the applicant advised would be put in place to prevent public nuisance and to promote the licensing objectives as well as the conditions proposed by Merseyside Police. Members also took into account the fact that there were no representations from any of the 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 Fit Grill, 1a Village Road, Oxtun be granted with the following hours:**

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 21:30

Hours Open to the Public

Sunday to Saturday 08:00 to 22:00