



Licensing Panel

Date:	Thursday, 21 April 2022
Time:	10.00 a.m.
Venue:	Floral Pavilion, Marine Promenade, New Brighton

Contact Officer: Anne Beauchamp
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For anyone who would like to attend in person, seating is limited therefore please contact us in advance of the meeting if you would like to reserve a seat. All those attending will be asked to wear a face covering (unless exempt) and are encouraged to take a Lateral Flow Test before attending. You should not attend if you have tested positive for Coronavirus or if you have any symptoms of Coronavirus.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact committeeservices@wirral.gov.uk

AGENDA

- 1. APPOINTMENT OF CHAIR**
- 2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Licensing Panel are 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.

- 3. 10.00 AM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 45 THINGWALL ROAD, IRBY CH61 3UE (Pages 1 - 6)**

4. **2.00 PM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - CIBO, 90 BANKS ROAD, WEST KIRBY CH48 ORE (Pages 7 - 12)**



LICENSING PANEL

21 APRIL 2022

REPORT TITLE	APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to consider an application for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Kaizen Consultancy and Training Services Limited** and relates to the premises located at **45 Thingwall Road, Irby, CH61 3UE**.

RECOMMENDATION/S

The Licensing Panel are asked to consider the application for a Premises Licence in respect of the above premises.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Panel to determine the application due to relevant representations being received.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 These premises currently do not have a Premises Licence.

3.2 APPLICATION

The application for a Premises Licence is as follows:

Sale by Retail of Alcohol (consumption 'on' the premises)

Sunday to Saturday 09:00 to 23:00

Hours open to the Public

Sunday to Thursday 07:00 to 23:00

3.3 PROMOTION OF LICENSING OBJECTIVES

Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business to promote the four Licensing Objectives. A copy of the full application is available.

Members of the Licensing Panel are advised that the proposals set out in the operating schedule may become conditions of licence should the application be granted.

Following discussions with Merseyside Police the applicant has agreed to have a number of conditions, in addition to those proposed in the operating schedule, placed on the Premises Licence if the application is granted. Details of the conditions are as follows:

- CCTV coverage shall be provided in the form of a recordable system, capable of providing clear quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises and all areas where the sale/consumption of alcohol occurs and the public have access to. External cameras will cover the immediate front and outside main door area of the premises. Equipment shall be maintained in good working order in accordance with the manufacturer's instructions. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a period of 31 days and made available to Merseyside Police or authorised officer on reasonable written request for evidential purposes, in accordance with the relevant Data Protection Legislation (currently GDPR 2018). The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised officer.

- Staff shall be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority and/or Merseyside Police. The records will be retained for at least 12 months.
- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Merseyside Police. The records will be retained for at least 12 months.
- All instances of anti-social behaviour to be reported to the police in the first instance.
- A Challenge 25 policy must be adopted, implemented and advertised within the premises, whereby an accepted form of photographic identification must be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age must include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence or passport.
- Refusals system in place (book) to be monitored by the Designated Premises Supervisor and made available to an authorised officer of the relevant responsible authority and/or Police Officer.
- Children to be off the premises at 21:00 hours unless attending with family members for a pre-booked meal.

3.4 RELEVANT REPRESENTATIONS

The following representations have been received in respect of the above application.

Local Residents

In respect of this application, two representations have been received from Local Residents. The representations relate to concerns of public nuisance that may be caused by customers of the premises should the application be granted. Copies of the representations are available.

3.5 There have been no representations received from the following Responsible Authorities:

Wirral Safeguarding Children Board
 Fire Authority
 Environmental Health
 Trading Standards
 Merseyside Police
 Licensing Authority
 Public Health

4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 Section 18 of the Licensing Act 2003 provides that, where relevant representations are made in respect of an application for a Premises Licence, the Local Authority must hold a Hearing to consider them unless the Authority, the Applicant and each person who has

made such representations agree that a Hearing is unnecessary. The Licensing Authority must, having regard to the representations, take such of the following steps it considers appropriate for the promotion of the licensing objectives:

- Grant the licence subject to conditions
- Exclude from the scope of the licence licensable activities
- Refuse to specify the person as the premises supervisor
- Reject the application

In determining the application with a view to promoting the licensing objectives in the overall interest of the local community the Licensing Authority must give appropriate weight to:

- The steps that are appropriate to promote the Licensing Objectives
- The representations (including supporting information) presented by all parties
- The statutory guidance issued under Section 182 of the Licensing Act 2003
- The Council's Statement of Licensing Policy

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are none arising directly from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 Statutory consultation has been undertaken in respect of this application.

9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising from the content of this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Licensing Authority has a duty to ensure that premises are operated in accordance with Licensing Act 2003 Licensing Objectives. If the Licensing Objectives are undermined this could result in the revocation of a Premises Licence to provide licensable activities.

REPORT AUTHOR: *Richard Leyland*
Licensing Team Leader
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APPENDICES

None

BACKGROUND PAPERS

- Application for a Premises Licence
- Representations received from Local Residents
- The Council's Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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LICENSING PANEL

21 APRIL 2022

REPORT TITLE	APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to consider an application for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Welsh's Pharmacy Limited** and relates to the premises known as **Cibo, 90 Banks Road, West Kirby, CH48 0RE**.

RECOMMENDATION/S

The Licensing Panel are asked to consider the application for a Premises Licence in respect of the above premises.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Panel to determine the application due to relevant representations being received.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 These premises currently do not have a Premises Licence.

3.2 APPLICATION

The application for a Premises Licence is as follows:

Sale by Retail of Alcohol (consumption 'on' the premises)

Sunday to Thursday	12:00 to 21:00
Friday and Saturday	12:00 to 22:00

Hours open to the Public

Sunday to Thursday	09:00 to 21:00
Friday and Saturday	09:00 to 22:00

3.3 PROMOTION OF LICENSING OBJECTIVES

Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business to promote the four Licensing Objectives. A copy of the full application is available.

Members of the Licensing Panel are advised that the proposals set out in the operating schedule may become conditions of licence should the application be granted.

Following discussions with Merseyside Police the applicant has agreed to have a number of conditions, in addition to those proposed in the operating schedule, placed on the Premises Licence if the application is granted. Details of the conditions are as follows:

- CCTV coverage shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all areas where the sale/ supply of alcohol occurs. Equipment shall be maintained in good working order and checked every 12 months. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum period of 48 hours and handed to Merseyside Police or Local Authority Officer on request. The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. Appropriate signage representative of the above shall be displayed in conspicuous positions. There will be sufficient members of trained staff available to be able to

download evidence with the minimum of delay at the request of the Police or Local Authority approved officer.

- A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing under-age sales and the licence conditions. Refresher training will be implemented every 12 months and records will be kept and be made available to Merseyside Police on reasonable request.
- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature at, or immediately outside the premises, witnessed by staff. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Merseyside Police. The records will be retained for at least 12 months.

3.4 **RELEVANT REPRESENTATIONS**

The following representations have been received in respect of the above application.

Local Residents

In respect of this application, four representations have been received from Local Residents. The representations relate to concerns of anti-social behaviour and public nuisance that may be caused by customers of the premises as well as parking related issues. Copies of the representations are available.

3.5 There have been no representations received from the following Responsible Authorities:

Wirral Safeguarding Children Board
Fire Authority
Environmental Health
Trading Standards
Merseyside Police
Licensing Authority
Public Health

4.0 **FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from this report.

5.0 **LEGAL IMPLICATIONS**

5.1 Section 18 of the Licensing Act 2003 provides that, where relevant representations are made in respect of an application for a Premises Licence, the Local Authority must hold a Hearing to consider them unless the Authority, the Applicant and each person who has made such representations agree that a Hearing is unnecessary. The Licensing Authority must, having regard to the representations, take such of the following steps it considers appropriate for the promotion of the licensing objectives:

- Grant the licence subject to conditions
- Exclude from the scope of the licence licensable activities
- Refuse to specify the person as the premises supervisor
- Reject the application

In determining the application with a view to promoting the licensing objectives in the overall interest of the local community the Licensing Authority must give appropriate weight to:

- The steps that are appropriate to promote the Licensing Objectives
- The representations (including supporting information) presented by all parties
- The statutory guidance issued under Section 182 of the Licensing Act 2003
- The Council's Statement of Licensing Policy

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are none arising directly from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 Statutory consultation has been undertaken in respect of this application.

9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising from the content of this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Licensing Authority has a duty to ensure that premises are operated in accordance with Licensing Act 2003 Licensing Objectives. If the Licensing Objectives are undermined this could result in the revocation of a Premises Licence to provide licensable activities.

REPORT AUTHOR: *Richard Leyland*
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APPENDICES

None

BACKGROUND PAPERS

- Application for a Premises Licence
- Representations received from Local Residents
- The Council's Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003

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