

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

12 November 2015

SUBJECT:	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	BIRKENHEAD AND TRANMERE WARD
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to consider an application to vary a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Vigi Paskar** and **Kalamohan Arumugam** and relates to the Premises known as **Todays Local, Oxton Road, Birkenhead**.

2.0 BACKGROUND AND KEY ISSUES

2.1 These premises currently have a Premises Licence for the following hours.

Sale by Retail of Alcohol

Monday to Saturday 11:00 to 23:00
Sunday 12:00 to 22:30

Good Friday 12:00 to 22:30
Christmas Day 12:00 to 15:00 and 19:00 to 22:30

2.2 The Premises Licence permits the sale of alcohol for consumption on and off the premises.

2.3 These premises are currently trading as a convenience store. The premises previously traded as a Public House.

3.0 APPLICATION

3.1 The application to vary the Premises Licence is as follows:

Sale by Retail of Alcohol

Sunday to Saturday 10:00 to 22:00

Bank Holidays, Christmas Eve, Boxing Day, New Years Eve and New Years Day until 23:00

The applicant has indicated that the sale of alcohol will be for consumption off the premises only.

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

- 3.2 The application is also to amend the plan currently attached to the Premises Licence.
- 3.3 The applicant has also requested to remove the conditions currently imposed on the Premises Licence and replace them with the conditions proposed in the operating schedule.

4.0 PROMOTION OF LICENSING OBJECTIVES

- 4.1 Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business in accordance with the four Licensing Objectives. A copy of the full application is available.
- 4.2 Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of licence should the application be granted.

5.0 RELEVANT REPRESENTATIONS

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

Local Residents and Businesses

In respect of this application, representations have been received from two Local Residents. Representations have also been received from the Birkenhead Business Improvement District Co-ordinator of the Wirral Chamber of Commerce, the Franchisee of McDonalds Birkenhead and the proprietor of Salon Sales Limited who is based in Quarrybank Street. The representations relate to public nuisance and anti-social behaviour being caused by Street Drinkers within the vicinity of the premises and concerns that if the application is granted public nuisance and anti-social behaviour will increase. Copies of the representations are available.

The applicant has provided 40 representations from local residents in support of the application. Copies of these representations are available.

Ward Councillors and Member of Parliament

Representations have also been received from Birkenhead and Tranmere Ward Councillors, Councillor Stapleton, Councillor Davies and Councillor Cleary and also from Frank Field, MP. The representations support the concerns expressed by local residents and businesses. Copies of the representations are available.

Merseyside Police

A representation has been received from Merseyside Police who consider that if the application is granted this will undermine the crime and disorder licensing objective due to the lack of management at the premises and the fact that the premises is within an area of high level of anti-social behaviour. A copy of the representation is available.

Trading Standards

A representation has been received from Trading Standards who have concerns that the Licensing Objectives will not be upheld by the Licence Holders due to a number of offences that have already taken place at the premises. A copy of the representation is available.

Public Health

A representation has been received from Public Health which relates to concerns that an increase in the availability of alcohol at this particular location where deprivation is high and the density of licensed premises is high could undermine each of the four Licensing Objectives. A copy of the representation is available.

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

Wirral Safe Guarding Children Board
Planning Authority
Fire Authority
Licensing Authority
Environmental Health

6.0 RELEVANT RISKS

- 6.1 There are none arising directly from this report.

7.0 OTHER OPTIONS CONSIDERED

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

8.0 CONSULTATION

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

9.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 9.1 There are no previously approved actions outstanding.

10.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 10.1 There are no specific implications arising from this report.

11.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

11.1 There are no specific implications arising from this report.

12.0 LEGAL IMPLICATIONS

12.1 A decision of this Committee can be subject to Appeal.

13.0 EQUALITIES IMPLICATIONS

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

No because there is no relevance to equality.

14.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

14.1 There are no specific implications arising from this report.

15.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

15.1 There are no planning implications arising from this report.

16.0 RECOMMENDATIONS

16.1 The Licensing Act 2003 Sub-Committee are asked to consider the application to vary a Premises Licence in respect of the above premises.

17.0 REASONS FOR RECOMMENDATIONS

17.1 It is a statutory requirement for this Committee to determine the application due to relevant representations received.

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APPENDICES

- None

BACKGROUND PAPERS/REFERENCE MATERIAL

- Application to vary a Premises Licence
- Representations received from Local Residents, Businesses, Ward Councillors and a Member of Parliament
- Representations received from Merseyside Police, Trading Standards and Public Health.

- Representations received in support of application.

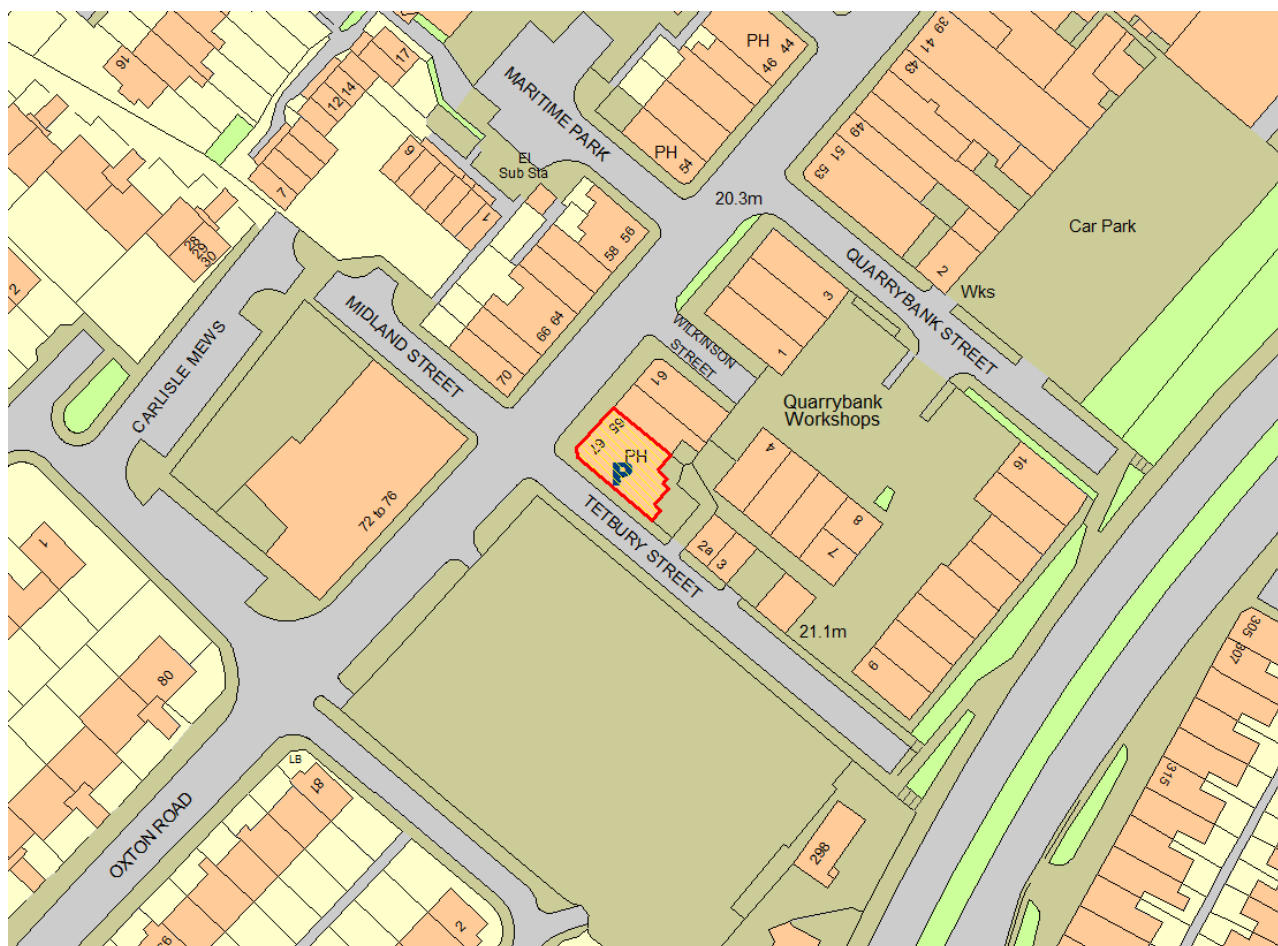
BRIEFING NOTES HISTORY

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Act 2003 Sub-Committee	2 October 2014
Licensing Act 2003 Sub-Committee	2 May 2013

Location plan of Premises



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