

**LICENSING ACT 2003****LICENSING ACT 2003 SUB-COMMITTEE****11 FEBRUARY 2016**

<b>REPORT TITLE</b>	<b>APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>REPORT OF</b>	<b>ASSISTANT CHIEF EXECUTIVE</b>

**REPORT SUMMARY**

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, Oxtan Road, Birkenhead.

**RECOMMENDATION/S**

The Licensing Act 2003 Sub-Committee are asked to consider the application to vary 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 Committee to determine the application due to relevant representations 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 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

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

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

### 3.2 APPLICATION

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

The application is also to amend the plan currently attached to the Premises Licence.

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.

### 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 in accordance with the four Licensing Objectives. A copy of the full application is available.

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.

### 3.4 **RELEVANT REPRESENTATIONS**

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 are located within an area of high level 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.

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

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

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

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

#### **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.

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#### **APPENDICES**

None

#### **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.

#### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

Location of premises



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