

LICENSING ACT 2003**LICENSING ACT 2003 SUB-COMMITTEE****20 AUGUST 2020**

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 **David Doyle** and **Victor Baker** and relates to the premises located at **Thirty Six (Beer Garden), 30-32 Conway Street, Birkenhead**.

RECOMMENDATION/S

The Licensing Act 2003 Sub-Committee 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 Committee 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. The proposed area to be licensed is on unused land adjacent to a Bar named Thirty Six, 34-38 Conway Street, Birkenhead.

4.0 APPLICATION

- 4.1 The application for a Premises Licence is as follows.

Sale by Retail of Alcohol

Sunday to Saturday 10:00 to 04:00

Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description

Sunday to Saturday 10:00 to 04:00

Hours Open to the Public

Sunday to Saturday 10:00 to 04:30

5.0 PROMOTION OF LICENSING OBJECTIVES

- 5.1 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 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.

Following discussions with Merseyside Police the applicant has agreed to include the following of conditions to be placed on the Premises Licence if the application is granted. Details of these conditions are as follows:

1. A minimum of two SIA registered door supervisors will be employed at the premises each day from midnight until close of business. On Friday and Saturdays, all Sundays preceding a Bank Holiday, New Years' Eve and Boxing night a further two SIA registered door supervisors will be employed from 0200 until close of business. The Premises Licence Holder shall risk assess the requirement to employ additional door supervisors in such number and at such times as deemed necessary. Full cognisance will be given to any Police advice.
2. A register of all SIA Registered Door Supervisors will be kept at the premises with recorded details of dates and times on duty, full names and SIA numbers, signed on

and off duty by the DPS or deputy. All incidents involving door supervisors will be recorded in the door supervisor register.

3. CCTV coverage shall be provided in the form of a recordable system capable of providing images of evidential quality in all lighting conditions. Cameras shall encompass all entrances and exits to the premises and all areas where the sale, supply or consumption of alcohol occurs. External cameras will cover the front entrance to the premises. 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 period of 31 days and handed to Merseyside police officers or staff on request, for evidential purposes, in line with relevant Data Protection Legislation. There will be sufficient members of trained staff available to be able to download evidence with the minimum of delay. The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual.
4. The Premises Licence Holder/Designated Premises Supervisor shall implement a written drugs policy, this shall include strategies to minimise the use and supply of illegal drugs within the premises. The drugs policy shall include a structured training policy for all staff covering the issues of misuse of drugs in relation to licensed premises. Regular toilet checks are to be made and recorded. Appropriate signage in relation to the drugs policy shall be displayed. Staff will inform police immediately of any suspicious activity within, or in the vicinity of the premises.
5. All drugs found or seized will be placed in a secure Drugs Box (strong box) to which only Merseyside Police will have access. The boxes will be routinely emptied by local policing staff in the presence of venue management.
6. All incidents of crime and disorder will be reported to the police. Incidents are to be recorded in a log book to be kept at the premises and made available to Merseyside Police on request.
7. No open vessels, glasses, bottles or alcohol containers will be allowed to be taken beyond the delineated Licensed Area with the exception of any external drinking areas covered by a valid Pavement Cafe Licence.
8. Staff shall be trained in all aspects of responsible alcohol retailing and will occur before a staff member is authorised to sell alcohol. Staff training records shall be available for inspection by the police or other responsible authority upon request.
9. All entertainment other than background music shall cease at midnight with the exception of New Years' Eve.
10. No persons under the age of 18 shall be permitted on the premises at any time with the exception of any members of staff employed at the premises.
11. Premises shall operate a Challenge 21 scheme where all staff are trained in that scheme prior to serving any age restricted products, training records to be kept for inspection by an authorised officer of the local authority for a period of at least 12 months.
12. Plastic/polycarbonate or other non-glass drinking vessels will be used at all times.
13. All incidents of crime and disorder will be reported to the police. Incidents are to be recorded in an incident book to be kept at the premises and made available to Merseyside Police on request.

6.0 RELEVANT REPRESENTATIONS

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

Licensing Authority

In respect of this application, a representation has been received from the Licensing Authority. The representation relates to concerns that the licensing objectives will be undermined if the application is granted. A copy of the representation is available.

Environmental Health

In respect of this application, a representation has been received from Environmental Health. The representation relates to concerns about the potential nuisance to local residents from the playing of live music and recorded music from the outside area. A copy of the representation is available.

Trading Standards

In respect of this application, Trading Standards have proposed the following conditions to be placed on the licence if the application is granted:

1. All staff involved in the sale of alcohol must hold a minimum level 1 Award in Responsible Alcohol Retailing, minimum level 2 Award for Personal Licence Holders or receive training provided by Wirral Trading Standards in relation to age restricted sales
2. All staff involved in the sale of alcohol must receive refresher training at least every 6 months. The refresher training must include the prevention of the sale of alcohol to persons under the age of 18, the Challenge 25 Policy, the sale of alcohol to persons who are drunk, and the social responsibility of persons involved in the sale of alcohol.
3. Training records must be kept in the premise and should be available for inspection upon request.
4. A Challenge 25 Policy should be implemented and maintained. (Including displaying posters and relevant signage).
5. A Refusals Register should be kept and maintained and should be available for inspection upon request.

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

Wirral Safeguarding Children Board
Fire Authority
Merseyside Police
Public Health

7.0 FINANCIAL IMPLICATIONS

7.1 There are no specific implications arising from this report.

8.0 LEGAL IMPLICATIONS

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

9.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

9.1 There are no specific implications arising from this report.

10.0 RELEVANT RISKS

10.1 There are none arising directly from this report.

11.0 ENGAGEMENT/CONSULTATION

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

12.0 EQUALITY IMPLICATIONS

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

No because there is no relevance to equality.

13.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

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

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APPENDICES

None

BACKGROUND PAPERS

- Application for a Premises Licence
- Representation received from the Licensing Authority
- Representation received from Environmental Health
- Representation received from Trading Standards

SUBJECT HISTORY (last 3 years)

Council Meeting	Date