

**LICENSING ACT 2003**

**LICENSING PANEL**

**12 NOVEMBER 2021**

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

### **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 **Michael Rice** and relates to the premises located at **92 Banks Road, West Kirby**.

### **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**

Sunday to Saturday                      09:00 to 23:00

#### **Hours Open to the Public**

Sunday to Saturday                      09:00 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 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. The table and chair layout on the plans or other appropriate layout on the plans or other appropriate layout shall remain in place at all times that the premises are open to the public.
2. The premises will not operate as a vertical drinking establishment.
3. CCTV shall be installed at the Premises in the form of a recordable system, capable of providing clear, good quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises, any external seating or smoking areas, all areas where the sale, supply or consumption of alcohol occurs and all other areas where licensable activity takes place. Equipment shall be maintained in good working order and checked on a regular basis to ensure it displays the correct time and date. The system shall record in real time and operate whilst the premises are open to the public. The recordings shall be retained for a period of 31 days and made available to any authorised officer on reasonable request for evidential purposes, in accordance with Data Protection Legislation. 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.

If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the Designated Premises Supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority shall be informed when faults are rectified.

4. 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 on request.
5. 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.
6. Unaccompanied children (under 18) will not be allowed at any time, unless attending the premises with family members to consume a pre-booked table meal only.
7. The Premises Licence Holder or nominated person shall ensure that security arrangements are in place where toilet areas and other similar areas are regularly checked for evidence of drugs. The date and times of all checks to be recorded in a bound book kept for that purpose and be available on request from an authorised officer of the Licensing Authority or Merseyside Police. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.

#### 3.4 **RELEVANT REPRESENTATIONS**

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

##### **Local Residents - Against**

In respect of this application, six representations have been received from Local Residents. The representations relate to concerns of anti-social behaviour occurring within the vicinity of the premises and public nuisance being caused to local residents should the application be granted. Copies of the representations are available.

##### **Ward Councillor**

A representation has been received from Ward Councillor Alison Wright who supports the representations submitted by Local Residents who are against the application. Councillor Wright has also submitted a petition signed by 47 local residents. A copy of the representation and petition are available.

##### **Local Residents / Businesses - Support**

In respect of this application, six representations have been received from Local Residents / Businesses who consider that the granting of this application would not undermine the Licensing Objectives. 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 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.

#### **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

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

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#### **APPENDICES**

None

#### **BACKGROUND PAPERS**

- Application for a Premises Licence
- Representations received from Local Residents (Against Application)
- Representation and petition received from a Ward Councillor
- Representations received from Local Residents / Businesses (Support Application)

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

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