

LICENSING ACT 2003

LICENSING PANEL

12 NOVEMBER 2021

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 **Shucos Limited** and relates to the premises located at **172 Telegraph Road, Heswall**.

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 01:00

Live Music

Monday to Saturday 23:00 to 23:30

Hours Open to the Public

Monday to Saturday 08:00 to 01:00
Sunday 09:00 to 01:00

Non-standard Timings

Christmas Eve and New Years Eve

Sale by Retail of Alcohol until 02:00
Live Music until 00:30
Hours Open to the Public until 02:00

- 3.3 Following discussions with Merseyside Police, the hours requested for the sale of alcohol and hours open to the public have been reduced by one hour on Friday and Saturday. The applicant originally requested that these activities cease at 02:00 on Friday and Saturday.

3.4 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.

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

1. 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.
2. 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.
3. 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.
4. 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.
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. The Premises Licence Holder shall risk assess the requirement to employ SIA registered door supervisors at any time the premises intends to operate after midnight for licensable activities.
7. A register of all door supervisors will be kept at the premises, with recorded details of dates and times on and off duty, full names and full 16 digit SIA numbers, signed on and off by the DPS or deputy. Any incident involving door supervisors will be recorded in the door supervisor register.
8. 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.
9. 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.

10. The Premises Licence Holder or nominated person shall ensure that where a drug safe is available on the premises to deposit finds. There will be a clear policy for the handling and packaging of seized items.
11. The Premises Licence Holder shall have a written risk assessment with regard to the prevention of knife crime.
12. A function book will be kept at the premises recording all details of function, including name and address and contact telephone number of organiser.

3.5 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 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 Andrew Hodson who supports the representation submitted by a Local Resident. A copy of the representation is available.

- 3.6 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
- Representation received from a Ward Councillor

SUBJECT HISTORY (last 3 years)

Council Meeting	Date