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LICENSING PANEL

Friday, 24 September 2021

Present:

Councillors D Burgess-Joyce
D Mitchell
S Williams

14 **APPOINTMENT OF CHAIR**

Resolved – That Councillor D Burgess-Joyce be appointed Chair for this meeting.

15 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

16 **10.00 AM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - GO LOCAL EXTRA, 209-211 SEABANK ROAD, NEW BRIGHTON**

The Director of Law and Governance reported upon an application that had been received from Jaswinder Singh for a Premises Licence in respect of Go Local Extra, 209-211 Seabank Road, New Brighton.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application, the same representation had been submitted individually by 46 local residents and three different representations had been received from other local residents. The representations related to concerns of additional anti-social behaviour and noise nuisance being caused to local residents should the application be granted. The representations also made reference to potential issues relating to parking, litter and underage drinking

as well as the cumulative impact of licensed premises. Copies of the representations were available.

The applicant attended the meeting together with his wife and their solicitor. Members were advised that although notice had been served on all those who had made a representation, only two people had responded to confirm they would not be in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and also that the same representation had been submitted by 46 individual residents together with three separate representations.

The Licensing Manager outlined the report.

The applicant's representative reported that the application had been made as the premises had been refurbished from a former post office into a local convenience store selling groceries with a defined area for the sale and supply of alcohol in order that customers may purchase alcohol when they buy their groceries.

The applicant's representative outlined how the business would be operated and the measures that would be put in place to promote the four licensing objectives. He advised that the applicant had undertaken relevant training in respect of the sale of alcohol which included but was not limited to the measures that should be put in place in order to prevent underage sales. It was also reported that should they employ any other staff in the future they would also undertake appropriate training in respect of the sale of alcohol.

Members of the Panel referred to the concerns raised by the local residents of additional crime, anti-social behaviour and noise nuisance being caused to local residents should the application be granted as well as concerns relating to proxy sales, underage drinking and the fact that the application was to sell alcohol from 7.00 am.

In response to the representations made, Members of the Panel were advised that the applicant would be willing to modify the application to sell alcohol from 8.00 am. The applicant's representative reported that the applicant had 10 years' experience working in this type of premises and took their responsibilities in respect of preventing underage sales and proxy sales very seriously as they would not want any anti-social behaviour to be caused by the operation of their premises.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager and the Legal Advisor to the Panel.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. Members of the Licensing Panel also took into account the conditions put forward in the operating schedule.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application for a Premises Licence in respect of Go Local Extra, 209-211 Seabank Road, New Brighton be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 22.00

Hours Open to the Public

Sunday to Saturday 07:00 to 22:00

(3) That in addition to the conditions set out in the operating schedule, the following conditions be placed on the Premises Licence:

- 1. All staff must undertake the following training before being allowed to sell alcohol:**
 - Award for Licensed Premises staff**
 - Age Verification Course**
 - Level 2 Award for Underage Sales Prevention**

2. Evidence of this training must be provided to an Authorised Officer on request.

17 **2.00 PM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WETHERSPOON, 1-5 THE MOUNT, HESWALL**

The Director of Law and Governance reported upon an application that had been received from JD Wetherspoon plc for a Premises Licence in respect of Wetherspoon, 1-5 The Mount, Heswall.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application, a representation had been received from a local resident. The representation related to concerns that anti-social behaviour and noise disturbance would be caused by customers of the premises should the application be granted. A copy of the representation was available.

The Head of the Legal Department from JD Wetherspoon plc attended the meeting together with the General Manager. Members were advised that the local resident who had made a representation was unable to attend the meeting.

The Licensing Manager confirmed that all documentation had been sent and received and also that further to discussions with Merseyside Police the applicant had agreed to a number of conditions to be attached to the Premises Licence should the application be granted.

The Licensing Manager outlined the report.

The applicant reported that these premises previously had a Premises Licence, however, this had been surrendered prior to their occupation of the building. Members of the Licensing Panel were advised that the previous Premises Licence allowed for more extensive licensable activities and longer hours than the application that had been submitted and that this application was less extensive and would accord with the planning permission granted to the premises.

The applicant set out the business model of the premises which was in line with the standard JD Wetherspoon plc offer, that being a food led business

offering breakfasts and a variety of food menus throughout the day. Members of the Licensing Panel were informed that there would be no provision for music or entertainment at the premises.

The applicant further advised that following discussions with Merseyside Police they had agreed to include a number of conditions to be placed on the Premises Licence should the application be granted which included but was not limited to conditions relating to staff training, the provision of CCTV and a Challenge 21 Policy.

The Members of the Licensing Panel referred to the concerns raised by the local resident in their representation.

Further to the general concerns raised, the applicant emphasised that they did not want to cause a nuisance to local residents and provided details in respect of how the premises would be managed in order to prevent this which included the use of body cams and radio communication between staff to prevent potential problems arising. Members were informed that the staff who worked at the premises were employed by JD Wetherspoon plc and therefore undergo a lengthy induction process and also receive updated training every 6 months. The applicant further advised that JD Wetherspoon plc attracted a broad customer base which they aimed to manage responsibly to prevent anti-social behaviour from customers when leaving the premises. In response to the concerns raised regarding the sale of alcohol and the potential for an increase in anti-social behaviour within Heswall should alcohol be served from 9.00 am, the applicant advised that the alcohol offer was very limited at that time in the morning.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager and the Legal Advisor to the Panel.

The applicant acknowledged that the operation of these premises in the past had caused problems for local residents and gave assurances that JD Wetherspoon plc would work with residents to address any concerns that may arise in the future.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. The Panel had regard to the conditions put forward in the operating schedule and those that had been agreed with Merseyside Police which set out how the premises would be managed to uphold the licensing objectives.

Members also took into account the willingness of the applicant to liaise with local residents and Merseyside Police.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application for a Premises Licence in respect of Wetherspoon, 1-5 The Mount, Heswall be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 09:00 to 23.00

Hours Open to the Public

Sunday to Saturday 09:00 to 23:30