

LICENSING PANEL**6 APRIL 2022**

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 **Tahona Projects Limited** and relates to the premises located at **Unit 4, The Curve, Telegraph Road, Heswall, CH60 7SE**.

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 10:00 to 01:30

Hours open to the Public

Sunday to Saturday 09:00 to 01:30

Recorded Music

Sunday to Saturday 09:00 to 01:30

Live Music

Friday and Saturday 18:00 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 have a number of conditions, in addition to those proposed in the operating schedule, placed on the Premises Licence if the application is granted. Details of the conditions are as follows:

- 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, all areas where the sale and supply of alcohol occurs. 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 an 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.

- All staff shall be fully trained to perform their role. They shall also 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 Police Officer. The records will be retained for at least 12 months.
- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature at, or immediately outside the premises, witnessed by staff. 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.
- 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.
- The premises will operate primarily as a restaurant.

3.4 **RELEVANT REPRESENTATIONS**

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

Local Residents

In respect of this application, 21 representations have been received from Local Residents. The representations relate to concerns of anti-social behaviour and public nuisance that may be caused by customers of the premises as well as parking related issues should the application be granted. The representations also relate to strong concerns regarding the operating hours, due to the close proximity of the premises to residential properties. Copies of the representations are available.

Ward Councillor

A representation has been received from Ward Councillor Andrew Hodson, who supports the representations submitted by Local Residents. A copy of the representation is 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 Section 18 of the Licensing Act 2003 provides that, where relevant representations are made in respect of an application for a Premises Licence, the Local Authority must hold a Hearing to consider them unless the Authority, the Applicant and each person who has made such representations agree that a Hearing is unnecessary. The Licensing Authority must, having regard to the representations, take such of the following steps it considers appropriate for the promotion of the licensing objectives:

- Grant the licence subject to conditions
- Exclude from the scope of the licence licensable activities
- Refuse to specify the person as the premises supervisor
- Reject the application

In determining the application with a view to promoting the licensing objectives in the overall interest of the local community the Licensing Authority must give appropriate weight to:

- The steps that are appropriate to promote the Licensing Objectives
- The representations (including supporting information) presented by all parties
- The statutory guidance issued under Section 182 of the Licensing Act 2003
- The Council's Statement of Licensing Policy

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.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Licensing Authority has a duty to ensure that premises are operated in accordance with Licensing Act 2003 Licensing Objectives. If the Licensing Objectives are undermined this could result in the revocation of a Premises Licence to provide licensable activities.

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APPENDICES

None

BACKGROUND PAPERS

- Application for a Premises Licence
- Representations received from Local Residents
- Representation received from Councillor Andrew Hodson
- The Council's Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003

SUBJECT HISTORY (last 3 years)

Council Meeting	Date