

**LICENSING PANEL****21 APRIL 2022**

<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 **Welsh's Pharmacy Limited** and relates to the premises known as **Cibo, 90 Banks Road, West Kirby, CH48 0RE**.

**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 (consumption 'on' the premises)**

Sunday to Thursday	12:00 to 21:00
Friday and Saturday	12:00 to 22:00

#### **Hours open to the Public**

Sunday to Thursday	09:00 to 21:00
Friday and Saturday	09:00 to 22:00

### 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 coverage shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all areas where the sale/ supply of alcohol occurs. 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 minimum period of 48 hours and handed to Merseyside Police or Local Authority Officer on request. The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. Appropriate signage representative of the above shall be displayed in conspicuous positions. 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.

- A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing under-age sales and the licence conditions. Refresher training will be implemented every 12 months and records will be kept and be made available to Merseyside Police on reasonable request.
- 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.

### 3.4 RELEVANT REPRESENTATIONS

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

#### **Local Residents**

In respect of this application, four 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. 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 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
- The Council's Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003

**SUBJECT HISTORY (last 3 years)**

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