

LICENSING PANEL**18 JANUARY 2023**

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 **Modi Stores Limited** and relates to the premises located at **2 Princes Pavement, Birkenhead, CH41 2XY**.

RECOMMENDATION/S

The Licensing Panel are asked to determine an application for the grant of a Premises Licence in respect of the above premises having regard to the representations made in respect of the application.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Panel to determine the application for the grant of a licence due to relevant representations being received.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered due to relevant representations having been received.

3.0 BACKGROUND INFORMATION

- 3.1 In circumstances where there is evidence to show that the number or density of licensed premises in an area is having a cumulative impact and leading to problems which are undermining the licensing objectives, a Licensing Authority may publish a Cumulative Impact Assessment (CIA) within its' Statement of Licensing Policy to help limit the number or type of licence applications granted within a specified area.
- 3.2 The Council's current Statement of Licensing Policy includes a Cumulative Impact Assessment (CIA) in respect of an area within Birkenhead which includes Charing Cross, Grange Road West, Grange Mount, Oxton Road and the boundary of the Town Centre. A map showing the boundary of the area is attached at Appendix 1 to this report.
- 3.3 The Cumulative Impact Assessment (CIA) has been included in the Council's Statement of Licensing Policy following the provision of evidence from Merseyside Police that the number of premises selling alcohol only for consumption off the premises was having a cumulative impact and leading to problems undermining the licensing objectives, in particular crime and disorder and public nuisance.
- 3.4 The premises located at 2 Princes Pavement, Birkenhead, CH41 2XY is situated within the CIA area referred to in paragraph 3.2 above.
- 3.5 Due to the location of the premises, the Licensing Authority must include the following in its consideration of the application:
- whether the applicant has demonstrated in their operating schedule that they will not be adding to the cumulative impact of licensed premises selling alcohol for consumption off the premises only within the CIA area
 - whether the Licensing Authority would be justified in departing from its' CIA in light of the individual circumstances of the case
 - whether the granting of the application would undermine the licensing objectives and that conditions would be ineffective in preventing the problems identified within the CIA

- 3.6 The application for a Premises Licence is as follows:

Sale by Retail of Alcohol (For consumption 'Off' the Premises)

Sunday to Saturday 08:00 to 18:00

Hours Open to the Public

Sunday to Saturday 08:00 to 18:00

4.0 PROMOTION OF LICENSING OBJECTIVES

4.1 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.

4.2 Members of the Licensing Panel are advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

4.3 RELEVANT REPRESENTATION

The following representation has been received in respect of the above application.

Merseyside Police

A representation has been received from Merseyside Police who believe that the granting of this application will undermine the prevention of crime and disorder licensing objective due to ongoing issues with street drinking and alcohol related crime within the area. A copy of the representation is available.

4.4 There have been no representations received from the following Responsible Authorities:

Wirral Safeguarding Children Board
Fire Authority
Trading Standards
Public Health
Licensing Authority
Environmental Health
Planning Authority

5.0 FINANCIAL IMPLICATIONS

5.1 There are no specific implications arising from this report.

6.0 LEGAL IMPLICATIONS

6.1 Section 18(3) of The Licensing Act 2003 provides that where relevant representations are made, the 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, and having regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives.

6.2 Section 4 of the Licensing Act 2003 provides that the licensing authority must carry out its functions under this Act with a view to promoting the licensing objectives which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

and that in carrying out its licensing functions the Licensing Authority must have regard to its licensing statement published under section 5 of the Licensing Act 2003, and any guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

6.3 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.

7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

7.1 There are no specific implications arising from this report.

8.0 RELEVANT RISKS

8.1 There are none arising directly from this report.

9.0 ENGAGEMENT/CONSULTATION

9.1 Statutory consultation has been undertaken in respect of this application.

10.0 EQUALITY IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

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

12.0 COMMUNITY WEALTH IMPLICATIONS

12.1 There are no community wealth implications arising directly from this report.

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APPENDICES

Appendix 1 – Map showing the boundary of the Cumulative Impact Assessment area

BACKGROUND PAPERS

- Application for a Premises Licence
- Representation received from Merseyside Police
- Wirral Council's Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003

TERMS OF REFERENCE

This report is being considered by the Licensing Panel who are delegated to determine such matters in accordance with Section 9.3 of the Licensing Act Committee’s Terms of Reference referred to in Part 3, Section B of the Council’s constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date