

LICENSING ACT SUB-COMMITTEE**21 JUNE 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 **Cowshed Wirral Limited** and relates to the premises located at **18 Broadway, Bebington, CH63 5NH**.

RECOMMENDATION

The Licensing Act Sub-Committee 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 FOR RECOMMENDATION

- 1.1 It is a statutory requirement for this Sub-Committee 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 The Licensing Authority have received an application for a Premises Licence under the provisions of the Licensing Act 2003.

- 3.2 The application is as follows:

Sale of alcohol during the following hours for consumption 'on' the premises only:

Sunday to Thursday	12:00 to 23:00
Friday and Saturday	12:00 to 23:30

Hours Open to the Public

Sunday to Thursday	12:00 to 23:00
Friday and Saturday	12:00 to 23:30

- 3.3 As part of the application process applicants are required to submit an operating schedule that sets out how they will conduct/manage their business to promote the four Licensing Objectives. The applicant is also required to submit a plan of the premises showing the area that they are seeking to license. A copy of the full application is available.
- 3.4 Members of the Licensing Act Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.
- 3.5 Following discussions with Merseyside Police and the Licensing Authority, during the consultation period, the applicant has agreed to have the following conditions placed on the Premises Licence should the application be granted. These conditions are in addition to those proposed by the applicant in their operating schedule.
- The premises must have a CCTV system capable of providing clear, high-quality images in all lighting conditions.
 - The CCTV system must have sufficient number of internal cameras located in such positions that all entrances and exits to the premises, as well as all areas where licensable activities take place, are covered.
 - The CCTV system must have sufficient number of external cameras located in such positions that the outside of the main door, and the area in front of the premises is captured.

- The CCTV system must be maintained in good working order, ensuring it always has the correct date and time set, it must record in real time and must be in operation at all times that the premises is open for licensable activities.
- CCTV recordings must be kept for a minimum of 31 days, and must be made available to an Authorised Officer on request. The CCTV system must be able to download footage to an external device (e.g. USB drive), or be shareable via a secure link on the internet.
- CCTV recording equipment must be kept secure under the control of the Premises Licence Holder, the Designated Premises Supervisor, or other responsible named individual (e.g. Manager).
- There must be sufficient members of staff trained in the use of the CCTV system, who are able to view and download CCTV footage with the minimum of delay at the reasonable request of an Authorised Officer.
- The premises must have an Incident Book to record any activity of a violent, criminal or anti-social nature, which may occur at, or immediately outside of the premises. All records of incidents must include the date and time of the incident, the nature of the incident, details of all persons involved, the action taken by the premises, and details of the person responsible for the management of the premises at the time of the incident. The incident book must be made available for inspection at all reasonable times to an Authorised Officer. Records of incidents must be retained for a minimum of 12 months.
- All staff must receive training in relation to the Licensing Act 2003 and the Premises Licence. The training must include as a minimum, the permitted licensable activities and associated hours, all conditions attached to the Premises Licence, the law regarding the sale of alcohol to underage persons, including the age verification policy, and the law relating to the sale of alcohol to intoxicated persons. Training must be conducted with all staff prior to them being involved in the sale of alcohol at the premises. After this initial training, refresher training must be conducted at least every 6 months with all staff. Written evidence of staff training, including refresher training, must be kept on the premises and made available for inspection at the request of an Authorised Officer. Training records must be retained on the premises for a minimum of 12 months.
- The premises must operate a Challenge 25 policy in respect of the sale of alcohol, which must be promoted by the use of posters on entry to, and inside the premises.
- In accordance with the Challenge 25 policy, where a person is refused the sale of alcohol a written record of this must be made in a Refusals Register. Entries in the Refusals Register must include the date and time of the refusal, the name or description of the person refused, the reason for the refusal, and the name of the staff member making the refusal. The Refusals Register must be kept on the premises and made available to an Authorised Officer upon request. Records of refusals must be kept for a minimum of 12 months.
- All bookings for private functions or events to be held at the premises must be risk assessed by the Premises Licence Holder and/or Designated Premises Supervisor. This risk assessment must include consideration in relation to the number of staff required, as well as the need for SIA Door Supervisors. Details of all pre-booked functions or events to be held at the premises must include name, address, and contact details of the person(s) booking the function, the type of function or event, number of people event is booked for, and any other relevant details such as whether a DJ or entertainment forms part of the private function or event. A record of all private functions or events must be kept at the premises for a minimum of 12 months, and be made available to an Authorised Officer on request.
- The premises must take reasonable steps to ensure that customers do not cause any nuisance to local residents, including when if they go outside to smoke/vape, and when they leave the premises.

- A notice must be displayed at the exit to the premises reminding customers that they cannot take drinks outside, to respect the fact they are in a residential area, keep noise to a minimum, and to return inside the premises once they have finished smoking/vaping.

3.6 RELEVANT REPRESENTATION

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

Local Residents

In respect of this application, 24 representations have been received from Local Residents. The representations relate to concerns of public nuisance and anti-social behaviour that may be caused by customers of the premises leaving at a late hour. Copies of the representations are available.

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
 Merseyside Police

4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 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.

5.2 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.

5.3 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.

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 The potential impact has been reviewed and it is considered that there will be no direct impact on any of the protected groups.

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

REPORT AUTHOR: **Richard Leyland**
Licensing Team Leader
email: richardleyland@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

- Application for a Premises Licence
- Representations received from Local Residents
- 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 Act Sub-Committee 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

--	--