

LICENSING ACT SUB-COMMITTEE**8 NOVEMBER 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 **Stephen Banton** and relates to the premises located at **9 Broadway, Bebington, CH63 5ND**.

RECOMMENDATION

The Licensing Act Sub-Committee is 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:

Monday and Tuesday	17:00 to 20:30
Wednesday	16:00 to 22:30
Thursday to Sunday	14:00 to 22:30

Hours Open to the Public

Monday and Tuesday	17:00 to 21:00
Wednesday	16:00 to 23:00
Thursday to Sunday	14:00 to 23:00

- 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 ceiling of the premises must be fitted with an acoustic plasterboard and insulation board in order to limit the transmission of noise to the residential properties above.
 - The premises must have a Licensing Policy in respect of how the premises will comply with the Licensing Act 2003.
 - All staff must receive training in respect of the Licensing Act 2003. This training must include the Licensing Objectives, Challenge 25 Policy, proxy sales of alcohol, prevention of sale to intoxicated persons, and the conditions and hours attached to the Premises Licence. This training must be conducted prior to any person being involved in the sale of alcohol and repeated at least every 12 months. A written record of the training must be

made and kept on the premises. Training records must be available for inspection by an Authorised Officer at all reasonable times.

- Premises must display a notice in a prominent position inside the premises that reads “This is a residential area, please respect our neighbours and keep noise to a minimum when you leave. If you have ordered a taxi please remain inside until it has arrived. Thank You.”
- The premises must not empty glass bottles into the commercial waste bin between the hours of 21:00 and 09:00.
- Customers and staff must not use electronic cigarettes (vapes) on the premises.
- 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, any external seating or smoking areas, all areas where the sale, supply or consumption of alcohol occurs and all other areas where licensable activities take place. Equipment shall be maintained in good working order and any faults or breakdown rectified as soon as reasonably practicable. The system will be 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 30 days and made available to any 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.
- An incident book/electronic log 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/electronic log 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.
- Challenge 25 to be adopted. All members of staff, engaged in the sale of alcohol, at the premises shall seek credible, photographic proof of age evidence, from any person who appears to be under the age of 25 years and is seeking to purchase alcohol. Such credible evidence which shall include a photograph of the customer, will either be a passport, Military ID, photographic driving licence or proof of age card, carrying a Pass logo. Any occasions when persons have been refused shall be recorded and kept for a minimum of 6 months. Challenge 25 posters will be present in overt locations.

4.0 **RELEVANT REPRESENTATIONS**

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

Local Residents

In respect of this application, three representations have been received from Local Residents. The representations relate to concerns that the operation of the premises will add to public nuisance and anti-social behaviour which the residents consider is currently a problem within the vicinity of the premises. Copies of the representations are available.

Local Business

In respect of this application, a representation has been received from a local business. The local business considers that the granting of a Premises Licence would undermine the protection of children from harm licensing objective. A copy of the representation is available.

4.2 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

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 the Licensing Act 2003 Licensing Objectives. If the Licensing Objectives are undermined this could result in the Premises Licence being reviewed.

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 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision, or activity. Measuring the impact of equality implications and mitigating any negative impact where possible is embedded into the core principles of good governance. There are no equality implications arising directly from this report.

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

None

BACKGROUND PAPERS

- Application for a Premises Licence
- Representations received from Local Residents
- Representation received from a Local Business
- 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