

**LICENSING ACT SUB-COMMITTEE****14 DECEMBER 2023**

<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 **Anna Singh** and relates to the premises located at **252 Price Street, Birkenhead, CH41 3PS**.

**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 'off' the premises only:**

Monday to Saturday	07:00 to 22:00
Sunday	10:00 to 21:00

#### **Hours Open to the Public**

Monday to Saturday	07:00 to 22:00
Sunday	10:00 to 22:00

- 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.

- CCTV must be installed at the premises in the form of a recordable system capable of providing clear, good quality images in all lighting conditions. Cameras must encompass all entrances and exits to the premises and the area in front of the premises. The cameras must capture images of the head and shoulders of every person entering and leaving the premises. The cameras must also cover all areas where the sale of alcohol take place. The Equipment must be maintained in good working order and any faults or breakdown must be rectified as soon as reasonably practicable. The system must be checked on a regular basis to ensure it displays the correct time and date. The system must record in real time and operate whilst the premises are open to the public. The recordings must be retained for a period of a minimum period of 31 days and made available to an Authorised Officer on reasonable request for evidential purposes, in accordance with Data Protection Legislation. The CCTV system must be capable of downloading footage to an external

device (e.g. USB drive), or be shareable via a secure link on the internet. The recording equipment must be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There must 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.

- The premises must operate a “Challenge 25” policy which must require any person who appears to be under the age of 25 years to produce identification to prove they are 18 years or over when purchasing alcohol. All members of staff engaged in the sale of alcohol at the premises must 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 must include a photograph of the customer. This must either be a passport, Military ID, photographic driving licence, or proof of age card carrying a PASS logo.
- Prominent, clear and legible Challenge 25 signage must be displayed at the point of sale, entrance to the shop and in the area where alcohol is displayed for sale.
- The premises must maintain a refusals book to record the details of occasions where a person has been refused the sale of alcohol in respect of their age, behaviour, or other reason. These records must be kept for a minimum of 6 months.
- The Premises Licence holder / Designated Premises Supervisor or nominated representative must regularly monitor the entries in the refusals book, sign and date the book when checked. The book must be made available to an Authorised Officer upon request.
- Prior to being authorised to sell alcohol, staff must receive training in relation to the Licensing Act 2003 and the Premises Licence. The training must include as a minimum, all conditions attached to the Premises Licence, the law regarding the sale of alcohol to underage persons, including the age verification policy, the law in relation to selling alcohol to an adult who is purchasing it on behalf of a person under 18 years (proxy sales), and the law relating to the sale of alcohol to intoxicated persons. After this initial training, refresher training must be conducted at least every 12 months with all staff involved in the sale of alcohol. 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 and be made available to an Authorised Officer upon request.
- An incident book/electronic log must 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 must be available for inspection at all reasonable times by an Authorised Officer. The records must be retained for at least 12 months.
- The premises must not sell single cans or split any packs that are intended to be sold as “multi-packs” of beer, lager, or cider.

- The premises must not sell alcohol to any person who appears to be alcohol dependant or enters the premises with an open container of alcohol.
- Arranged deliveries must not take place at any time that may cause disturbance to local residents.

#### **4.0 RELEVANT REPRESENTATIONS**

4.1 In respect of this application, two representations have been received. The representations relate to concerns of crime and disorder, anti-social behaviour and underage drinking. Copies of the representations are 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 In determining the application the Sub-Committee must have regard to the Public Sector Equality Duty under the Equality Act 2010.

## **11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

11.1 There are none arising directly 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
- Wirral Council's Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003
- The Equality Act 2010

**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)**

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