

LICENSING ACT SUB-COMMITTEE**17 MAY 2024**

REPORT TITLE	APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
REPORT OF	DIRECTOR OF LAW AND CORPORATE SERVICES

REPORT SUMMARY

The purpose of this report is for the Licensing Act Sub-Committee to consider an application for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Hastyar Husseni** and relates to the premises located at **351 Woodchurch Road, Prenton, CH42 8PE**.

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/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for this Sub-Committee to determine the application for the grant of a Premises Licence due to relevant representations having been 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 application for a Premises Licence is as follows:

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

Sunday to Saturday 08:00 to 00:00

Hours Open to the Public

Sunday to Saturday 08:00 to 00:00

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 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.

4.3 RELEVANT REPRESENTATIONS

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

Local Residents

In respect of this application nine representations have been received from Local Residents. The representations relate to concerns of public safety due the location of the premises. The concerns also relate to under-age drinking, public nuisance and anti-social behaviour which residents have indicated is currently a problem within the vicinity of the premises and will be exacerbated if the application is granted. Copies of the representations are 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
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

The Licensing Authority must also 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 objectives referred to in paragraph 6.2 of this report. 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 imposed on public authorities which requires them to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic.

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.

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
- 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)

Council Meeting	Date

