

**LICENSING ACT SUB-COMMITTEE****4 JUNE 2024**

<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 CORPORATE SERVICES</b>

**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 **Puvanenthiran Kandaiah** and relates to the premises known as **Prenton Convenience** at **338 Woodchurch Road, Prenton, CH42 8PQ**.

**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 23:00

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

Sunday to Friday            06:00 to 23:00

Saturday                      07:00 to 23:00

Sunday                         08:00 to 23:00

### **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 Following discussions with Merseyside Police, 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 pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras must encompass all entrances and exits to the premises and all areas where the sale/ supply of alcohol occurs. Equipment must be maintained in good working order and checked every 12 months. The system shall record in real time and operate whilst the premises are open for licensable activities. CCTV recordings must be kept available for a period of 31 days and handed to Police or Local Authority approved Officer on request. The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. The Retailer or Site Manager

will be trained to be able to download evidence with the minimum of delay at the request of the Police or Local Authority approved officer on request.

- All staff selling alcohol must be authorised to sell alcohol in writing and a record of the authorisation will be made available for inspection by an Authorised Officer.
- Staff will be trained regarding the premises licence and their responsibilities in the retail sale of alcohol and 12 monthly refresher training will also be undertaken. This will include underage sales, proxy sales, selling to drunks. Training records can be made available for inspection upon reasonable request by the police or other relevant officers of a responsible authority.
- An incident book will be kept at the premises, Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, must be recorded in an incident book kept at the premises. This book must be made available for inspection by an Authorised Officer upon request.
- A refusals log will be operated and maintained and will be produced to a relevant officer of the police or other relevant officers of a responsible authority upon request.
- A challenge 25 policy will be operated at the premises with a till prompt system for alcohol products, acceptable forms of identification are a passport, photo card driving licence and PASS accredited identification card. Notices in relation to this will be displayed prominently at the premises. Notices
- Spirits will be located behind the counter.
- A notice must be on display asking customers not to drink alcohol in the street.
- Notices must be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.
- The Designated Premises Supervisor and other staff will be vigilant and monitor the area immediately outside the shop to check that youths are not gathering causing annoyance or litter is gathering.
- Deliveries to the premises must be arranged during hours which will not lead to any public nuisance.
- A recruitment procedure must be in place which includes the steps that will be taken by the licence holder to check the immigration status and the eligibility of an individual to work in the UK in accordance with the Home Office Guidance for employers on preventing illegal working in the UK.

#### **4.4 RELEVANT REPRESENTATIONS**

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. There is reference in the representations to there being anti-social behaviour in the area caused by young people drinking in public areas and concern is expressed relating to the number of premises selling alcohol in the area. Copies of the representations are available.

- 4.5 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.

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## **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)**

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