

LICENSING ACT SUB-COMMITTEE**17 JULY 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 **Mr Balasivamoorthy Krishnamoorthy** and relates to the premises known as **Premier Shop, 82-84 Grange Road West, Birkenhead, CH41 4DB.**

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 09:00 to 23:00

Hours Open to the Public

Sunday to Saturday 07:00 to 23:00

- 3.2 The Council's current Statement of Licensing Policy includes a Cumulative Impact Assessment (CIA) in respect of an area within Birkenhead which includes Charing Cross, Grange Road West, Grange Mount, Oxton Road and the boundary of the Town Centre. A map showing the boundary of the area is attached at Appendix 1 to this report. The premises to which the application relates is located at 82-84 Grange Road West, Birkenhead, CH41 4DB which is situated within the CIA area.
- 3.3 The Cumulative Impact Assessment (CIA) has been included in the Council's Statement of Licensing Policy following the provision of evidence from Merseyside Police that the number of premises selling alcohol only for consumption off the premises was having a cumulative impact and leading to problems undermining the licensing objectives, in particular crime and disorder and public nuisance.
- 3.4 As the premises is located within the CIA area the Licensing Authority must include the following in its consideration of the application:
- whether the applicant has demonstrated in their operating schedule that they will not be adding to the cumulative impact of licensed premises selling alcohol only for consumption off the premises within the CIA
 - whether the Licensing Authority would be justified in departing from its' CIA in light of the individual circumstances of the case
 - whether the granting of the application would undermine the licensing objectives and that conditions would be ineffective in preventing the problems identified within the CIA

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.

Merseyside Police

A representation has been received from Merseyside Police who consider that the granting of this application will undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Merseyside Police further state that the granting of the application will add to the cumulative impact of licensed premises selling alcohol for consumption off the premises only, within the CIA area. A copy of the representation is available.

Local Residents

A representation has been received from Westbourne Road Community Association. A representation has also been received a local resident who has submitted two petitions in support of their representation. The representation relates to concern regarding the number of licensed premises in the area, street drinkers congregating in the vicinity of the premises and anti-social behaviour requiring Police intervention which causes local residents to avoid the area. Copies of the representations are available.

A representation has been received from a member of the Wirral Green Party who has advised that they have been contacted by local residents with concerns about the impact another premises selling alcohol will have on anti-social behaviour and crime in the area. A copy of the representation is available.

Ward Councillors

A representation has been received from Councillor Pat Cleary who has made reference to there being street drinking and significant alcohol related crime and disorder in central Birkenhead. Councillor Cleary considers that an additional premises selling alcohol in the area will undermine the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance. A representation has been received Councillor Steve Foulkes who makes reference to anti-social behaviour that has occurred within the vicinity of the premises. 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

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

Appendix 1 – Map showing the boundary of the Cumulative Impact Assessment area

BACKGROUND PAPERS

- Application for a Premises Licence
- Representation received from Merseyside Police
- Representations received from Ward Councillors
- Representation received from a Local Resident
- Representation received from Westbourne Road Community Association
- Representation received from a member of the Wirral Green Party
- 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
Licensing Act Committee	16 November 2022
Council	5 December 2022