

**LICENSING ACT SUB-COMMITTEE****29 JULY 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 **Euro Garages Limited** and relates to the premises known as **Asda Express PFS Moreton, 157 Hoylake Road, Moreton, CH46 9PZ**.

**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 representation 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 a relevant representation having been received.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 There is no provision for other options to be considered due to relevant representation a 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          24 hours

#### **Late Night Refreshment**

Sunday to Saturday          23:00 to 05:00

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

Sunday to Saturday          24 hours

### **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 REPRESENTATION**

The following representation has been received in respect of the application.

#### **Local Resident**

A representation has been received from a local resident who has concerns in relation to the application. There is reference in the representation to there being anti-social behaviour in the area and concerns that if this application is granted there will be a constant flow of intoxicated people causing anti-social behaviour within the vicinity of the premises which is located in primarily a residential area. There is also reference in the representation to concerns regarding noise coming

from the use of a megaphone from the premises at a late hour. A copy of the representation is 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 The Licensing Panel must have regard to the Equality Act 2010 and in particular the Public Sector Equality Duty under Section 149 of the Equality Act 2010 when determining the matter.

## **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
- Representation received from a Local Resident
- 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>