

LICENSING ACT SUB-COMMITTEE**14 AUGUST 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 **Burger Laboratory Limited** and relates to the premises known as **The Burger Lab, 25 Argyle Street, Birkenhead, CH41 6AA**.

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 'On' and 'Off' the premises)

Sunday to Saturday 12:00 to 23:00

Hours Open to the Public

Sunday to Saturday 12:00 to 23:00

Live Music (indoors only)

Sunday to Saturday 20:00 to 23:00

Recorded Music (indoors only)

Sunday to Saturday 12:00 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 and Trading Standards, 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.
- The premises will not operate as a vertical drinking establishment. The primary use of the premises shall be a burger restaurant.
 - Alcohol will be served with a table meal only.

- CCTV coverage shall be provided in the form of a recordable system, capable of providing clear quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises and all areas where the sale/consumption of alcohol occurs and the public have access to. External cameras will cover the immediate front and outside main door area of the premises. Equipment shall be maintained in good working order in accordance with the manufacturer's instructions. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a period of 31 days and made available to Merseyside Police or authorised persons on reasonable written request for evidential purposes, in accordance with the relevant Data Protection Legislation (currently GDPR 2018). The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There shall 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 person.
- Staff shall be trained on underage sales and the content of the premises licence including times of operation, licensable activities and all conditions relating to their job roles. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an Authorised Officer. The training will be regularly updated and records will be retained for at least 12 months. All staff will be made aware of the provision within the Licensing Act allowing 16-17 year olds to consume alcohol (beer, wine or cider) with a table meal if the alcohol has been purchased by a person aged 18 or above.
- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. 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 shall be available for inspection at all reasonable times by a Merseyside Police officer. The records will be retained for at least 12 months.
- A Challenge 25 proof of age scheme must be adopted, implemented and advertised within the premises, whereby an accepted form of photographic identification must be requested before any alcohol is sold to any person who appears to be under 25 years of age. The only means of identification would include a PASS hologram identity card, photo-card driving licence or passport. If the appropriate proof of age is not produced there will be no sale.
- All refusals of sale must be documented into a book when the refusal is made. The Refusals Register is to be monitored by the Designated Premises Supervisor and made available to an authorised officer of the relevant responsible authority and/or Police Officer.
- The Premises Licence Holder and staff will be vigilant and monitor the area immediately outside the shop to check that youths do not cause annoyance by congregating.

4.4 **RELEVANT REPRESENTATIONS**

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

Local Residents

In respect of this application 4 representations have been received from Local Residents. There is reference in the representations to there being concerns of noise nuisance being caused from music, both live and recorded, emanating from the premises, anti-social behaviour, crime and disorder, waste management and parking issues that may be caused from customers of the premises. Copies of the representations are available.

Ward Councillor

A representation has been received from Ward Councillor Amanda Onwuemene who has concerns with the application due to a history within the vicinity of the premises of disorderly behaviour and drug dealing. A copy of the representation is 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 The Licensing Act Sub-Committee 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
- Representations received from Local Residents
- Representation received from a Ward Councillor
- Email communication from Merseyside Police and Trading Standards relating to proposed conditions
- 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