

REPORT: Regulatory Committee
DATE: 17 June 2015
REPORTING OFFICER: Chief Executive
PORTFOLIO: Resources
SUBJECT: Application for a Premises Licence – 224 Ditchfield Road Widnes
WARD: Ditton

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application for a premises licence in respect of 224 Ditchfield Road Widnes

2. RECOMMENDATION: That the Committee considers the relevant representations and makes a determination on the application.

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 17 Licensing Act 2003 (“the 2003 Act”)
- 3.2** This hearing is held in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.3** The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 3.4** The hearing is solely concerned with those aspects of the application, which have been the subject of relevant representations as defined in the 2003 Act.

4 THE APPLICATION

- 4.1** Pandiyarajah Sellathurai has applied for a premises licence in respect of 224 Ditchfield Road Widnes
- 4.2** The proposed application requests:-
The supply of alcohol off the premises between the hours of 08.00 to 23.00 each day
Hours the premises are open to the public between the hours of 06.00 to 23.00 each day.
- 4.3** The Applicant as part of his operating schedule has volunteered the following conditions:-

General

- An effective CCTV system will be designed and installed in accordance with Cheshire Constabulary's CCTV guidance document call 'CCTV in Licensed Premises – an Operational Requirement'
- The licence holder will demonstrate that their CCTV system complies with their operational requirements. A commissioning test will be carried out with the licensing and CCTV Liaison Officers before handover of the system. The commissioning test will demonstrate the following:-
 - 1 - recordings are fit for their intended purpose
 - 2 - good quality images are presented to the officer in a format that can be replayed on a standard computer.
 - 3 – the supervisor has an understanding of the equipment/training
 - 4 – management records are kept.
 - 5 – maintenance agreements and records are maintained
 - 6 – data protection principles and signage are in place.
- The licence holder, DPS and staff will be vigilant to ensure that youths do not congregate immediately outside the entrance to the shop.
- The licence holder will run the premises well and be a responsible retailer to promote the licensing objectives.
- The licence holder will maintain good working relationships with the responsible authorities in particular the Police.

The prevention of crime and disorder

- All spirits shall be displayed behind the counter area and not offered for self-service.
- The shop is fully alarmed and roller shutters are used when the shop is closed.
- Any incidents of crime and disorder at the premises witnessed by staff will; be recorded in an incident book kept at the shop.

Public Safety

- The premises will be well maintained, safe and the licence holder will comply with appropriate Health & Safety legislation.
- Appropriate fire safety equipment will be available.

The prevention of public nuisance

- Deliveries will be arranged at appropriate times so as not to cause disturbance to local residents.
- Notices will be placed in prominent positions asking customers to leave the premises quietly.

The protection of children from harm

- Anyone who appears to be under 25 years of age who attempting to purchase alcohol will be asked to prove their age.. Accepted methods of proof of age are ; passports, photo driving licence, military ID and PASS accredited proof of age cards e.g. Validate Connexions Citizen Card Prove it Card. Failure to produce such evidence must be followed by a refusals to serve alcohol to that individual and details of such refusals shall be noted in a register kept for that purpose.
- A documented training scheme shall be used for all staff authorised to sell alcohol which shall include continuous re training at intervals of not more than six months.

- An appropriate number of notices shall be displayed in and at the entrance to the premises where they can be seen clearly and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol and for any person to purchase alcohol on behalf of a person under 18 years old.

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

CHESHIRE CONSTABULARY

Cheshire Constabulary has confirmed that “Having previously negotiated a number of issues with the applicant’s agent on previous identical applications this application has simply reproduced these conditions verbatim therefore there is no need for further changes. Therefore I am satisfied that the measures offered within the Operating Schedule are robust enough to satisfy the four licensing objectives”

TRADING STANDARDS

The following conditions have been requested by Trading Standards and have been agreed by the applicant.

- A notice shall be displayed at the entrance to the premises where it can be clearly seen and read, indicating that there is a “Challenge 25” policy in place at the premises. The notice shall indicate that it is an offence for a person under 18 to buy or attempt to buy alcohol or for a person over 18 to buy alcohol on behalf of a person who is under 18.’
- The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol to a person suspected of being under the age of 18, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority officers and the Police. This may be in electronic form.
- A documented training programme shall be introduced for all staff who may sell or serve alcohol and shall include as a minimum information on how to prevent underage sales. No member of staff will be permitted to sell age restricted products until they have completed this training. Details of the training and records of attendance shall be made available for inspection by Local Authority officers and the Police.
- The Designated Premises Supervisor or Premises Licence Holder shall conduct six monthly reviews with all members of staff authorised to sell or serve alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews which shall be made available for inspection by Local Authority officers and the Police.

5.2 ANY OTHER PERSON

20 letters and e mails containing representations have been received.

Details of the 20 other people who have made representations and who have not withdrawn them are set out at **Appendix 1**

The representations have been placed on the application file and copies have been forwarded to the applicant and to the members of the Committee.

Not all representations are relevant representations. Only relevant representations will be taken into account by the Committee. The Committee will determine what constitutes a relevant representation from other persons.

It is not practical to include the text of the relevant representations within this agenda but they constitute background documents for the purposes of the agenda. Copies will be forwarded to the applicant and to members of the Committee prior to the hearing.

5.3 EVIDENCE

In accordance with normal procedure it is noted that the relevant representations do not amount to evidence. All persons who have made relevant representations (other than those accepted by the Applicant) have been requested to supply the evidence they intend to rely on not later than 5 working days prior to the hearing. When received this will be forwarded to the Applicant and members of the Committee.

6 OPTIONS

6.1 The Committee has the following options under section 17 of the 2003 Act:

- 7.1.1 It must Grant the application (where properly made) unless it considers that for the promotion of the licensing objectives it considers it appropriate to take any of the following steps, namely -
- 7.1.2 Impose relevant conditions on the licence;
- 7.1.3 Reject the whole or part of the application.

6.2 The Committee must act with a view to promoting the licensing objectives, namely:

- (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 Committee must also have regard to-

- (a) the Council's Statement of Licensing Policy, and
- (b) the Statutory Guidance issued by the Secretary of State

7 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents And Representations	Legal Services	John Tully/Kay Cleary

**Licensing Act 2003
Application for a Premises Licence
224 Ditchfield Road Widnes**

Objectors

1

P Hough
74 Mayfield Avenue
Widnes

2

G & M Campbell
79 Mayfield Avenue
Widnes

3

P K Matthews
Secretary of St Michael with St Thomas C of E Church
Ditchfield Road
Widnes

4

K Smith
Hough Green Social Club
Ditchfield Road
Widnes

5

R Swift
462 Liverpool Road
Widnes

6

D Green
427 Liverpool Road
Widnes

7

C Thornton
Hammer & Pincers Public House
Liverpool Road
Widnes

8

A Swift
462 Liverpool Road
Widnes

9

T Donoghue
71 Mayfield Avenue
Widnes

10

T G Woods
6 Hall Avenue

Widnes

11

R Grisedale

3 Hall Avenue

Widnes

12

S Smith

214 Ditchfield Road

Widnes

13

C Chorley

216 Ditchfield Road

Widnes

14

K Smith

214 Ditchfield Road

Widnes

15

P Chorley

216 Ditchfield Road

Widnes

16

D & J Sheridan

19 Gutticar Road

Widnes

17

F Leedham

222 Ditchfield Road

Widnes

18

Mr & Mrs Hillary

89 Mayfield Avenue

Widnes

19

M Bibby

210 Ditchfield Road

Widnes

20

Mrs Williams

41 Meadway

Widnes