

REPORT: Regulatory Committee

DATE: 8 June 2011

REPORTING OFFICER: Chief Executive

SUBJECT: Application for a premises Licence – Hale News
8 Ivy Farm Court Hale Village Liverpool

WARDS: Hale

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representation made in response to an application for a premises licence in respect of Hale News 8 Ivy Farm Court Hale Village Liverpool

2. RECOMMENDATION

That the Committee considers the relevant representations and make 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** Mr G S Wright has applied for a premises licence in respect of Hale News 8 Ivy Farm Court Hale Village Liverpool
- 4.2** The application relates to the supply of alcohol off the premises between the hours of **07.00** and **21.00** each day. The hours the premises are open to the public are **07.00** to **21.00** each day

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

The following responsible authority has made relevant representations

5.1.1 CHESHIRE CONSTABULARY

Cheshire constabulary has requested the following conditions be attached to the premises licence and the applicant has confirmed acceptance of the conditions.

1. The Operating Schedule makes various references to not serving underage persons but does not state a specific Proof of Age Scheme it intends to adopt, nor the detailed parameters of such a scheme. To avoid any ambiguity:-

Condition:

The Licence Holder shall ensure that 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 licences, 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 refusal to serve alcohol to that individual and details of such refusals shall be noted in a register kept for that purpose.

2. To re-enforce this issue with staff and keep them aware of this initiative:-

Condition:

A documented training scheme shall be used for all staff authorised to sell alcohol, which shall include continuous re-training at intervals of not less than six months.

3. Proxy purchasing is a further source of under age people obtaining alcohol. Therefore:-

Condition:-

A notice or 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 or for any persons to purchase alcohol on behalf of a person under 18 years of age.

4. The operating Schedule states that a CCTV system is operative in the premises. To ensure that this system is fit for purpose:-

Condition:-

An effective CCTV system should be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. (provided)

5. To ensure that staff are aware of how to operate this system at all times:-

Condition:

Premises Licence holders will need to demonstrate that their CCTV system complies with their Operational requirements. A commissioning test must be carried out with the licensing and CCTV Liaison Officers before hand over of the system. The commissioning test will need to 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.

6. To ensure the safeguarding of all high-value alcohol:-

Condition:-

All alcohol shall be displayed behind the counter area only and not offered for self-service.

5.2 INTERESTED PARTIES

4 letters containing representations have been received from the following interested parties:-

M O'Connor 10 Town Lane Hale Village Liverpool
J & E Foulkes 12 Town Lane Hale Village Liverpool
Mr & Mrs Ashcroft 14 Town Lane Hale Village Liverpool
M Stonehouse 18 Town Lane Hale Village Liverpool

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 an interested party.

The representations in the main relate to the matters set out below.

- There has been experience of alcohol related incidents in the past and loutish behaviour and we do not relish the fact of alcohol being so readily available.
- The shop will keep longer hours it will attract footfall and vehicles and thereby create additional noise.
- The shop concerned has been the subject of an attempted robbery. The increase in stock and presumably cash flow will therefore make the shop a greater target thereby increasing the potential for crime in the area.
- We have already suffered youths causing annoyance criminal damage and painting graffiti in the vicinity of the shops and the added attraction of a shop staying open later into the evening will only serve to attract the youths to return.
- Having experienced an off licence premises in the same block of shops previously residents were forced to suffer drunken youths hanging around the premises having bought alcohol at the shop and consumed it in the street outside and also forced to see youths urinating in public at the side of the shops.
- Older people will not wish to walk past such groups of youths who will become disorderly and perhaps aggressive with drink.
- Already an unacceptable level of youth crime and noise in the area which would be further exacerbated by longer trading hours and the sale of alcohol

6 OPTIONS

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

6.1.1 It must Grant the application (where properly made) unless it considers that for the promotion of the licensing objectives it considers it necessary to take any of the following steps, namely -

6.1.2 Impose relevant conditions on the licence;

6.1.3 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 POLICY IMPLICATIONS

See note below

8 OTHER IMPLICATIONS

See note below

9 IMPLICATIONS FOR THE COUNCILS PRIORITIES

See note below

10 RISK ANALYSIS

See note below

11 EQUALITY AND DIVERSITY ISSUES

See note below

NOTE

The Councils Policies and Priorities are of course very important considerations in decision making and must always be taken into account as far as possible. However, in the case of Regulatory Committee matters, they can only be considered so far as is consistent with one or more of the four Licensing Objectives which are set out at 6.2 above.

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

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