

REPORT: Regulatory Committee
DATE: 28 June 2011
REPORTING OFFICER: Chief Executive
SUBJECT: Application for a Premises Licence – KPT Food & Wine 36a Langdale Road Runcorn
WARDS: Grange

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 KPT Food & Wine 36a Langdale Road Runcorn.

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** Gowshaliya Jeyanathan has applied for a premises licence in respect of KPT Food & Wine 36a Langdale Road Runcorn.
- 4.2** The application relates to the supply of alcohol off the premises between the hours of **08.00** and **23.00** each day.

The hours the premises are open to the public are **06.00** to **23.00** 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 spirits shall be displayed behind the counter area only and not offered for self-service.

5.1.2 ENVIRONMENTAL HEALTH

Environmental Health has confirmed that they have no comments to make on the application.

5.2 INTERESTED PARTIES

17 letters containing representations have been received

Details of interested parties who have made representations are set out at **Appendix 1**

In addition to the 17 representations a petition containing 253 signatures has been received. Not all the signatories of the petition live within the vicinity of the premises. Those who live outside the vicinity cannot be considered as interested parties.

The representations and petition 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.

It is not practical to include the text of the relevant representations within this agenda but they are back ground documents which will be considered by the Committee

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

9.1 Children and Young People in Halton

9.2 Employment Learning and Skills in Halton

9.3 A healthy Halton

9.4 A Safer Halton

9.5 Halton's Urban Renewal

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

Appendix 1

Application for a Premises Licence 36a Langdale Road Runcorn
List of interested parties

Mrs K Bell 43 Langdale Road Runcorn WA7 5PU 1	Mr P Bell 43 Langdale Road Runcorn WA7 5PU 2
Mr B Dhillon 52 Langdale Road Runcorn WA7 5PU 3	Mrs M H Carter 36 Langdale Road Runcorn WA7 5PU (A petition containing 253 signatures also received with representation) 4
Mr & Mrs Hughes 35 Langdale Road Runcorn WA7 5PU 5	Mr & Mrs Mannion 38 Hinton Road Runcorn WA7 5PN 6
Mr E Faulkner 53 Langdale Road Runcorn WA7 5PU 7	Mrs K Silcock 57 Langdale Road Runcorn WA7 5PT 8
Mr T Shaw 62 Langdale Road Runcorn WA7 5PU 9	Mr & Mrs Butterworth 28 Langdale Road Runcorn WA7 5PU 10
Mr & Mrs J W Clark 16 Langdale Road Runcorn WA7 5PY 11	Mr L Kennedy 22 Langdale Road Runcorn WA7 5PY 12
Mrs D Hesketh 72 Langdale Road Runcorn 13	Dr J Carney 45 Langdale Road Runcorn WA7 5PU 14
Mr P Ward 50 Hinton Road Runcorn WA7 5PZ 15	Mr & Mrs Thomas 35 Hinton Road Runcorn 16
Miss A Grottan 41 Langdale Road Runcorn 17	