

REPORT: Regulatory Committee
DATE: 15 May 2013
REPORTING OFFICER: Chief Executive
PORTFOLIO: Resources
SUBJECT: Application for a Premises Licence – Pandi’s 10 Lower Appleton Road Widnes
WARD: Appleton

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 Pandi’s 10 Lower Appleton 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 Pandi’s 10 Lower Appleton Road Widnes.
- 4.2** The proposed application requests:-
The supply of alcohol off the premises between the hours of 08.00 to 22.00 each day.
Hours the premises are open to the public between the hours of 06.00 to 22.15 each day.

4.3 The Applicant as part of his operating schedule has volunteered the following condition:-

“All spirits shall be kept behind the counter and not be available for self-service by customers.”

4.4 The applicant has confirmed that he accepts the conditions requested by the Cheshire Constabulary and Trading Standards which are set out in section 5 below.

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

CHESHIRE CONSTBULARY

Cheshire Constabulary requested the following conditions which have been accepted by the applicant.

1 The operating Schedule states that a ‘good quality CCTV system’ is to operate in the premises without giving any specifications or other details. 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”.

2 To ensure that the staff are aware of how to fully operate this system at all times and to ensure it complies with other legislation

Condition:-

“Premises Licence Holder 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 completion and 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”.

TRADING STANDARDS

Trading Standards requested the following conditions which have been accepted by the applicant.

1. “A “Challenge 21” policy shall be operated at the premises at all times. The only acceptable forms of ID shall be a valid passport, photographic driving licence, H.M. Forces ID card, or a PASS approved proof of age card. No other form of identification shall be accepted. Publicity materials notifying customers of the operation of the “Challenge 21” scheme shall be displayed at the premises”.

2. "The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol (electronic or written), indicating the date, time and reason for refusal which shall be made available for inspection by any of the relevant authorities".

3. "A documented training programme shall be in place for all staff in a position to sell alcohol. The contents of that programme shall be made available for inspection at the request of any of the relevant authorities".

4. "The premises licence holder / DPS shall conduct six monthly reviews with each person authorised to sell alcohol in order to reinforce the training and to promote best practice. A written record shall be made of the content of such reviews".

6.2 ANY OTHER PERSON

10 letters containing representations have been received. One of these 10 letters has since been withdrawn. One further letter was received but as the points raised in the letter were not relevant under the Licensing Act 2003 therefore the representation cannot be considered.

Details of 9 interested parties who have made relevant 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 an interested party.

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.

6.3 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.

7 OPTIONS

7.1 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 necessary 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.

7.2 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

8 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 Pandi's 10 Lower Appleton Road Widnes Objectors

- 1 Mrs F Shaw
6 Lower Appleton Road
Widnes
- 2 Mrs E McKie
8 Lower Appleton Road
Widnes
- 3 Mrs M Norton
85 Cooper Street
Widnes
- 4 Mrs G Webster
94 Greenway Road
Widnes
- 5 Mrs M Richardson
3 Maple Avenue
Widnes
- 6 Mrs A M Sheridan
77 Foster Street
Widnes
- 7 Mrs B Thompson
75 Park Road
Widnes
- 8 Mrs L Ireland
87 Park Road
Widnes
- 9 N Jones
71 Foster Street
Widnes