

**REPORT:** Regulatory Committee

**DATE:** 1 September 2015

**REPORTING OFFICER:** Strategic Director, Policy & Resources

**PORTFOLIO:** Resources

**SUBJECT:** Application for a Premises Licence –  
Bargain Booze, Unit B, Fir Park, Upton  
Rocks, Widnes

**WARD:** Birchfield

## **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 Bargain Booze Unit B Fir Park Upton Rocks 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** Clamco Limited has applied for a premises licence in respect of Unit B Fir Park Upton Rocks 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 08.00 to 23.00 each day.

(Note: initially the applicant requested the Hours the Premises are open to the public to be 10.00 to 22.30 however this was amended by the

applicant to ensure that alcohol was able to be sold whilst the premises are open).

## **5 RELEVANT REPRESENTATIONS**

### **5.1 RESPONSIBLE AUTHORITIES**

#### **CHESHIRE CONSTABULARY**

The following conditions have been requested by Cheshire Constabulary and have been agreed by the applicant.

1. The operating Schedule states that a CCTV system is to operate 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) This system shall be in operation at all times when licensable activities are taking place.

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

#### **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.

3. 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.

## **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, indicating that there is a “Challenge 25” policy in place at the premises.
- Either:
  - a) The Challenge 25 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  
or
  - b) A separate notice shall be displayed at the entrance to the premises where it can be clearly seen which 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 only forms of ID that shall be accepted as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, Armed Forces ID cards or other reliable photo ID that has been approved for acceptance by the Police or other responsible authority.
- A documented training programme shall be introduced for all staff that 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**

14 letters and e mails containing representations have been received.

Details of the 14 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**

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

**List of objectors**

**1** J Hulme  
38 Falkirk Avenue  
Widnes WA8 9DX

**2** C Lane  
1 Lanark Gardens  
Widnes WA8 9DT

**3** S Price  
45 Lanark Gardens  
Widnes WA8 9DT

**4** B Brereton  
11 Portrush Close  
Widnes  
WA8 9SH

**5** D Brook  
34 Falkirk Avenue  
Widnes

**6** S Mercer  
8 Roscommon Way  
Widnes WA8 9SB

**7** V Song  
28 Falkirk Avenue  
Widnes

**8** P Telfer  
43 Lanark Gardens  
Widnes

**9** A McDonald  
8 Roscommon Way  
Widnes

**10** H Carlin  
5 Doughton Green,  
Widnes, WA8 9AX

**11** C Fay  
21 Falkirk Avenue  
Widnes WA8 9DX

**12** P Fay  
21 Falkirk Avenue  
Widnes WA8 9DX

**13** Susan Lawrenson  
1 Doughton Green  
Widnes

**14** S Doyle  
22 Regency Park  
Widnes WA8 9PH

