

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 4 April 2012

Present:

Councillors D Roberts
 D McCubbin
 M Hornby

123 **APPOINTMENT OF CHAIR**

Resolved - That Councillor McCubbin be appointed Chair for this meeting.

124 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members were asked to consider whether they had personal or prejudicial interests in connection with any item on the agenda, and, if so, to declare them and state what they were.

No such declarations were made.

125 **APPLICATION TO VARY A PREMISES LICENCE - GLASSFIRE, 7-9 ALBERT ROAD, HOYLAKE**

The Director of Law, HR and Asset Management reported upon an application that had been received from Oliver Green and Robert Murch to vary a Premises Licence in respect of Glassfire, 7-9 Albert Road, Hoylake, under the provisions of the Licensing Act 2003.

The application to vary the Premises Licence was as follows:

Sale by Retail of Alcohol

Sunday to Tuesday	10:00 to 00:00 (unchanged)
Wednesday to Saturday	10:00 to 01:00

Hours Open to the Public

Sunday to Tuesday	10:00 to 00:30 (unchanged)
Wednesday to Saturday	10:00 to 01:30

Regulated Entertainment (Live Music, Exhibition of Films and Indoor Sporting Events)

Sunday to Thursday	10:00 to 23:30 (unchanged)
Friday and Saturday	10:00 to 00:00 (unchanged)

Regulated Entertainment (Recorded Music and Anything of a Similar Description)

Sunday to Tuesday 10:00 to 23:30 (unchanged)
Friday and Saturday 10:00 to 01:00

Regulated Entertainment (Performance of Dance)

Wednesday to Saturday 10:00 to 01:00

Entertainment Facilities (Facilities for Making Music and Dancing)

Sunday to Tuesday 10:00 to 23:30 (unchanged)
Wednesday and Saturday 10:00 to 01:00

Entertainment Facilities of a Similar Description

Wednesday and Saturday 10:00 to 01:00

Late Night Refreshment

Sunday to Tuesday 23:00 to 00:30 (unchanged)
Wednesday to Saturday 23:00 to 01:30

Non-Standard Timings

All of the above Licensable Activities to be extended as follows:

Bank Holidays 10:00 to 02:00
Christmas Eve 10:00 to 02:00
Boxing Day 10:00 to 02:00
New Years Eve 10:00 to 02:00

The applicants had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the licence be granted.

In respect of the application, two representations had been received from local residents. A representation had also been received from The Residents Network of Hoylake. A petition signed by 66 local residents who were against the application had also been received. The representations related to noise nuisance caused by customers of the premises at a late hour.

A representation had also been received from Ward Councillor, Councillor Hale which supported the concerns expressed by local residents.

Copies of all representations were available at the meeting.

The applicant, Mr Murch, attended the meeting together with Kelly Dack, Manager of the premises.

Also in attendance were Councillor J Hale, Mrs C Hopper, Mrs C Turpin and Mrs J Hall.

The Licensing Manager confirmed that all documentation had been sent and received and that a letter had been received from a local resident, Mrs McKinley, who had made a representation. The Licensing Manager read the letter from Mrs McKinley to all parties and informed all parties that Councillor Hale would be making reference to a letter received from Merseyside Police.

Mr Murch addressed the Sub-Committee and advised Members that they were responsible business owners who ran a professional business. He informed Members that the business had been established in Hoylake for three years and during that time they had received no complaints. He believed they had an excellent relationship with the Responsible Authorities and advised that the Police had complemented them on the running of their business. He believed that should the application be granted, this would have a positive effect on the night time economy of Hoylake. It was also his opinion that it would assist in staggering closing times of premises and therefore reduce the number of people on the street at any one time. He informed Members that he would be willing to work with the local community and address any concerns local residents may have.

Mr Murch responded to questions from Members of the Sub-Committee, Mr Abraham, Legal Adviser to the Sub-Committee, Councillor J Hale and local residents.

Councillor J Hale addressed the Sub-Committee. He explained that the premises were situated in an area that was heavily residential. He referred to the letter sent to the Licensing Department from Inspector M Blease, which was circulated to all parties, who had concerns regarding the application. He also referred to the petition which had been signed by 157 residents who were against the application. He expressed his concerns regarding noise nuisance late at night caused by customers leaving the premises and migration issues and requested that the application be refused.

Mrs Hopper informed Members that she lived in close proximity to the premises and had experienced noise disturbance emanating from the premises. She advised Members there had been no concerted effort by the owners to meet with local residents and believed that nothing had changed since the last application to extend the hours had been refused. She believed that extending the hours would exacerbate the existing problems and requested that the application be refused.

Mrs Turpin advised that she had experienced noise disturbance and disturbed sleep and believed that if the hours of these premises were extended the disturbance would be increased for another hour. She believed this was unacceptable for a residential area and asked that the application be refused.

Mrs Hall, on behalf of the Residents of the Network of Hoylake, addressed Members and stated that residents wished to maintain a quiet village. She believed that residents had been tolerant of the existing hours of premises in the vicinity and the resulting noise disturbance. It was her opinion that should later hours be granted it would become intolerable for residents and also believed that the late night economy did not benefit Hoylake.

Councillor Hale, Mrs Hopper, Mrs Turpin and Mrs Hall responded to questions from the applicant and Members of the Sub-Committee.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the four Licensing Objectives, the Council's Statement of Licensing Policy, in particular, paragraph 8.1 and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Members heard representations in support of the application from Mr Murch, the owner of the premises as well as the current Manageress of the premises, Kelly Dack.

Members also heard evidence from local residents, Mrs Hopper, Mrs Turpin and Mrs Hall who represented Hoylake Residents Network as well as the Ward Councillor, Councillor Hale.

Whilst Members had regard to the fact that there were no representations from any of the Responsible Authorities, they also had regard to the location of these particular premises and that it was situated in close proximity to residential properties.

Members had regard to the representations and evidence given by residents that should the application be granted, this would create disturbance at a later hour than was already being experienced by residents in the vicinity of the premises.

Members heard direct evidence from Mrs Hopper in that she was currently being disturbed by customers leaving the premises following the closure of the premises and that she had heard noise emanating from the premises which had caused her to complain to the management. Members also heard from Mrs Turpin who stated that people were currently disturbed at 12.30 am and that the granting of the application would increase the length of time people would be disturbed.

In light of the above, Members considered that the Licensing Objective in respect of the Prevention of Public Nuisance would be undermined should the application be granted and also believed there would be no conditions that could be imposed on the Premises Licence that would alleviate the problems if the extended hours were granted.

Resolved -

- (1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.**
- (2) That the application to vary the Premises Licence in respect of Glassfire, 7-9 Albert Road, be refused.**