

# LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 25 April 2012

Present:

Councillors    S Niblock  
                      H Smith  
                      S Taylor  
                      M Hornby

131    **APPOINTMENT OF CHAIR**

Resolved -

- (1)    That Councillor S Niblock be appointed Chair for this meeting.
- (2)    That the application regarding the Wallasey Royal British Legion be considered by Councillors S Niblock, M Hornby and H Smith.
- (3)    That the application regarding Harts Pantry Limited be considered by Councillors S Niblock, H Smith and S Taylor.

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

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

No such declarations were made.

133    **APPLICATION TO VARY A CLUB PREMISES CERTIFICATE - WALLASEY ROYAL BRITISH LEGION, 3 WITHENS LANE, WALLASEY**

The Director of Law, HR and Asset Management reported upon an application that had been received from Patricia McCormack, Club Secretary, to vary a Club Premises Certificate in respect of the Wallasey Royal British Legion, under the provisions of the Licensing Act 2003.

The application was to extend the Licensed area to include the outside area, to remove certain conditions currently imposed on the Club Premises Certificate and to include a proposed condition should the variation be granted.

The applicant was required to submit an operating schedule setting out how they would conduct/manage their business 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.

Two representations from local residents had been received in respect of the application. The representations related to noise nuisance caused by members and guests of the club whilst outside the premises smoking and drinking. Copies of the representations were available.

Patricia McCormack, Club Secretary, attended the meeting together with Hugh Gilmore, Chair and Keith Hughes, Treasurer, to outline the application.

None of the local residents who had made representations were in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that the Club Secretary wished to submit photographs to Members of the Sub-Committee. The photographs were distributed to Members.

The applicant advised that the Club wished to offer the same facilities as their competitors in order to enable Members to take drinks outside. She reported that premises situated in close proximity to the Club permitted drinking outside until 10 pm.

The Treasurer informed Members that no complaints had been received since the last application had been considered by the Sub-Committee. He reported that works had been carried out regarding the smoking area since the last hearing.

The Licensing Manager reminded Members of the Club of the existing conditions imposed upon the Club Premises Certificate.

The Treasurer believed that should the application be granted the Club would be easier to manage and this would be beneficial to the Club.

Mrs McCormack and the other Club Members responded to questions from Members of the Sub-Committee and Mr Abraham, Legal Advisor to the Sub-Committee.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Relevant Guidance issued under section 182 of the Licensing Act 2003.

Members considered the application to vary the Club Premises Certificate and to remove certain conditions which were currently imposed on the Certificate.

Members considered representations from local residents regarding their objections to the application which it was alleged would lead to public nuisance caused by members and guests of the club whilst outside the premises smoking and drinking.

Members gave consideration to the intentions of the Club as a consequence of the proposed variation and how this would be managed.

Members gave careful consideration to the application and the representations made.

**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 Club Premises Certificate in respect of the Wallasey Royal British Legion, to extend the licensed area to include the outside area, be granted and that the conditions of the Club Premises Certificate be amended as follows:**

**(i) That the following conditions be removed:**

- **No drinking shall be permitted outside the premises.**
- **No glasses or bottles shall be taken outside of the building.**
- **No drinking must be permitted in the designated smoking area.**

**(ii) That the following conditions be attached to the Club Premises Certificate:**

- **No drinking shall be permitted outside the licensed premises at any time.**
- **The outside licensed area must be cleared of all drinking vessels by 22:00.**

**134 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - HARTS PANTRY LIMITED, 43 VENABLES DRIVE, BEBINGTON**

The Director of Law, HR and Asset Management reported upon an application that had been received from Harts Pantry Limited for the grant of a Premises Licence in respect of 43 Venables Drive, Bebington., under the provisions of the Licensing Act 2003.

The premises do not currently hold a Premises Licence.

The application was to enable internet sales of alcohol to take place from the premises and in accordance with paragraph 3.6 of the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, the place in which the alcohol was being stored required a Premises Licence.

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

In respect of this application three representations had been received from local residents. The representations related to concerns that if the application was granted public nuisance may be caused to residents who live within the housing estate where the premises was situated. Copies of the representations were available.

The applicant, Mrs Kelly, attended the meeting.

None of the local residents who had made representations were in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that the applicant wished to submit further documentation regarding Terms and Conditions of the company. The further documentation was accordingly distributed to Members.

Mrs Kelly addressed the Sub-Committee and explained that the application was in respect of a new business which would principally be to supply food and drink ingredients pursuant to recipes which were locally sourced. She emphasized that alcohol would be sold as part of the meal or as an ingredient of a recipe and informed Members that orders would be taken via the internet and delivered direct to customers' homes. She gave details of the plans for delivering the goods and the expected numbers of delivery days to the premises and believed that the deliveries would not make a significant impact on existing traffic levels.

The applicant also confirmed that it would not be permissible to collect orders from the premises and withdrew the statement submitted under paragraph (e) of Section P of the application form regarding children not being permitted on the premises.

Mrs Kelly amended the application, reducing the required area to be licensed to relate only to the garage area.

Mrs Kelly responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Adviser to the Sub-Committee.

In determining the application Members had regard to the licensing objectives, the Council's Statement of Licensing Policy and relevant guidance issued under Section 182 of the Licensing Act 2003.

Members heard representations from Mrs Kelly, the applicant and considered the written representations from the local residents.

**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 for a Premises Licence in respect of Harts Pantry Limited, 43 Venables Drive, Bebington, be granted as amended.**