

## LICENSING ACT 2003 SUB-COMMITTEE

Friday, 28 February 2014

Present: Councillor WJ Davies (Chair)  
Councillors S Niblock E Boulton  
T Norbury G Ellis

### 46 APPOINTMENT OF CHAIR

#### Resolved –

(1) That Councillor S Niblock be appointed Chair to consider the application in respect of Sheridans together with Councillors G Ellis and T Norbury.

(2) That Councillor W J Davies be appointed Chair to consider the application in respect of The Montgomery together with Councillors E Boulton and S Niblock.

### 47 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Sub-Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

### 48 APPLICATION TO VARY A PREMISES LICENCE - SHERIDANS, 80 WALLASEY VILLAGE, WALLASEY

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Enterprise Inns to vary a Premises Licence in respect of Sheridans, 80 Wallasey Village, Wallasey, under the provisions of the Licensing Act 2003.

The variation requested was outlined within the report.

The applicant 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.

A representation had been received from a local resident. A representation had also been received from Saint George's Court Management Committee. The representations related to noise nuisance from entertainment coming from the premises at a late hour. The representations also related to nuisance from customers leaving the premises.

A representation had also been received from Ward Councillor, Leah Fraser which supported the concerns expressed by local residents. Copies of the representations were available.

Ms S McQuade, Designated Premises Supervisor attended the meeting together her representative Mr C Johnson.

Councillor Leah Fraser, Ward Councillor was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and provided an extended map of the area which included the location of local residents' properties.

Mr Johnson addressed the Sub-Committee and informed Members that the premises was a three storey building comprising a public house and fourteen room accommodation which was located in Wallasey Village. He reported that the Designated Premises Supervisor had been in the business for a number of years and at these particular premises over eight years. He advised that the premises were crucial to the local community and outlined the ways in which the premises were used for the benefit of the local community including fund raising events, fun days and the provision of free refreshments and accommodation for residents meetings. Mr Johnson believed that the application was necessary in order to succeed within the trade and explained that the variation would create a level playing field with other premises within the area. Mr Johnson also explained that it was impractical to operate the premises on a daily basis with the condition that a personal licence holder must be on the premises at all times and therefore the applicant had requested to vary this condition.

Mr Johnson and Ms McQuade responded to questions from Members of the Sub-Committee, Councillor Fraser and Mr D K Abraham, Legal Advisor to the Sub-Committee.

Councillor Fraser explained the concerns of local residents regarding noise disturbance during the week and at weekends and the concerns caused by the request to vary the condition regarding the Personal Licence Holder. Councillor Fraser advised that residents were concerned about the extra hour requested for Bank Holidays and also believed it would be excessive to open extra hours every weekend night in December. Councillor Fraser stressed the importance of liaison with local residents and encouraged the Designated Premises Supervisor to invite local residents to discuss any concerns they may have and also to inform them that the Environmental Health Officer had visited the premises and had not made any representations in respect of the application.

The Designated Premises Supervisor responded to the concerns raised by Councillor Fraser and in response to the concerns raised withdrew the request for extended hours every Friday, Saturday and Sunday during December.

In determining the application Members had regard to the licensing objectives, in particular the prevention of public nuisance, the Council's Statement of Licensing Policy and statutory guidance issued under Section 182 of the Licensing Act 2003.

Members gave consideration to the representations made by Ward Councillor, Leah Fraser. Members also considered the written representation made by a local resident on behalf of St George's Court.

Members had regard to the fact that there were no representations from any of the Responsible Authorities, in particular, Environmental Health.

Members considered the representations made in respect of how the premises would be operated and managed in respect of the extra hours applied for, the willingness of the Designated Premises Supervisor to liaise with the local community and the withdrawal of the application for extended hours in December.

Members had regard to the fact that there was no direct evidence that the licensing objectives would be undermined should the application be 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 Sheridans, 80 Wallasey Village, Wallasey, be approved with the following hours:**

**Sale by Retail of Alcohol**

**Sunday to Friday 11:00 to 00:00**  
**Saturday 10:00 to 00:00**

**Hours Open to the Public**

**Sunday to Friday 11:00 to 00:30**  
**Saturday 10:00 to 00:30**

**Regulated Entertainment (Exhibition of Films, Indoor Sporting Events and Anything of a Similar Description) - UNCHANGED**

**Sunday to Friday 11:00 to 23:30**  
**Saturday 10:00 to 23:30**

**Regulated Entertainment (Recorded Music)**

**Sunday to Friday 11:00 to 00:00**  
**Saturday 10:00 to 00:00**

**Live Music**

**Sunday to Friday 11:00 to 00:00**  
**Saturday 10:00 to 00:00**

**Non-Standard Timings**

**Sale by Retail of Alcohol & Recorded Music**

**11:00 to 01:00**      **Maundy Thursday, Good Friday, Halloween, Christmas Eve, Boxing Day, Any day preceding a bank holiday except Christmas Day**

**11:00 to 02:00**      **New Years Eve**

**Hours Open to the Public**

**11:00 to 01:30**      **Maundy Thursday, Good Friday, Halloween, Christmas Eve, Boxing Day, Any day preceding a bank holiday except Christmas Day**

**11:00 to 02:30**      **New Years Eve**

**(3) That the following condition be removed from the Premises Licence:**

- **A Personal Licence Holder must be on the premises at all times to supervise the sale and consumption of alcohol.**

**(4) That the following condition be placed on the Premises Licence:**

- **A Personal Licence Holder must be on the premises from 21:00 to supervise the sale and consumption of alcohol.**

**49 APPLICATION TO VARY A PREMISES LICENCE - THE MONTGOMERY, STANLEY LANE, EASTHAM**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from New Moon Pub Company to vary a Premises Licence in respect of The Montgomery, Stanley Lane, Eastham, under the provisions of the Licensing Act 2003.

The variation requested was outlined within the report.

The applicant 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.

Representations had been received from seven local residents. The representations related to concerns that should the application be granted in respect of the request to extend the use of the outside area, noise nuisance and public nuisance would increase to a later hour.

A representation had also been received from Ward Councillor, Phil Gilchrist. The representation supported the concerns expressed by local residents. Copies of the representations were available.

Mr Gazzard, Senior Operations Manager attended the meeting together with his representative Mr Lyons.

Councillor P Gilchrist, Ward Councillor was also in attendance together with two local residents. A further two local residents sent apologies due to illness.

The Licensing Manager confirmed that all documentation had been sent and received and referred to an email that had been received from a local resident who could not attend the meeting.

Mr Lyons reported that the premises had recently changed hands following a period of time when it had been closed. He advised that the premises had caused a number of problems in the past and that the applicant had spent a large amount of money on refurbishments. He advised Members that the premises was food led and had a good reputation. He believed that no issues had been raised with regard to the removal of the condition relating to safety stewards and withdrew the request to remove the condition regarding taxi firms providing a call back facility. He explained to Members that the issues raised were concerning the extension of the use of the outside area for an extra hour and advised that the reason for this request was in order that outside dining could be provided at the premises. He informed Members that the Operations Manager had many years experience in the business. He reported that there would be no external speakers or live entertainment at the premises. He suggested that the application was not unreasonable and reported that external CCTV cameras were in use, that a dedicated member of staff would be responsible for managing the outside area and that notices would be placed on tables asking customers to respect the neighbours. Mr Lyons also advised that higher foliage would be planted which would act as a screen between Stanley Lane and the houses situated opposite.

Mr Lyons referred to each of the representations that had been made and expressed the wish of the applicant that the premises be a good neighbour and also confirmed that the Operations Manager would be willing to provide his mobile number to local residents. He advised that the concerns of local residents had been taken into account and that changes had been implemented to assist with concerns raised. Mr Lyons also apologised for the two incidents when the premises had breached their licence and assured Members that this would not happen in the future.

Mr Gazzard confirmed that he would welcome any feedback and that he wished to maintain an open dialogue with local residents.

Mr Lyons and Mr Gazzard responded to questions from Members of the Sub-Committee, Councillor Gilchrist, the local residents in attendance and Mr D K Abraham, Legal Advisor to the Sub-Committee.

The local residents in attendance expressed concerns that the outside facility would attract more casual drinking and that noise nuisance would be caused for an extra hour. They believed that disturbance and public nuisance would occur should the application be granted.

A short adjournment took place while the local residents left the meeting.

The meeting reconvened and Councillor Gilchrist advised that he acknowledged the standard of the premises and welcomed the fact that it had re-opened. Councillor Gilchrist requested that a number of measures be put in place should the application be granted such as permanent notices on tables asking customers to keep the noise down; additional screening and liaison with local residents and requested that should the application be granted, the outside area be cleared by 10.00pm. He suggested that the times remain the same for the ensuing year and requested that a list of contacts be circulated to local residents.

Mr Lyons responded to the concerns raised by Councillor Gilchrist and in response offered to compromise by way of the addition of a number of conditions to the Premises Licence.

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

Members had regard to the written representations presented and oral representations made by the applicant's solicitor, Mr Lyons and the Operations Manager, Mr Gazzard as well as those made by local residents and Ward Councillor Phil Gilchrist.

Members had regard to the fact that there were no representations from any of the Responsible Authorities, in particular, Environmental Health.

Members considered the details provided in respect of how the premises was operated and managed and took into consideration that the business was food led. Members noted the willingness of the applicant to address the concerns raised by residents, including the floodlights outside the premises, staff smoking and nuisance caused by staff when leaving the premises. Members also had regard to the fact that the applicant was willing to adopt a number of conditions to address the concerns raised through their application to extend the time when the outside area could be used.

Members noted that no objections had been raised with regard to the removal of the condition relating to the safety stewards and it was noted that the applicant amended the application so that the condition regarding promoting the use of taxi firms providing a call back facility would be retained.

Members noted that the proposed smoking area was to be located further away from neighbouring properties and would be situated within a delineated area.

Members considered the evidence provided of two incidents at the premises when the premises operated in breach of their Premises Licence and were satisfied that these matters had been addressed. Members noted the assurances provided by the applicant that there would be no speakers in the outside area and that there would be a dedicated member of staff to manage the outside area to prevent public nuisance and ensure that the area was cleared of customers in accordance with the licence conditions.

Members gave consideration to the concerns of residents that there may be disturbance caused by the outside area being in use until 22.30. However Members were satisfied that the applicant could manage the area to prevent public nuisance and that conditions could be put in place to address the concerns raised.

In determining the matter Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003.

**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 following condition be removed from the Premises Licence:**

- **At least two safety stewards to be trained. Safety stewards to be easily identified during an emergency.**
- **Outside area to be cleared of all customers consuming drinks by 21:30.**
- **No smoking to the front of the premises, patrons must use the rear dedicated area for smoking**

**(3) That the following conditions be placed on the Premises Licence:**

- **The outside area must be cleared of all customers consuming food and drink by 22:30.**
- **Patrons must use the dedicated area for smoking at the side of the premises.**
- **There must be a member of staff assigned to manage the outside area when the beer garden is in use.**
- **Fixed signs must be in place on the tables in the outside area to ask customers to respect local residents by keeping noise levels down and to advise customers that the table must be vacated by 22.30.**