

# LICENSING ACT 2003 SUB-COMMITTEE

Tuesday, 25 July 2017

Present: Councillors L Rowlands  
AER Jones  
L Rowlands

## 54 APPOINTMENT OF CHAIR

**Resolved - That Councillor Les Rowlands is appointed chair for this meeting.**

## 55 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.

## 56 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WHITTS END WINE BAR, 43 MARKET STREET, HOYLAKES CH47 2BG

The Managing Director for Delivery reported upon an application that had been received from Whitts End Limited for a Premises Licence that relates to the premises known as Whitts End Wine Bar, 43 Market Street, Hoylake under the provisions of the Licensing Act 2003.

It was reported that the premises previously had a Premises Licence which lapsed on 21 March 2017 as the Premises Licence Holder, Moose in The Hoose Limited, dissolved. These premises are not currently trading.

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 Statutory Guidance issued under section 182 of the Licensing Act 2003.

Members heard from the applicant who outlined how the premises will be operated and the measures that would be put in place to ensure that the Licensing Objectives would be promoted.

It was made clear by the applicant that she had a good record of managing licensed premises in residential areas so as not to cause a nuisance to local residents. Members were also made aware that the applicant currently manages the Ship Inn which is located opposite these premises.

Members heard the concerns raised by Mrs McKinley and her legal representative of the disturbance she had suffered over a number of years caused by the loud music

coming from the premises and people being outside the premises at a late hour including the use of the courtyard/ beer garden, bins being emptied late at night. Members were informed that these issues had been raised with the previous owner but the disturbance continued.

Mrs McKinley expressed particular concerns regarding the noise associated with the use of the outside area/ beer garden and the fact that it was a right of way and this was a cause for concerns for these residents when having to cross during the opening time of the premises.

Mrs McKinley expressed particular concern when live bands were performing inside the premises; she informed Members that the base beat travels through the foundations of the premises to her house; and she can hear the loudness of the music especially when windows and doors were open.

Mrs McKinley advised Members of her concerns that the applicant did not appear to have put appropriate measures forward in her application. Members were directed to the operating schedule submitted as part of her application.

In respect of these proposals the applicant demonstrated a willingness to amend conditions to address the concerns raised by Mrs McKinley and other local residents. These included the fitting of sound proof doors, limiting the use of the outside area, the disposal of bottles in the morning, and the closing of windows at the premises from 9.00pm.

Members were informed that the applicant had agreed to conditions proposed by Merseyside Police prior to the Hearing.

In determining the application Members gave consideration to the type of operation proposed by the applicant as well as the measures that could be put in place to address the concerns raised by Mrs McKinley.

**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 Whitts End Wine Bar, 43 Market Street, Hoylake, which would apply to the fabric of the building only and not the outside area, be granted as follows:**

**Sale by Retail of Alcohol**

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

**Live Music**

**Sunday to Saturday                      20:00 to 23:00**  
**August Bank Holiday                      14:00 to 20:00**

**Recorded Music**

**Sunday to Saturday                      15:00 to 23:00**

**Hours Open to the Public**

**Sunday to Saturday                      11:00 to 00:00**

**(3)     The Licensing Act 2003 Sub-Committee determined that in addition to the appropriate conditions proposed in the operating schedule and further conditions agreed Merseyside Police the following conditions be applied to the licence:**

- There must be no drinking in the outside area beyond 9.00pm.**
- The CCTV system must provide clear coverage of the outside area.**
- The disposal of bottles must not take place between the hours of 10.00pm and 10.00am.**
- Sound proof doors must be fitted where there is access and egress to the building.**
- Windows and doors must be kept closed from 9.00pm, except to allow access and egress to the premises.**