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LICENSING PANEL

Wednesday, 21 April 2021

Present: Councillors A Hodson (Chair)
K Greaney
AER Jones
T Norbury

8 APPOINTMENT OF CHAIR

Resolved –

- (1) That Councillor A Hodson be appointed Chair to consider the matter in respect of Claremont Farm together with Councillors K Greaney and T Norbury.
- (2) That Councillor A Hodson be appointed Chair to consider the matter in respect of 625 together with Councillors A Jones and T Norbury.

9 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel 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.

10 10.00 AM: APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - CLAREMONT FARM, OLD CLATTERBRIDGE ROAD, BEBINGTON

The Chair of the Licensing Panel announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Law and Governance reported upon an application that had been received from Claremont Farm Limited for a Premises Licence in respect of Claremont Farm, Old Clatterbridge Road, Bebington.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out 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 application be granted. It was reported that following discussions with Merseyside Police, the applicant had agreed to include a number of conditions on the Premises Licence.

In respect of the application seven representations had been received from local residents who were objecting to the application. The representations related to concerns of anti-social behaviour and public nuisance being caused to local residents should the application be granted. Copies of all representations were available.

The applicant attended the meeting by way of video conference together with the Operations Manager, Claremont Farm Events.

Three local residents also attended the meeting by way of video conference.

The Licensing Manager confirmed that all documentation had been sent and received.

The Licensing Manager outlined the report.

The applicant addressed the Panel and reported that he already held a Premises Licence for the building located on the farm. He submitted that he had made this application to support his business due to the restrictions that had been put in place in respect of the pandemic and the granting of the application would provide an extended area to facilitate events. He advised Members of the Panel that he intended to screen films to an outdoor audience who would wear headphones to avoid any noise disturbance and also to provide acoustic music and classical music nights. He further advised that he had run these events over the last 12 months under Temporary Event Notices and during this time no complaints had been received either by himself or the Licensing Authority. He believed it was no longer viable to continue applying for Temporary Event Notices.

In response to questions from Members of the Licensing Panel, the applicant advised that all events would be ticket only and no admittance would be permitted on the door. He explained that this system would enable strict control on the number of people able to attend events. Members of the Panel were informed that sufficient parking was available on site to accommodate members of the public attending events.

In response to questions from local residents, the applicant gave assurances that if no disturbance had been experienced during the previous events there would be no disturbance from any future events should the application be granted.

Members of the Licensing Panel were informed that as well as the conditions proposed in the operating schedule by the applicant, conditions proposed by Merseyside Police had also been agreed to by the applicant to manage the operations taking place should a Premises Licence be granted. The Panel were also advised there were no representations received from any of the Responsible Authorities.

A local resident addressed the Panel and reported upon his experience that events at the premises had been extremely well run and had seldom given rise to any problems. He further reported that when issues had arisen, the applicant did take action to address the concerns raised. Members of the Licensing Panel were advised that the business was managed responsibly and that due to the assurances provided by the applicant the resident was content to withdraw their representation.

The Licensing Panel heard from another local resident who expressed concern regarding noise and light pollution that may be caused from events being held at this site however, the resident did advise the Panel that he had not experienced any disturbance from any events that had taken place last year.

In determining the application the Licensing Panel 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.

In determining the matter, Members of the Licensing Panel had regard to the written representations from local residents in respect of their concerns regarding an outdoor music venue being in close proximity to residential properties and the effects of noise nuisance from music and people attending events at the site. Members gave particular consideration to the business model provided by the applicant as well as the extensive conditions that the applicant was prepared to have attached to the Premises Licence to manage any licensable activities in accordance with the licensing objectives.

In coming to their decision, Members gave consideration to the fact that following discussions with the applicant, a resident who lived in close proximity to the premises had withdrawn his representation as he was content by the assurances provided by the applicant that any concerns that may arise in the future would be addressed.

In determining the application Members also had regard to the fact that no representations had been received from any of the Responsible Authorities, in particular Environmental Health. Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

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 Claremont Farm, Old Clatterbridge Road, Bebington be granted with the following hours and with the conditions set out in the operating schedule and agreed with Merseyside Police:

Sale by Retail of Alcohol

Sunday to Saturday 11:00 to 23:00

Exhibition of Films

Sunday to Saturday 11:00 to 23:00

Live Music

Sunday to Saturday 11:00 to 23:00

Hours Open to the Public

Sunday to Saturday 09:00 to 23:00

11 2.00 PM: APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 625, 86 BANKS ROAD, WEST KIRBY

The Chair of the Licensing Panel announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Law and Governance reported upon an application that had been received from 625 Limited for a Premises Licence in respect of 625, 86 Banks Road, West Kirby.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out 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 application be granted.

In respect of the application eleven representations had been received from local residents. A petition containing 32 signatures had also been received. The representations related to concerns of anti-social behaviour occurring within the vicinity of the premises and public nuisance being caused to local residents should the application be granted.

A representation had also been received from Ward Councillor Alison Wright who supported the representations submitted by local residents. Copies of all representations were available.

The applicant attended the meeting by way of video conference together with his legal representative.

Four local residents and Ward Councillor Alison Wright also attended the meeting by way of video conference.

The Licensing Manager confirmed that all documentation had been sent and received.

The Licensing Manager outlined the report and informed Members of the Licensing Panel that further to consideration of the representations made, the applicant had amended the application to reduce the hours applied for.

The applicant addressed Members of the Licensing Panel and advised that they lived in the area and had been involved in the running of a family business in West Kirby for 20 years. They outlined the experience they had in running licensed premises and explained that the premises would be operated by father and son. The applicant provided details of the business model for the premises which included a menu built around the seasons in order to provide the freshest local produce and highlighted the fact that it would be a family run restaurant bringing business to the local area. They outlined the way in which they would operate the premises and explained that the premises was not permitted to operate as a bar/pub and that the main focus was food where customers would be seated at tables and table service would be provided.

The applicant informed Members of the Licensing Panel that there would be 45-50 covers in total with 16 of these being outside where customers could only drink alcohol when they were seated. Members of the Panel were also informed that the tables outside would be no smoking. They referred to the comprehensive conditions they would be willing to have attached to the Premises Licence should the application be granted which included CCTV, regular litter and glass collections in the outside area, a Challenge 25 Policy, staff training and a refusals register.

The Licensing Panel were made aware that the applicant recognised that noise could escape to accommodation above the premises and the applicant

advised that any music would be limited to background music and in seeking to address any problems they would liaise with the residents who lived above the premises.

The applicant believed that the business would be at a disadvantage should they not be allowed to sell alcohol however they advised that they would probably still open as a restaurant should the application be refused.

In response to questions from Councillor Wright and local residents who expressed concerns regarding noise nuisance and nuisance being caused by customers both inside the premises and within the vicinity of the premises, the applicants confirmed that they would be willing to work together with local residents to mitigate these concerns and would arrange for the disposal of bottles during limited hours and make arrangements with a view to waste disposal and deliveries also to take place during a reasonable time of the day. They also advised that seating placed outside during the day would be removed at night and a muffler would be added to the extractor fan should this cause a problem.

Members of the Licensing Panel heard from Councillor Wright, Ward Councillor who spoke in respect of her own representations and on behalf of local residents. It was highlighted to the Panel that the particular concerns were in respect of noise nuisance and the potential for anti-social behaviour caused by customers both inside and outside the premises. Councillor Wright raised concerns in respect of the hours applied for and the impact on the health and wellbeing of the residents who lived above the premises and also concerns of an additional licensed premises in the location of existing licensed premises.

The residents who lived above the premises advised the Panel that they had experienced disturbance by recent renovations undertaken and they had great concerns in respect of public nuisance being caused by customers attending the premises. They expressed concern regarding the escape of noise through the void in the ceiling. A number of other local residents in attendance at the meeting expressed concerns in respect of noise nuisance and the potential for anti-social behaviour caused by customers attending the premises.

In response to the representations made, it was submitted by the applicants that they would manage the premises responsibly so as not to cause a nuisance to local residents or undermine the licensing objectives. They emphasised that it would be background music only that would be played at the premises and they would be content to reduce the hours of operation, they further stated that they would take any necessary measures to mitigate the escape of noise through the ceiling.

In determining the application the Licensing Panel 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.

In coming to their decision, Members gave consideration to the way in which the premises would be managed and that the applicants would be willing for the hours applied for to be reduced due to consideration of the representations made.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police, Environmental Health and the Fire Authority and had particular regard to the fact that no evidence had been submitted to support the representations that antisocial behaviour may be caused by the operation of the premises.

Members also took into account the willingness of the applicant to liaise with local residents and address any concerns they may have.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

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 625, 86 Banks Road, West Kirby be granted with the following hours:

Sale By Retail of Alcohol

Monday to Sunday	11:00 to 22:30
New Years Eve	11:00 to 00:30

Hours Open to the Public

Monday to Sunday	11:00 to 23:00
New Years Eve	11:00 to 01:00

Late Night Refreshment

New Years Eve	23:00 to 01:00
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(3) That in addition to the conditions set out in the operating schedule, the following conditions be placed on the Premises Licence:

- **In consultation with an Environmental Health Officer the Licence Holder must take appropriate measures in respect of the void between the ceiling of the premises and the property above to mitigate the transmission of noise through this void.**
- **All windows must be kept closed during the operation of the business.**
- **Deliveries must only take place at the premises between 9.00 am and 5.00 pm.**
- **The collection of external waste bins from the premises must only take place between 9:00 am and 5.00 pm.**
- **The disposal of bottles or broken glasses into bins outside the premises must only take place between 9.00 am and 5.00 pm.**
- **The outside area must be cleared and chairs stacked by 10.00 pm and all external furniture placed inside the premises by no later than 11.00 pm.**
- **Alcohol may only be served to customers seated at the bar who are waiting to be seated at a table.**