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LICENSING PANEL

Thursday, 29 April 2021

Present: Councillor A Hodson (Chair)
D Mitchell
T Norbury

15 APPOINTMENT OF CHAIR

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

16 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.

17 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WIRRAL SAILING CENTRE, SOUTH PARADE, 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 Wirral Council for a Premises Licence in respect of Wirral Sailing Centre, South Parade, 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. 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 four representations had been received from local residents who were objecting to the application. 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.

Two 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 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 and had also withdrawn the Non-Standard Timings in respect of Christmas Eve, Boxing Day and New Year's Eve.

The applicant advised Members of the Licensing Panel that the intention was to operate the premises as a café during the daytime and to offer a high end restaurant service during the evening which would be table service only.

The applicant further advised that the premises would not facilitate vertical drinking as no bar service would be available. The applicant reported on the number of covers both inside and outside the premises, that no music would be played outside on the balcony and that this area would be cleared by 9.00 pm.

The applicant responded to questions from Members of the Licensing Panel, local residents and Mr D K Abraham, Legal Advisor to the Panel.

In response to questions from local residents, the applicant advised that they would be content to have conditions applied to the Premises Licence confirming that the outside balcony area would be cleared by 9.00 pm and that the doors leading onto the balcony would remain closed from 9.00 pm. The applicant emphasised that the business would operate professionally with the aim that the facility would be one for the people of West Kirby to be proud of.

The local residents in attendance addressed the Panel and advised that they had expressed concerns regarding noise emanating from the premises caused by music being played and customers allowed onto the balcony at a late hour. However, further to hearing that the application had been amended and the assurances given by the applicant that no music would be played on the balcony, the doors leading onto the balcony would be closed at 9.00 pm

and that the balcony would be cleared of customers and closed by 9.00 pm, they advised that their concerns had been addressed.

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 the application for a Premises Licence be granted. The Panel were also advised there were no representations received from any of the Responsible Authorities.

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 representations from local residents and the Ward Councillor. Members gave particular consideration to the business model provided by the applicant and the willingness of the applicant to have conditions attached to the Premises Licence to mitigate any public nuisance that may be caused through the operation of the premises. In coming to their decision, Members also gave consideration to the fact that further to the representations being received the applicant had reduced the hours applied for and withdrawn the request for Christmas Eve, Boxing Day and New Year's Eve.

In coming to their decision, 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.

Members noted that in respect of public safety, the applicant would give consideration to placing appropriate signage outside the premises.

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 Wirral Sailing Centre, South Parade, West Kirby be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday

12:00 to 22:30

Hours Open to the Public

Sunday to Saturday

08:30 to 23:00

(3) That in addition to the conditions set out in the operating schedule and the conditions agreed with Merseyside Police, the following conditions be placed on the Premises Licence:

- **The doors to the balcony area must be closed by 9.00 pm**
- **The balcony area must be cleared of customers by 9.00 pm.**