

# LICENSING ACT SUB COMMITTEE

Wednesday, 21 June 2023

Present: Councillors A Hodson (Chair)  
C Cooke  
J Stewart Laing

## 4 APPOINTMENT OF CHAIR

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

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

Members of the Licensing Act 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.

## 6 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 18 BROADWAY, BEBINGTON, CH63 5NH

The Director of Law and Governance reported upon an application that had been received from Cowshed Wirral Ltd for a Premises Licence in respect of 18 Broadway, Bebington, CH63 5NH.

The hours applied for the Premises Licence 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.

Following discussions with Merseyside Police and the Licensing Authority, the applicant had agreed to have a number of conditions placed on the Premises Licence, as set out within the report, should the application be granted.

In respect of the application 24 representations had been received from local residents. The representations related to concerns of public nuisance and anti-social behaviour that may be caused by customers of the premises leaving at a late hour. Copies of the representations were available.

The applicant and proposed Designated Premises Supervisor attended the meeting together with her brother and a friend. Three local residents who had made representations were also in attendance.

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

The Licensing Manager outlined the report.

The applicant addressed the Sub-Committee and advised that she was fully aware of the concerns raised by local residents in respect of parking in the area and advised Members that there was a car park in the vicinity of the premises that could accommodate 50 cars which was being promoted through social media and that a direct line would be installed at the premises for customers to phone taxis. Members were informed that the business was aimed at families for eating and drinking at the premises and that the type of food on offer would be street food.

In response to questions from local residents, the applicant advised Members that she has a convenience store and has previously operated an on-licensed premises.

In response to questions from Members, the applicant advised that she had liaised with Merseyside Police and the Licensing Authority and had agreed to a number of conditions being placed on the Premises Licence should the licence be granted. These conditions included a comprehensive CCTV system to operate at the premises, the training of staff on their responsibilities under the Licensing Act 2003, a Challenge 25 Policy and the management of customers to prevent public nuisance being caused to local residents.

The applicant stated that she would take all measures necessary to prevent public nuisance and that she would welcome local residents to meet at the premises on a regular basis.

In response to questions from the legal advisor to the Sub-Committee, the applicant made an amendment to the application for the sale of alcohol and the premises to be open Monday to Sunday from 11 am to 11 pm. The applicant also advised that there would be no DJs at the premises and that only background music would be played at the premises.

The local residents in attendance informed Members of the Sub-Committee that they had significant concerns in respect of parking within the vicinity of these premises, parking in the area was currently a problem and they believed this would be exacerbated by the operation of these premises. In addition, residents also expressed concern regarding the potential for noise nuisance to be caused by people leaving the premises at a late hour.

The local residents also raised concerns in respect of anti social behaviour and drug taking in the area.

Local residents responded to questions from the legal advisor to the Sub-Committee.

In determining the application Members of the Licensing Act 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.

In determining the matter Members gave consideration to the representations from local residents. Members noted the significant concerns regarding parking in the area and the concerns that the operation of these premises would exacerbate these problems. Members also noted the concerns that public nuisance and anti-social behaviour would be caused by customers of the premises leaving at a late hour in a residential area.

In determining the application Members took into account the fact that the business would be food led and that in accordance with the application, it would be a restaurant serving food with craft beers and fine wines.

Members also had regard to the undertaking provided by the applicant that only background music would be played at the premises, that there would be no DJ and that the original hours applied for had been reduced.

It was submitted by the applicant that there was no evidence that the premises would operate in such a way to contribute to anti-social behaviour in the area and highlighted that there were no representations from any of the Responsible Authorities, in particular Merseyside Police.

In coming to their decision, Members also had regard to the statutory guidance issued under the Licensing Act 2003 and that their decision must be evidenced based.

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 18 Broadway, Bebington, CH63 5NH, be granted with the following hours:**

**Sale of Alcohol (for consumption 'on' the premises only)**

**Sunday to Saturday 11:00 to 22:30**

**Hours open to the Public**

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

**(3) That in addition to the conditions submitted as part of the application, the following conditions be placed on the Premises Licence:**

- Deliveries must take place at the rear of the premises**
- Customers are to remain inside the premises whilst waiting for taxis**