

LICENSING ACT SUB COMMITTEE

Monday, 15 April 2024

Present: Councillor J Stewart Laing (Chair)

Councillors B Hall K Stuart

1 APPOINTMENT OF CHAIR

Resolved: That Councillor James Stewart Laing be appointed Chair for this meeting.

2 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.

3 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 214 BEBINGTON ROAD, ROCK FERRY, CH42 4QF

The report of the Director of Law and Corporate Services referred to an application that had been received from Abbasin Shapoor for a Premises Licence in respect of 214 Bebington Road, Rock Ferry, CH42 4QF.

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 had been provided to Members. 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 five representations had been received from local residents. The representations expressed concerns regarding the number of premises selling alcohol in the area which they considered was causing anti-social behaviour in the area. Copies of the representations were available.

The applicant attended the meeting along with their agent, store manager and a member of staff. A local resident attended on behalf of those who had made representations together with a Ward Councillor.

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

The Licensing Manager outlined the report.

The applicant's agent addressed the Sub-Committee and advised that staff would receive training on their responsibilities under the Licensing Act 2003. Members of the Sub-Committee were informed that discussions had taken place with Merseyside Police who were content with the application but had specifically made reference to the requirement for CCTV to operate at the premises. It was submitted on behalf of the applicant that the requested hours were less than those of the nearby Tesco store.

Members of the Sub-Committee asked questions of the Designated Premises Officer on proposed practices, experience, training and how many staff would be present in the shop during its opening hours. The applicant's agent requested that the Sub Committee do not impose a specific condition that determines the number of staff that should be present in the shop when it was operating.

The local resident and Ward Councillor in attendance at the Hearing spoke about the representations made, which related to concerns in principle that there were other venues selling alcohol in the vicinity and that there may be a detrimental effect on the residents of 'the Cokers' because of public nuisance and anti-social behaviour which the residents considered was currently a problem within the vicinity of the premises. This included parking around the exit to Tesco which adjoined the premises, people leaving other venues which closed earlier individuals attending the premises to purchase alcohol and adults buying for children. Copies of the representations had been provided to Members. It was noted that the representative of the residents believed that a petition had been submitted but this had not been received.

The resident and Ward Councillor were questioned about existing concerns locally by Members of the Sub Committee.

The applicant's agent made reference to the size of the premises, that 15% of the stock and profit would be for alcohol and that this would be regarded as part of a mix of products available for sale. The Agent further confirmed that there was an intention not to sell 'troublesome' brands such as high strength beers.

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 coming to their decision, Members also had particular regard to the Statutory Guidance issued under the Licensing Act 2003 that their decision must be evidenced based. It was noted that no representations had been received from any of the Responsible Authorities, in particular Merseyside Police, Trading Standards and the Licensing Authority.

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 – That

(1) 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 214 Bebington Road, Rock Ferry, CH42 4QF, be granted with the following hours:

Sale of alcohol during the following hours for consumption ‘off’ the premises only:

Sunday to Saturday 07:00 to 23:00

Hours Open to the Public

Sunday to Saturday 07:00 to 23:00

(3) in addition to the conditions submitted as part of the application and relevant conditions agreed with the Licensing Authority and Merseyside Police, the following condition be placed on the Premises Licence:

- **There must always be a member of staff on duty at the premises who holds a Personal Licence.**
- **That the condition within the operating schedule referring to CCTV be amended to include the following: A CCTV camera system must be installed at the premises capable of providing good quality images in all lighting conditions, covering the interior of the premises and the area immediately outside the entrance.**

4 APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - THE COWSHED, 18 BROADWAY, BEBINGTON, CH63 5NH.

The report of the Director of Law and Corporate Services detailed an application to vary a Premises Licence under the provisions of the Licensing Act 2003. The application was made by Cowshed Wirral Limited and related to the premises known as the Cowshed, 18 Broadway, Bebington, CH63 5NH.

The variance in 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 had been provided to Members. 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 fifteen representations had been received from local residents. The representations related to public nuisance and anti social behaviour which local residents reported was being caused by customers of these premises. The local residents considered that if the application to permit the premises to operate later hours was granted these problems will be exacerbated. Copies of the representations had been provided to Members.

The applicant attended the meeting together with the applicant's sister. Six 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 the premises had been open for six months serving food and drink. The applicant advised the Sub-Committee that they were seeking an extended time to get people out of the premises at the end of the evening. In response to questions, it was clarified that food included burgers, fish and chips, milkshakes and desserts and that food serving ceased once stocks ran out or when there were no further requests from customers. The applicant further confirmed that empty bottles were put into skips the following day and taxi customers were requested to wait inside the premises to avoid disturbing residents, and that only background music was played. The applicant addressed concerns by pointing out that there were 18 other businesses in the vicinity and that not all of the problems were necessarily caused by The Cowshed, and that they have CCTV evidence to show that some concerns are not caused by them.

Residents spoke of individual incidents such as inconsiderate parking that they believed were attributable to the Cowshed.

Members heard directly from a resident, whose property cuts across part of the premises, that she can hear the operation of the premises to such an extent that she does not make use of the two back bedrooms in her property due to the noise that can be heard. It was submitted by local residents in attendance at the Hearing that the Sub-Committee have regard to their

concerns that the granting of additional hours would exacerbate the nuisance they maintain is currently being caused by the premises.

Members heard directly from a resident, whose property cuts across part of the premises, that she can hear the operation of the premises to such an extent that she does not make use of the two back bedrooms in her property due to the noise that can be heard from the premises. It was submitted by local residents in attendance at the Hearing that the Sub-Committee have regard to their concerns that the granting of additional hours would exacerbate the nuisance they maintain is currently being caused by the premises.

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 coming to their decision, Members also had regard to the profile of the premises presented at the hearing and the lack of details submitted in the operating schedule for the application. Members noted that there were no representations from the Responsible Authorities. However, in determining the application Members had particular regard to paragraphs 6.34, 15.1, 15.2, 15.3 and 15.4 of the Council's Statement of Licensing Policy.

Resolved – That

- (1) the application to vary the hours for the sale of alcohol be refused.**
- (2) That the application to vary the hours open to the public be granted as follows:**

Hours open to the Public:

Sunday to Saturday 11:00 to 23:30

- (3) In considering the application, it was noted that the premises licence permits the sale of alcohol for consumption on the premises only and that therefore there should be no consumption of alcohol on table and chairs outside the premises.**