

LICENSING ACT SUB COMMITTEE

Tuesday, 4 June 2024

Present: Councillor A Hodson (Chair)

Councillors S Bennett M Booth

1 APPOINTMENT OF CHAIR

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

2 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.

3 APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - THE WELLINGTON, 10 THE VILLAGE, BEBINGTON, CH63 7PY.

The Licensing Manager introduced the report which was an application to vary a Premises Licence under the provisions of the Licensing Act 2003. The application was made by Green King Brewing and Retailing Limited and related to the premises known as The Wellington, 10 The Village, Bebington, CH63 7PY.

It was reported that the premises currently have a Premises Licence which permitted the hours outlined within the report. The application was to change the layout of the premises and to increase the licensed area in relation to the outside area of the premises. The application requested a number of conditions of the license be removed and for them to be replaced with alternative conditions which were set out in 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, twelve representations had been received from local residents. The representations related to noise nuisance and anti-social behaviour from patrons. Copies of the representations were available.

The applicant attended the meeting together with their legal representative, and there were a group of local residents in attendance, due to the number of residents, two spokespersons were elected to represent them at the hearing. The Licensing Manager confirmed that all documentation had been sent and received.

The applicant's legal representative explained that the application sought to change the layout of the interior and to redesignate part of the car park into an external area for customers. The sub-committee were informed that on opening weekend under the new management at the premises, there were some teething issues that led to noise nuisance such as improper insulation on an external door and use of a fire door which was then left open leading to noise and music emanating out of the premises. The legal representative apologised to local residents and gave assurance that these issues were being mitigated with a glass collector being asked to monitor the fire door and to keep it shut whilst waiting for an alarm to be installed and to have the insulation issue on the door fixed. The legal representative stated that there was no intention to have regulated entertainment on the premises on a regular basis with nothing planned for the remainder of the year and that there would be no speakers permitted outside to play music. The Sub-Committee were advised that the Designated Premises Supervisor (DPS) would implement a garden management plan to ensure that customers are behaving appropriately in the external area of the premises and that this would be a condition of the licence if it were to be granted.

The legal representative then detailed the request to remove some conditions of the licence and replace them with 7 conditions which included staff training in licencing law relating to the sale of alcohol, the challenge 25 policy and the premises licence and its conditions. A record of this training would be kept and should be refreshed every 12 months. Further conditions to be added included an incident log, attendance at Pubwatch for the DPS, weekly inspections of public areas of the premises to identify and rectify risks, outside areas to be monitored by staff, the challenge 25 policy being implemented and finally that customers should not be permitted to take food or drink to the external areas of the premises after 23:00 hours. The legal representative clarified that after conversations with local residents they wished to amend condition 7 to only allow food and drink outside up until 22:00 hours.

The legal representative detailed further conditions to be added to the license following consultation with the police and these included CCTV, Challenge 25 policy, a refusal of sale log being kept, regular toilet checks to be made each hour with appropriate signage relating to the drugs policy and suitable signage positioned at exits requesting customers to leave quietly.

The spokespersons for local residents detailed their concerns which centred around noise nuisance emanating from the external area of the premises. Residents informed the Sub-Committee that the noise had led to instances such as children's bedrooms having to be moved to the front of the house so they could sleep at night, shift workers being disturbed and, residents not feeling able to use their own garden space. In response to questions from the local residents, the applicant and their legal representative explained how the garden management plan would reduce the noise disturbance, all staff would be trained in the garden management plan. The legal representative further explained that the expansion of the external area including a fenced area was to support the garden management plan in that if there was more space for customers in the external area it would prevent them from approaching the boundary between the premises and the resident's home.

In response to questions from Members and the legal advisor, the applicant's representative confirmed that there had been CCTV installed which covered the entirety of the external area of the premises which would be monitored and that when the external area of the premises was busy there would be more staff positioned outside to deal with any noise disturbances. Members noted that the applicants intended to hold a coffee morning to build a relationship with local residents.

In coming to their decision, Members gave consideration to the submissions made by the applicant's legal representative, in particular that the external area would only be operational until 22:00 hours and that there would be CCTV monitoring the external area. Members noted that there would be no music played outside and that speakers had been removed.

In determining the application Members gave consideration to the representation made by the local resident however Members had to have regard to the statutory guidance issued under the Licensing Act 2003 that their decision must be evidenced based.

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 and 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 resolved that condition 7 should be amended to read Customers shall not be permitted to consume food and/or drink to the external areas of the premises after 22:00hours daily.

Resolved – That the application to vary the Premises Licence in respect of The Wellington, 10 The Village, Bebington, Wirral, CH63 7PW be

granted having regard to the representations made in respect of the application.

4 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - PRENTON CONVENIENCE AT 338 WOODCHURCH ROAD, PRENTON, CH42 8PQ.

The Director of Law and Governance reported upon an application that had been received from Puvanenthiran Kandaiah and related to the premises known as Prenton Convenience at 338 Woodchurch Road, Prenton, CH42 8PQ.

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

It was reported that the premises do not currently have a Premises Licence. 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 consultation with Merseyside Police, the applicant had agreed to have conditions placed on the premises licence which included CCTV, an incident book and refusals log being kept at the premises and a Challenge 25 policy being operated. The full list of conditions was set out in the report.

In respect of the application 3 representations had been received from local residents. The representation related to concerns that anti-social behaviour would increase should the application be granted due to there being several other premises which sold alcohol in the local area and concerns about customers parking on zig zags whilst they were in the premises.

customers leaving the premises late at night causing a nuisance which the resident had indicated was currently a problem with other nearby premises. The resident also had concerns regarding the use of the outside area at the rear of the premises which could cause a nuisance to local residents. A copy of the representations was available.

In response to the representations submitted by local residents, the applicant explained that he was not responsible for where customers parked and that this was not a condition of the licence. The applicant informed the Sub-Committee he operated two other premises and had done for over 20 years with no issues. The applicant stated that alcohol sales contributed around 10% of his total sales and that in his other premises his staff were all trained

on the conditions that would be placed on the licence should it be granted and he would be able to implement them at 338 Woodchurch Road too.

In determining the application Members of 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 submissions made by the applicant, in particular that the business would be run by the applicant and his wife and that they had 20 years' experience and two other premises that operated under the same or similar conditions.

Members gave consideration to the written representation made by local residents, however Members had to have regard to the statutory guidance issued under the Licensing Act 2003 that the decision of the Licensing Panel 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 – That the application for a Premises Licence in respect of Prenton Convenience at 338 Woodchurch Road, Prenton, CH42 8PQ, be granted.