

LICENSING ACT SUB COMMITTEE

Wednesday, 14 August 2024

Present:

Councillors S Bennett
B Hall

K Murphy

11 APPOINTMENT OF CHAIR

Resolved – That Councillor Stephen Bennett be appointed Chair for this meeting.

12 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.

13 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - THE BURGER LAB, 25 ARGYLE STREET, BIRKENHEAD, CH41 6AA.

The Licensing Manager introduced the report which was an application for a Premises Licence under the provisions of the Licensing Act 2003. The application was made by Burger Laboratory Limited and related to the premises known as The Burger Lab, 25 Argyle Street, Birkenhead CH41 6AA.

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, four representations had been received from local residents and one representation from the ward Councillor. The representations related to noise nuisance and anti-social behaviour that may be caused by patrons of the premises. Copies of the representations were available.

The applicant attended the meeting. Local residents who had made a representation were also in attendance. The Licensing Manager confirmed that all documentation had been sent and received.

The Licensing Manager outlined the report.

The applicant informed the Sub-Committee of their experience as a personal licence holder over many years working as a manager in licenced premises.

Members were provided with details of the proposed business model where it was emphasised that there is no intention for the business to operate as a pub and that alcohol would only be sold when accompanied with a meal. The emphasis was on the premises being a family friendly environment. The Sub-Committee was informed that the premises operate a takeaway service and alcohol is only provided with an order for a substantial meal.

The applicant advised that they currently operate a successful business in Neston and that the proposed venue in Birkenhead would be of the same model. The applicant advised that they were aware of the history associated with the premises that previously occupied the site and recognised the challenges associated with operating in the area. Members were informed that it was the intention of the applicant that the operation of the premises would contribute to the regeneration of the area, attracting multi-generational clientele, providing burgers and street food and premium lager and drinks.

The Sub-Committee were advised that music would be provided for customers and that this would occasionally include live music. It was submitted by the applicant that they wanted to work with local residents to prevent nuisance being caused and that they would liaise with environmental health for advice on noise levels emanating from the property and how this can be mitigated.

The applicant submitted details of training that would be provided to staff which included safeguarding training, challenge 25 policy and how to deal with difficult or abusive customers. Members were informed that the provision of SIA door staff would be considered on occasions when live music would be performed at the premises and would be kept under review for other times when the premises were open. Members were further informed that the premises were prepared to take measures to prevent nuisance being caused, for example, the display of signage outside of the premises making it clear that alcohol would only be sold with food and requesting customers have regard to local residents.

The Sub-Committee heard from local residents that their primary concerns related to the impact of the sale of alcohol from the premises and the level of noise emanating from the premises. Details were provided as to how the residents have been affected by noise and how it has impacted them and their

children when the premises previously operated as a bar. Members were informed that very loud music could be heard sporadically from the premises since the applicant had started operating there. In response to this report, the applicant advised that they would take action to address what had been reported and that they would provide their details to local residents in order that they could work directly with them to avoid nuisance being caused in the future.

In considering the application, the Licensing Act Sub-Committee had regard to the submissions made by the applicant, the representations from local residents, the comprehensive conditions proposed and agreed with Merseyside Police which included training staff on safeguarding. The Sub-Committee gave particular regard to the business model described by the applicant that alcohol will only be sold with an order of a main meal.

Members took into consideration the amendment to the application reducing the hours when alcohol will be sold and the willingness of the applicant to work closely with local residents and to liaise with Environmental Health to prevent nuisance being caused to local residents.

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.

Resolved – That The Burger Lab, 25 Argyle Street, Birkenhead CH41 6AA be granted a premises licence as follows:

Sale by Retail of Alcohol (for consumption ‘On’ and ‘Off’ the premises)

Sunday to Saturday 12:00 to 22:30

Hours Open to the Public

Sunday to Saturday 12:00 to 23:00

Members also resolved that a condition agreed with Merseyside Police relating to the sale of alcohol with a table meal only, be amended to reflect the fact that alcohol will not be sold with an order from the side’s menu.