

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 2 July 2010

Present:

Councillors	G Ellis	S Taylor
	S Niblock	R Wilkins

8 **APPOINTMENT OF CHAIR**

Resolved - That Councillor Steve Niblock be appointed Chair for this meeting.

9 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members were asked to consider whether they had personal or prejudicial interests in connection with any of the items on the agenda and, if so, to declare them and state what they were.

Councillor Sue Taylor declared a personal interest in the application in respect of High Society (minute 12 post) by virtue of being acquainted with the applicant.

10 **NAME OF PREMISES: PORTOFINOS, 18 LISCARD VILLAGE, WALLASEY
NAME OF APPLICANT: PORTOFINOS RESTAURANT LIMITED**

The Director of Law, HR and Asset Management reported upon an application that had been received from Portofinos Restaurant Limited for the grant of a Premises Licence in respect of Portofinos, 18 Liscard Village, Wallasey, under the provisions of the Licensing Act 2003.

These premises did not currently hold a Premises Licence. The application was for the following hours:

Supply of Alcohol

Sunday to Saturday 12:00 to 02:00

Hours Open to the Public

Sunday to Tuesday 12:00 to 02:00
Wednesday to Saturday 12:00 to 02:30

Regulated Entertainment (Live Music)

Friday and Saturday 22:00 to 01:00

Regulated Entertainment (Recorded Music)

Sunday to Saturday 12:00 to 02:00

Regulated Entertainment (Performance of Dance)

Sunday to Saturday 21:00 to 23:00

Entertainment Facilities (Facilities for Dancing)

Wednesday and Saturday 21:00 to 02:00

Following discussions with Merseyside Police, the applicant had agreed to amend the application as set out above by reducing the hours originally set out in their application. The applicant had also agreed to amend the operating schedule to include a number of conditions as set out in the report.

In respect of this application, 14 representations had been received from local residents. A representation had also been received from Central Liscard Residents Association. The representations related to noise nuisance and anti-social behaviour which they stated was a current issue within the vicinity of these premises and considered this would increase if the application was granted. Copies of the representation were available.

Ward Councillor, Karen Hayes, had also made a representation. The representation supported the concerns expressed by local residents. A copy of the representation was available.

Mehran Maleki, owner of the premises, attended the meeting together with Carl Radcliffe, Head Chef.

Also in attendance were Councillor James Keeley, David Hale, Mr Seddon and Mr and Mrs Paton, local residents.

The Licensing Officer confirmed that all relevant documentation had been sent and received including a written request that had been received for Councillor Keeley to speak on behalf of residents.

It was clarified that the application included the facility for dancing from Wednesday to Saturday night.

Mr Radcliffe addressed the Sub-Committee and explained that the plan was to bring more life to Liscard, that the aim was to work on the basis of providing a cabaret so that people could attend the premises for a meal and stay in a nice environment which would enable them to dance if they so wished. He explained that they wanted to hit the high end of the market and attract all age ranges, the intention was to put shows on and get comedians in. He explained that every measure had been taken so that the premises would be kept to a high standard. He felt that the measures that had been put into place were more than adequate for the safety of customers and local residents. He outlined how the premises would operate a 'Challenge 25' policy, strict dress code, 2 registered doorstaff and potentially another inside the premises, 16 CCTV cameras and signs asking customers to leave the premises quietly. He

reiterated that the main intention was for the premises to be a nice place and that he wanted it to work and did not want it to cause any trouble.

Mr Radcliffe and Mr Maleki responded to questions from Members of the Sub-Committee, Councillor Keeley, Mr Hale, Mr Seddon and Mr and Mrs Paton.

Councillor Keely requested a short adjournment in order that he may seek legal advice to clarify his position when this application came before the Planning Committee.

The meeting adjourned for five minutes.

Upon reconvening Mr Radcliffe continued to respond to questions regarding maximum occupancy figures and how sound checks would be monitored.

Mr Hale addressed the Sub-Committee and explained that he was objecting on behalf of local residents. He referred to his written representation and asked that the application be rejected as he felt the licensing objectives would be undermined if it were granted.

Mr and Mrs Paton addressed the Sub-Committee and explained that their main concern was noise and drinking until the early hours.

Mr Seddon felt that it would be inappropriate to put a nightclub in the middle of a residential area and was concerned that there would be noise nuisance in the early hours.

Councillor Keeley felt that if the application were to be granted it would encourage and invite anti-social behaviour in Liscard during the early hours. However he had been impressed by the conditions proposed by the applicant and therefore asked that a more sensible closing time be considered by the Sub-Committee.

Members listened carefully to the evidence provided and determined the application with regard to the four licensing objectives. Members noted the fact that no representation had been made from the Environmental Health Officer regarding this application and that Merseyside Police were content with the application.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Department of Culture, Media and Sport Guidance issued under Section 182 of the Licensing Act 2003.

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 be granted with the following hours:

Supply of Alcohol

Sunday to Thursday **12:00 to 00:30**
Friday and Saturday **12:00 to 01:00**

Hours Open to the Public

Sunday to Thursday **12:00 to 01:00**
Friday and Saturday **12:00 to 01:30**

Regulated Entertainment (Live Music)

Friday and Saturday **22:00 to 01:00**

Regulated Entertainment (Recorded Music)

Sunday to Thursday **12:00 to 00:30**
Friday and Saturday **12:00 to 01:00**

Regulated Entertainment (Performance of Dance)

Sunday to Saturday **21:00 to 23:00**

Entertainment Facilities (Facilities for Dancing)

Wednesday and Thursday **12:00 to 00:30**
Friday and Saturday **12:00 to 01:00**

(3) That the Premises Licence be granted subject to the conditions that would be consistent with the Operating Schedule plus the following conditions:-

- CCTV to operate at the premises as a minimum in accordance with any specification issued by the Licensing Authority. Tapes and visual images recorded must be retained for a period of 31 days and must be handed to the Police on request.**
- Two SIA registered door supervisors must be on duty from 22:00 at the premises.**
- The premises must adopt a 'Challenge 25' policy that will apply to customers wishing to gain access to the premises from 22:00 onwards.**
- Drinks must not be taken outside the premises.**
- An incident book and doorstaff register must be kept and maintained at all times and all incidents recorded therein and be available for inspection at all times.**

- **A record of all staff training must be maintained.**
- **No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.**
- **All external doors and windows must be kept closed when regulated entertainment is being provided except in the event of an emergency and to permit access to and egress from the premises.**
- **The licence holder or his representative must conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and must take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record must be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.**
- **There must be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.**
- **There must be three safety stewards on duty from 22:00. Safety stewards to be easily identified in an emergency.**

11 **NAME OF PREMISES: HOME, 62 CHRISTCHURCH ROAD, OXTON - NAME OF APPLICANT: HOME OXTON LIMITED**

The Director of Law, HR and Asset Management reported upon an application that had been received from Home Oxtton Limited for the grant of a Premises Licence in respect of Home, 62 Christchurch Road, Oxtton, under the provisions of the Licensing Act 2003.

These premises did not currently hold a Premises Licence and were currently trading as a café. The application was for the following hours:

Supply of Alcohol

Monday to Saturday	09:00 to 00:00
Sunday	10:00 to 00:00

Hours Open to the Public

Monday to Saturday	09:00 to 00:00
Sunday	10:00 to 00:00

A copy of the full application detailing the steps proposed by the applicant was available.

In respect of this application, eight representations had been received from local residents. The representations related to noise nuisance from the premises late at night. Copies of the representation were available.

Mr Ben Harrison, Director of Home and Ann Atkins, Designated Premises Supervisor attended the meeting.

Also in attendance were Mr and Mrs Lennon, local residents.

The Licensing Officer confirmed that all documentation had been sent and received and that two late representations had also been received. The applicant had no objection to the late representations being submitted and these were therefore taken into consideration by the Sub-Committee. Mr Lennon further submitted photographic evidence to which the applicant also had no objections.

Mr Lennon clarified that he was also representing Mr and Mrs Alig and Mr and Mrs Hinchcliffe.

Mr Harrison explained that he did not intend to open the premises beyond 5 pm as the business was a day time operation however he wanted the option for customers to have a glass of wine with their meal and also the option to open the premises for occasional functions during the evening. Mr Harrison had owned the premises for three and a half years and also had another outlet at Woodside Ferry Terminal. He informed Members that he worked well with the Oxton Society and had a good relationship with residents.

Mr Harrison responded to questions from Members of the Sub-Committee and Mr and Mrs Lennon.

Further discussions took place regarding hiring out the premises as a function suite. Mr Harrison confirmed that the maximum occupancy would be about 60 people and that he would be happy to have a limit put on the number of times he may be permitted to hire the premises out. He was also content to amend the application to reduce the hours for the supply of alcohol by half an hour from those originally applied for namely 9.00 am to 11.30 pm.

Mr Lennon addressed the Sub-Committee and expressed the concerns of residents within the immediate vicinity regarding the extension of opening hours at the premises. He felt that this would lead to intrusive noise disruption and an influx of evening visitors to the area which would also have an impact on the already existing restricted parking facilities. Mr Lennon informed Members that the relationship between the owners of Home and local residents was extremely good and would not object if alcohol was served within the existing trading hours and that a limitation be set on the number of evening functions which could take place.

Members gave consideration to the representations made by local residents relating to concerns of public nuisance by members of the public at a late hour within the vicinity of their properties.

Members welcomed the amendment to the application put forward by the applicant following an explanation that any extended use of the premises would be for a limited number of functions throughout the year.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Department of Culture, Media and Sport Guidance issued under section 182 of the

Licensing Act 2003. Members considered that the hours granted and the conditions applied were a proportionate response to the application presented and were necessary for the promotion of the Licensing Objectives.

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 under the provisions of the Licensing Act 2003 be granted with the following hours:

Supply of Alcohol

Monday to Saturday	09:00 to 17:00
Sunday	10:00 to 17:00

Hours Open to the Public

Monday to Saturday	09:00 to 17:00
Sunday	10:00 to 17:00

(3) That the premises may operate the following hours on no more than 40 occasions each year and must give the Licensing Authority 7 days notice of each occasion:

Supply of Alcohol

Sunday to Saturday	17:00 to 23:30
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Hours Open to the Public

Sunday to Saturday	17:00 to 00:00
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(4) That that in addition to the appropriate conditions proposed in the operating schedule the following conditions be applied to the licence:

- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly when the premises operates beyond 17:00.**
- All reasonable steps must be taken to ensure that no glasses or bottles are taken out of the premises.**

12 **NAME OF PREMISES: HIGH SOCIETY, ARGYLE STREET, BIRKENHEAD -
NAME OF APPLICANT: ADMIRAL TAVERNS LIMITED**

The Director of Law, HR and Asset Management reported upon an application that had been received from Merseyside Police for the review of a Premises Licence in

respect of High Society, Argyle Street, Birkenhead, under the provisions of the Licensing Act 2003.

The premises currently hold a Premises Licence which allows the following licensable activities:

Supply of Alcohol

Sunday to Saturday 10:00 to 04:00

Hours Open to the Public

Sunday to Saturday 10:00 to 04:00

Regulated Entertainment (Recorded Music and Anything of a Similar Description)

Sunday to Saturday 10:00 to 04:00

Entertainment Facilities (Facilities for Making Music, Dancing and Anything of a Similar Description)

Sunday to Saturday 10:00 to 04:00

Late Night Refreshment

Sunday to Saturday 23:00 to 04:00

A copy of the Premises Licence setting out the above hours and conditions attached to the Licence was available.

The Director advised the Sub-Committee of the steps it could take for the promotion of the licensing objectives, having regard to the application for review and any relevant representations.

Sergeant Jenkins, Licensing Sergeant, Merseyside Police attended the meeting together with Constable Cottrell. Sergeant Jenkins advised that the grounds for review were in relation to the prevention of crime and disorder, public safety and the prevention of public nuisance following a number of incidents that had occurred at the premises involving both Door Supervisors and customers of the premises.

Tom Jones, Business Development Manager, Admiral Taverns attended the meeting together with his solicitor, Mr Ashworth.

Councillor Taylor declared a personal interest in this application by virtue of being acquainted with the applicant. No objections were made to Councillor Taylor considering the application.

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

Sergeant Jenkins informed Members that it had been necessary to call the premises into review due to the high number of incidents that had occurred at the premises, he

also informed Members that the premises had a history of violence and drunkenness. He further reported that the previous Designated Premises Supervisor had not complied with any of the licensing objectives, that he had since resigned and the premises had been closed since 29 May 2010.

Sergeant Jenkins proposed that a number of conditions be attached to the Premises Licence in order to promote the licensing objectives.

Sergeant Jenkins responded to questions from Members of the Sub-Committee.

Mr Ashworth advised that he would have suggested that many of the proposed conditions by Merseyside Police be attached to the Premises Licence in any event. He also advised that Admiral Taverns would liaise with the Police to ensure that they would be satisfied with the new Designated Premises Supervisor and doorstaff employed at the premises. He felt that the problems had been caused by the Designated Premises Supervisor and the previous Management Team and would therefore be happy for the proposed conditions to be attached to the Premises Licence. He gave his assurance that robust management would be in place in the future.

Mr Ashworth and Mr Jones responded to questions from Members of the Sub-Committee.

Members gave careful consideration to the application made by Merseyside Police in respect of the review of the premises and evidence provided in support. Members also considered representations from the respondent, Mr Ashworth representing Mr Jones and considered that the measures suggested by Merseyside Police were a necessary and proportionate response to uphold the licensing objectives.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Department of Culture, Media and Sport Guidance issued under section 182 of the Licensing Act 2003.

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 hours of the Premises Licence be amended as follows:

Supply of Alcohol

Sunday to Saturday 10:00 to 02:30

Hours Open to the Public

Sunday to Saturday 10:00 to 03:00

Regulated Entertainment (Live Music)

Sunday to Saturday 22:00 to 02:30

Regulated Entertainment (Recorded Music and Anything of a Similar Description)

Sunday to Saturday 10:00 to 02:30

Entertainment Facilities (Facilities for Making Music, Dancing and Anything of a Similar Description)

Sunday to Saturday 10:00 to 02:30

Late Night Refreshment

Sunday to Saturday 23:00 to 02:30

(3) That the following conditions be attached to the Premises Licence:

- **Customers must not enter the premises after 02:00.**
- **The Designated Premises Supervisor at these premises must hold a BIIAB Level 2 National Certificate for Designated Premises Supervisors.**
- **No persons under the age of 21 shall be allowed on the premises and adequate signage to this effect must be displayed.**
- **An electronic ID device must be used to ensure that no persons under 21 years of age gains entry to the premises.**
- **The Premises must adopt a Challenge 25 policy and display adequate posters relating to this policy.**
- **Four SIA registered doorpersons must be employed from 20:00 hours and the premises must not source the doorpersons from First Guard Security.**
- **Door supervisors must wear hi visual florescent jackets**
- **All drinks must be served in polycarbonate vessels.**

13 NAME OF PREMISES: MOJO'S, 3 DEE LANE, WEST KIRBY - NAME OF APPLICANT: MR ANDREW MCCREADY

The Director of Law, HR and Asset Management reported upon an application that had been received from Mr Andrew McCready to vary a Premises Licence in respect of Mojo's, 3 Dee Lane, West Kirby, under the provisions of the Licensing Act 2003.

The premises currently hold a premises licence and the applicant had requested to vary the Premises Licence to extend the licensed area to include the first floor for the Licensable Activities currently permitted on the licence. A copy of the proposed plan, showing the first floor premises was available.

The applicant had also requested to remove the following conditions from the Premises Licence:

- The premises must adopt a policy of no admission to under 21 year olds and in order to meet this requirement a 'Think 21 Policy' is to be adopted.
- Whenever live entertainment is taking place, one SIA registered door person must be on duty from 20.00hrs until closing and that door person must be equipped with a hi-viz fluorescent jacket.

The applicant has proposed to include the following conditions on the Premises Licence should the variation be granted:

- One SIA registered door person to be on duty from 22:00hrs on Thursdays
- Two SIA registered door persons to be on duty from 22:00hrs on Fridays and Saturday
- Implement a 'Think 25' policy

Mr Julian Lea, owner and Designated Premises Supervisor attended the meeting together with his fiancée and work colleague Ms Laura Twamley.

In respect of this application, a representation had been received from a local resident. The representation related to noise nuisance from entertainment coming from the premises. The representation also related to nuisance being caused by customers leaving the premises at a late hour. A copy of the representation was available.

Ward Councillors, Gerry Ellis and John Hale had also made a representation. The representations supported the concerns expressed by the local resident and Councillor Hale was in attendance to support his representation.

The Licensing Officer confirmed that all documents had been sent and received however an amendment had been received to the representation submitted by Councillor Ellis and some letters of support from the applicant had also been received. Both parties agreed that all the extra documentation may be considered by the Sub-Committee therefore these were circulated to Members.

Mr Lea addressed the Sub-Committee, he gave a brief description of the premises, that it was a small wine bar in the middle of West Kirby that provides live entertainment once or twice a week. The reason for the application was to enable customers to have somewhere to sit and drink outside which would hopefully make the business more profitable. He pointed out that Environmental Health had made no representations, that he kept windows and doors shut when regulated entertainment was being provided, he had changed the live music from bands to acoustic guitars and operated a log book. He explained that the premises was a community bar which was well run and people were respectful of that. He reported that he had spoken to some local neighbours who had no issue with noise nuisance and had also spoken with Mr Kavanagh who had submitted a letter of objection. He explained that there would be no live music upstairs, that the capacity was for 60 people however it was furnished for 20 inside and 20 outside.

Ms Twamley reiterated that they wanted to run a friendly business and that they had been as open as they could be with people and had invited Mr Kavanagh to visit the premises and talk about any problems.

Mr Lea and Ms Twamley responded to questions from Members of the Sub-Committee and Councillor Hale.

Councillor Hale expressed his concerns regarding noise escalation from raised voices. He asked Members of the Sub-Committee to consider that the terrace be shut at 10pm.

Members listened carefully to the evidence provided and determined the application with regard to the four licensing objectives. Members noted the fact that no representation had been made from the Environmental Health Officer regarding this application.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Department of Culture, Media and Sport Guidance issued under Section 182 of the Licensing Act 2003.

Resolved -

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003 the public be excluded from the meeting during its consideration.

(2) That the application to vary the Premises Licence to extend the licensed area to include the first floor for the Licensable Activities currently permitted on the licence be granted.

(3) That the following conditions be attached to the Premises Licence:

- One SIA registered door person to be on duty from 22:00hrs on Thursdays**
- Two SIA registered door persons to be on duty from 22:00hrs on Fridays and Saturday**
- A challenge 25 Policy must be implemented at the premises in relation to the sale of alcohol.**
- The roof terraced area must be cleared of customers no later than 22:30**