

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 29 July 2010

Present:

Councillors	G Davies	S Niblock
	D Knowles	S Taylor

14 APPOINTMENT OF CHAIR

Resolved -

(1) That Councillor Sue Taylor be appointed Chair for consideration of the application regarding Crossbar together with Councillors Steve Niblock and Denis Knowles.

(2) That Councillor Steve Niblock be appointed Chair for consideration of the application regarding Thornton Manor together with Councillors George Davies and Denis Knowles.

15 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

No such declarations were made.

16 CROSSBAR, 17 UPTON ROAD, MORETON

The Director of Law, HR and Asset Management reported upon an application that had been received from Ramon Navarro and Michael Howells for the grant of a Premises Licence in respect of Crossbar, 17 Upton Road, Moreton, 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 10:00 to 23:30

Hours Open to the Public

Sunday to Saturday 10:00 to 00:00

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

Monday to Saturday	11:00 to 00:00
Sunday	12:00 to 00:00

Entertainment Facilities (Facilities for Making Music)

Monday to Saturday	11:00 to 00:00
Sunday	12:00 to 00:00

Non-Standard Timings

Christmas Eve and New Years Day until 01:00 (plus an additional 30 minutes for the premises to close)

Following discussions with Merseyside Police, the applicant had agreed to amend the application by reducing the hours originally set out in their application and by agreeing to a number of conditions attached to the licence should it be granted.

In respect of this application, 16 representations had been received from local residents. The representations related to potential nuisance that would be caused by customers of the premises. The representations also related to the potential for noise nuisance emanating from the premises caused by entertainment. Reference had been made within the representations to nuisance caused when the premises had operated under a Temporary Event Notice.

Councillor Chris Blakeley had also made a representation as a Councillor representing his constituents within his Ward and as a local resident. The representation supported the concerns expressed by local residents. Copies of the representations were available.

Mr Michael Howells attended the meeting to outline his application.

Also in attendance were Sergeant P Jenkins, Licensing Sergeant, Merseyside Police together with Constable Cottrell, Councillor Chris Blakeley and Mr David Ward, local resident.

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

Mr Howells addressed the Sub-Committee and explained that he had recently taken over the premises. He advised Members that he had amended his hours as set out above and felt that he had now met all the objections raised by Merseyside Police by agreeing to attach a number of conditions to the Premises Licence if the application was granted. He explained that this was a new venture and outlined how the premises would be run in that the aim was for it to be a sports bar, it would have large screens to show football and other sporting events. He advised Members that he would seek to ensure that the premises would not duplicate premises known as the Plough, that the outside area would be managed and cleaned and if any problems should arise local residents would be able to contact him direct to discuss any matters. He also reported that staff would be trained, the premises would operate CCTV, have an awareness 25 policy and a drugs safe.

Mr Howells responded to questions from Members and Mr Abraham, Legal Adviser to the Sub-Committee. During questioning, Mr Howells reported that since the original application, he would now solely be running the premises and that Mr Navarro would have no connection with the premises.

Sergeant Jenkins reported that he would be satisfied with the application for Mr Howells, the other applicant, to run the premises solely, however, he did express concern if Mr Navarro was to be linked to the premises. He felt that the original application compromised the four licensing objectives, however further to discussions with Mr Howell and subsequent to the amendment in the hours, the fact that Mr Navarro would not be running the premises and the proposed conditions being agreed to by the applicant, the licensing objectives could now be met. Sergeant Jenkins outlined the proposed conditions he requested be attached to the Premises Licence.

Further questions were asked regarding Mr Navarro's connection with the premises however Mr Howells stated that Mr Navarro had no connection with the premises.

Mr Ward addressed Members and explained that he had concerns regarding the behaviour of the clientele at the premises as he had a young family.

Councillor Blakeley reported that he had great concerns regarding this application as the application was in the joint names of Mr Howells and Mr Navarro and therefore queried whether Mr Navarro would be able to run the premises by default. He asked that Members defer the application in order that a new application may be submitted in Mr Howell's name only. He referred to incidents that had occurred at the premises when it had operated for 15 days under the use of Temporary Event Notices. Councillor Blakeley asked that if the application was not deferred that it should be refused in its entirety or if Members were not minded to refuse the application the hours should be reduced.

During further questioning it was established that Mr Howells had not applied for any of the Temporary Event Notices and that it had in fact been Mr Navarro.

Mr Howells made his final address to Members and stated that the Crossbar would be run by himself for the leaseholder Mrs Evans, that any experiences that had previously occurred at the Plough would not be transferred to the Crossbar and that he would fall in with local residents.

Mrs Evans addressed Members and explained that new furniture had been ordered for the premises and that on the 15 days the premises had operated under the use of Temporary Events Notices six people had been barred from the premises.

Sergeant Jenkins felt that steps had been taken to exercise some control and it would be in the interests of whoever would be running the premises that it be made robust. He also added that Mr Navarro did not have any convictions at the present time.

Councillor Blakeley felt there was enough doubt around the application and urged that it be refused. He requested that if Members were minded to grant the application the hours should be reduced.

Having heard representations from all parties in the matter including the applicant, Merseyside Police, Ward Councillor and residents, Members considered that granting the application to Mr Navarro and Mr Howells (who were the applicants in this matter) would seriously undermine the licensing objectives - particularly in regard to crime and disorder and public nuisance. Members stated that there were no provisions to grant the Premises Licence solely to Mr Howells under this application.

Evidence had been presented that one of the applicants had shown a disregard to the Licensing Objectives whilst being responsible for another premises in close proximity to these premises. Members accepted the evidence that the disregard shown by this applicant in respect of his responsibilities under the Licensing Act 2003 would lead to the Licensing Objectives being undermined should this licence be granted.

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 be refused.

17 THORNTON MANOR, MANOR ROAD, THORNTON HOUGH

The Director of Law, HR and Asset Management reported upon an application that had been received from Thornton Manor Estates Limited to vary a Premises Licence in respect of Thornton Manor, Manor Road, Thornton Hough, under the provisions of the Licensing Act 2003.

The application was to remove the following conditions from the Premises Licence:

- No amplified music shall be permitted to be played in the areas outside of the Manor House Building with the exception of music played within a marquee located in the Walled Garden.
- No Live Music or Recorded Music shall be permitted in the areas outside of the Manor House Building after 8.00 pm with the exception of music played within a marquee located in the Walled Garden.

The applicant has proposed to include the following condition on the Premises Licence if the variation is granted:

- Live Music and Recorded Music (both amplified and unamplified) to be played in the areas outside the Manor House Building from 09:00 to 21:00.

In respect of this application, two representations had been received from local residents. The representations related to noise nuisance from entertainment provided in the outside areas of the premises. Petitions had also been received signed by local residents who were concerned that if the variation were granted then this would increase the noise nuisance emanating from the premises. The petitions contained a total number of 42 signatures. Copies of the representations and petitions were available.

Environmental Health (Pollution Control) had made a representation concerning the Prevention of Public Nuisance due to a history of complaints regarding disturbances from music outside the building. A copy of the representation was available.

Ms D Simpson, Designated Premises Supervisor attended the meeting together with Mr P Cowan from Thornton Manor.

Also in attendance were Mr D Howard, Environmental Health Officer and Mr Knapp, Counsel representing Mr and Mrs Wetherall who objected to the application.

The Licensing Officer confirmed that all relevant documentation had been sent and received. Ms Simpson requested that two letters be submitted to Members and Mr Knapp wished to submit two google maps. Both parties agreed that this documentation may be submitted, it was therefore distributed to Members and taken into consideration.

Ms Simpson addressed the Sub-Committee and explained that Thornton Manor is a country house located in a rural setting of 120 acres. She advised that functions were held at the premises, mostly weddings and that the purpose of the application was so that amplified music could be played outside. She gave the example that live music may be played during a ceremony for maybe a half hour then for reception drinks afterwards which might be for another one and a half hours and that the music would be played in the areas where the ceremonies were held and on the rear terrace.

Ms Simpson responded to questions from Members of the Sub-Committee and Mr Knapp.

During questioning it was established that the Dell and the Lakes (areas of land within the Thornton Manor Estate, were controlled under a separate Premises Licence.

Mr Howard explained that there had been a history of complaints regarding the Lake marquee so they did not relate to this application. He felt that if the music was not audible at the site boundary this would not impinge on local residents.

Mr Knapp reported that the complaints related to the late hours and advised that noise had been emanating from the site. He felt that the applicant sought to adjust the balance which was already in place due to the current conditions imposed on the Licence. Mr Knapp asked foremost that the application be refused as he felt there was no good reason to change what was already in place. However he asked that if the application were not refused that some strict wording should be placed on the Premises Licence which would state the type of music to be played, the purpose of it and the areas where it was to be played.

Mr Knapp responded to questions from Members of the Sub-Committee and Ms Simpson and Mr Cowan.

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 be granted as follows:

The following condition be removed:

- **No amplified music shall be permitted to be played in the areas outside of the Manor House Building with the exception of music played within a marquee located in the Walled Garden.**

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

- **No Live Music or Recorded Music shall be permitted in the areas outside of the Manor House Building between the hours of 8.00 pm and 9.00 am with the exception of music played within a marquee located in the Walled Garden.**