

# LICENSING ACT 2003 SUB-COMMITTEE

Friday, 3 September 2010

Present:

Councillors    H Smith                                    S Whittingham  
                          S Taylor

25    **APPOINTMENT OF CHAIR**

**Resolved - That Councillor Sue Taylor be appointed Chair for this meeting.**

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

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

Councillor Stuart Whittingham declared a personal interest by virtue of being a member of CAMRA.

27    **CARLTON HOTEL, BOROUGH ROAD, BIRKENHEAD**

The Director of Law, HR and Asset Management reported upon an application that had been received from Goldtry Limited to vary a Premises Licence in respect of the Carlton Hotel, Borough Road, Birkenhead, under the provisions of the Licensing Act 2003.

The application to vary the Premises Licence was as follows:

**Supply of Alcohol**

Sunday to Saturday                    11:00 to 00:00

**Hours Open to the Public**

Sunday to Saturday                    11:00 to 00:30

**Regulated Entertainment (Exhibition of Films, Live Music, Recorded Music and Performance of Dance)**

Sunday to Saturday                    11:00 to 00:00

**Entertainment Facilities (Facilities for Making Music and Dancing)**

Sunday to Saturday                    11:00 to 00:00

**Non Standard Timings**

The above Licensable Activities and Hours Open to the Public to be extended from the end of the permitted hours on New Years Eve to the start of the permitted hours on New Years Day.

The applicant had also requested to remove the following condition currently imposed on the Premises Licence:

- Children are not allowed on the Premises.

The applicants were required to submit an operating schedule setting out how they would conduct/manage their business 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 licence be granted.

A representation had been received from a local resident in respect of this application. The representation related to anti-social behaviour and public nuisance within the vicinity of the premises. The representation also related to noise nuisance emanating from the premises. A copy of the representation was available.

Christopher Jones, Designated Premises Supervisor, attended the meeting together with David Morse, Area Manager, Spencer Worsley, Regional Manager and James Anderson, Solicitor.

The Licensing Officer confirmed that all documentation had been sent and received and that the local resident who had made the representation had been invited to attend but was not in attendance.

Mr Anderson addressed the Sub-Committee and reported that the purpose of the application was to provide a community pub which would allow entertainment for families and to enable functions to take place at the premises. He reported that Merseyside Police had been consulted and were content with regard to the application. He referred to the letter of objection that had been received and advised that attempts had been made to contact the objector to discuss the application however the applicant had been unable to make contact. He informed Members that there had been no problems at the premises since the current Designated Premises Supervisor had been in situ.

Mr Anderson responded to questions from Members of the Sub-Committee, the Licensing Officer and Mr Abraham, Legal Adviser to the Sub-Committee.

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 heard representations from the applicant and had read the letter from Mrs Parry objecting to the application. Members noted there had been no representations from any of the Responsible Authorities.

Members considered that the hours granted and conditions applied were a proportionate response to the application and information 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 to vary a Premises Licence in respect of the Carlton Hotel be granted with the following hours:**

**Supply of Alcohol**

**Sunday to Saturday 11:00 to 00:00**

**Hours Open to the Public**

**Sunday to Saturday 11:00 to 00:30**

**Regulated Entertainment (Exhibition of Films, Live Music, Recorded Music and Performance of Dance)**

**Sunday to Saturday 11:00 to 00:00**

**Entertainment Facilities (Facilities for Making Music and Dancing)**

**Sunday to Saturday 11:00 to 00:00**

**Non Standard Timings**

**The above Licensable Activities and Hours Open to the Public shall be extended from the end of the permitted hours on New Years Eve to the start of the permitted hours on New Years Day.**

**(3) That the following condition be removed from the Premises Licence:**

- Children are not allowed on the Premises.**

**(4) That in addition to the appropriate conditions proposed in the operating schedule, as well as existing conditions on the licence, the following conditions be attached to the Premises Licence:**

**(i) No open glasses or vessels must be taken outside the premises.**

**(ii) 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.**

**(iii) The Premises Licence Holder/Designated Premises Supervisor must participate in the Pubwatch scheme.**

28 **RING O'BELLS, VILLAGE ROAD, WEST KIRBY**

The Director of Law, HR and Asset Management reported upon an application that had been received from Greene King Brewing & Retailing Limited to grant a Premises Licence in respect of the Ring O'Bells, Village Road, West Kirby, under the provisions of the Licensing Act 2003.

The premises no longer intended to operate as a restaurant and the application would be to allow the following licensable activities:

**Supply of Alcohol**

Sunday to Saturday 10:00 to 00:00

**Hours Open to the Public**

Sunday to Saturday 09:00 to 00:30

**Regulated Entertainment (Exhibition of Films, Recorded Music and Anything of a Similar Description)**

Sunday to Saturday 10:00 to 00:00

**Late Night Refreshment**

Sunday to Saturday 23:00 to 00:00

**Non Standard Timings**

The Supply of Alcohol and Hours Open to the Public had been requested to be extended from the end of the permitted hours on New Years Eve to the start of the permitted hours on New Years Day.

Should the application be granted, the applicant would surrender the current licence.

The applicants were required to submit an operating schedule setting out how they would conduct/manage their business 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 licence be granted.

Two representations had been received from local residents in respect of this application. A petition had also been received signed by 27 local residents who were against the application. The representations and petition related to anti-social behaviour and noise nuisance caused by customers of the premises. Copies of the representations and petition were available.

Mr Lopez, Counsel acting on behalf of the applicant attended the meeting together with Mr Conchie, Area Manager and Mr and Mrs Innis, Managers.

Councillor Geoff Watt was also in attendance together with Mrs Wood, local resident, objecting to the application.

The Licensing Officer confirmed that all documentation had been sent and received including further documentation that was submitted by Mr Lopez and subsequently distributed to all parties.

The Licensing Manager outlined the application and displayed a map showing the area to be licensed. She explained that the application was for a new licence rather than a variation due to the application being for the premises plus the outside area.

Mr Lopez addressed the Sub-Committee and reported that the purpose of the application was to introduce a pub and restaurant with a family dining accent and that this could only be achieved if the outside area of the premises was licensed. He gave the background information regarding Mr and Mrs Innis including their previous experience and advised that they were an extremely strong managerial team. He explained that they wanted to play a part in the community and would be residing above the premises with their family. He outlined the proposals Greene King Brewing and Retailing Limited had for the premises in that it would be at the top end of the market with menus priced at a higher premium. He referred to the fact that there had been no representations made by Merseyside Police or Environmental Health and no issues of crime and disorder at the premises. He referred to an objection from a local resident regarding noise and vibrations emanating from the premises and submitted a proposed condition which he felt would overcome this problem. He reported that there would be no live music at the premises and no large screens. There would be recorded music which would only be background music and would not be amplified and as such felt confident there would be no noise escape.

Mr Lopez reported that the outside area would be patrolled regularly and glasses would also be collected at these times. He advised that there would be an abundance of staff to manage the outside area and inside of the premises. He also reported that three taxi firms were on a callback system at the premises and therefore there would be no extra noise from sounding of horns outside the premises. Mr Lopez outlined a number of conditions that the applicant would be willing to attach to the Premises Licence should it be granted in order to strengthen the application and also reported that the applicants would be willing to amend the application to remove the Exhibition of Films.

Mr Lopez responded to questions from Members of the Sub-Committee, Mr Abraham, Legal Advisor to the Sub-Committee, Councillor Watt and Mrs Wood.

Mrs Wood addressed the Sub-Committee and outlined her concerns regarding the application. She referred to incidents that had occurred regarding youths in her garden who had gained access through the car park of the premises and requested that a fence be constructed around the outside of the premises.

Councillor Watt addressed the Sub-Committee and advised that he would be keen to see the proposed conditions attached to the Premises Licence and referred to concerns from local residents regarding noise and disturbance. He asked that the wishes of local residents be respected and that the Sub-Committee impose sensible conditions upon the Licence.

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 heard the representations from the applicant and the representations from the objectors both verbally and in writing. Members were content to agree the amended application with the conditions as detailed in the operating schedule together with some additional conditions.

**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 in respect of the Ring O'Bells be granted with the following hours:**

**Supply of Alcohol**

**Sunday to Saturday 10:00 to 00:00**

**Hours Open to the Public**

**Sunday to Saturday 09:00 to 00:30**

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

**Sunday to Saturday 10:00 to 00:00**

**Late Night Refreshment**

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

**Non Standard Timings**

**The Supply of Alcohol and Hours Open to the Public to be extended from the end of the permitted hours on New Years Eve to the start of the permitted hours on New Years Day.**

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

- **The premises must adopt a 'Think 21' policy and display adequate posters relating to this policy.**
- **Management shall ensure that inspections of the outside area, are undertaken every 15 minutes in order to check there is no excessive noise emanating from the areas concerned or the premises building. A record of these checks must be maintained and available for inspection by an authorised officer.**
- **The outside seating area must be closed and cleared no later than 10.30 pm.**
- **Glasses must be collected regularly from the outside area of the premises.**

- **CCTV to operate at the premises as a minimum in accordance with the 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.**
- **A mobile telephone number must be available 24 hours a day to local residents, Merseyside Police and the Licensing Authority in case of any issues that may arise at the premises to maintain contact with the management team.**
- **The premises must maintain a log to record the refusal to sell alcohol to a person under 18 years of age.**
- **The use of taxi firms providing a call back facility must be promoted at the premises.**
- **No drinks may be consumed within the outside area of the building of the premises after 10.30 pm.**
- **The Premises Licence Holder/Designated Premises Supervisor must participate in the Pubwatch scheme.**

**Members noted that the application agreed to install a suitable fence around the boundary of the land adjacent to residential property, in consultation with Mrs Wood. Members also noted the willingness of the applicant to have continued dialogue with local residents to prevent public nuisance.**