

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 9 February 2012

Present:

Councillors	G Davies	A Sykes
	S Niblock	D McCubbin
	D Roberts	

100 **APPOINTMENT OF CHAIR**

Resolved -

- (1) That Councillor S Niblock be appointed Chair for this meeting.
- (2) That the application regarding Gekko be considered by Councillors S Niblock, G Davies and D McCubbin.
- (3) That the application regarding Sabs Kebabs be considered by Councillors S Niblock, D Roberts and A Sykes.

101 **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.

102 **GEKKO, 54-56 WALLASEY ROAD, LISCARD CH45 4NW**

The Director of Law, HR and Asset Management reported upon an application that had been received from Darren Robinson to vary a Premises Licence in respect of Gekko, 54-56 Wallasey Road, Liscard, under the provisions of the Licensing Act 2003.

The hours applied for regarding the variation were set out within the report. The applicant had also proposed to amend part of the application regarding the hours open to the public by reducing it by half an hour.

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.

In respect of the application, a representation had been received from Merseyside Police. The Licensing Sergeant had suggested conditions that he believed should be

attached to the Premises Licence should the application be granted. The conditions proposed were set out within the report and it was reported at the meeting that the applicant had agreed to the conditions therefore the representation by Merseyside Police was subsequently withdrawn.

A representation had been received from Environmental Health. The Environmental Health Officer also suggested conditions that he believed should be attached to the Premises Licence should the application be granted. The proposed conditions were set out within the report and it was reported during the meeting that the applicant agreed to these conditions.

A representation had also been received from Central Liscard Area Residents Association. A petition had also been received signed by 30 local residents. The representation related to a concern that there would be an increase in anti-social behaviour and public nuisance caused by customers of the premises should the application be granted.

A representation had also been received from Ward Councillor, James Keeley. The representation supported the concerns expressed by local residents and a copy was available at the meeting.

The applicant, Darren Robinson, attended the meeting together with his solicitor Mrs Hussein.

Councillor J Keeley, Ward Councillor attended the meeting together with Mr D Hale, Chair of Central Liscard Area Residents Association and Mr G Sanson, Treasurer.

Mr N Joughin, Environmental Health Officer, was also in attendance.

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

The Chair stated that he understood that a request had been made that a site visit take place.

Mrs Hussein believed that a site visit would be unnecessary due to the premises having previously been visited by Merseyside Police and Environmental Health.

A short adjournment took place while Members undertook a site visit of the premises.

The meeting reconvened further to the site visit taking place.

Mrs Hussein advised that the application had been made in order that the premises would be in line with other premises in the area and would give the applicant the flexibility to compete with other establishments. Mrs Hussein reiterated that the representations made by Merseyside Police had been withdrawn further to the applicant having agreed to their proposed conditions. Mrs Hussein also reported that the applicant had agreed to the suggested conditions by Environmental Health. She informed Members that the applicant had held a Personal Licence since 2008, he had invested money into the premises and would be seeking to employ 9-10 members of staff. She therefore requested that the application be granted.

Mrs Hussein and the applicant responded to questions from Members of the Sub-Committee, Mr Abraham Legal Adviser to the Sub-Committee and Mr Hale.

Mr Hale addressed the Sub-Committee. He reported that he objected to the application as he believed other premises in the area would then seek variations to the hours permitted by their Premises Licences. Mr Hale believed that noise nuisance would be caused from music emanating from the premises.

Mr Sanson raised concerns regarding the close proximity of the premises to residential properties. He expressed his concern for local residents regarding extra noise and believed that another licensed premises in the area was not necessary.

Councillor Keeley believed there were already a sufficient number of licensed premises within the vicinity and reported that he had received complaints from residents regarding anti-social behaviour in the area. He requested that the application be refused, however, if Members were minded to grant the application he suggested that the following conditions be attached to the Premises Licence:

1. That the sale of alcohol and provision of entertainment be permitted to 11.30 pm.
2. That doorstaff be employed at the premises from Thursday to Saturday.
3. That an electronic limiting device set by the Environmental Health Officer be installed at the premises.

Mr N Joughin reported that the conditions suggested by Environmental Health had been agreed to by the applicant and that he believed any problems regarding noise nuisance from music emanating from the premises would be addressed by the installation of double doors to the entrance of the premises along with the other conditions he had proposed.

Mr Joughin responded to questions from Members of the Sub-Committee.

Mrs Hussein advised Members that the applicant would be content to reduce the application for the supply of alcohol to 11.30 pm from Sunday to Thursday.

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 Statutory Guidance issued under section 182 of the Licensing Act 2003.

Members considered carefully each of the concerns raised by the interested parties and Responsible Authorities. Members sought to address the issues through both the hours granted for the variation and the imposition of appropriate and relevant 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 to vary the Premises Licence in respect of Gekko, 54-56 Wallasey Road, Liscard, be granted with the following hours:-

Sale by Retail of Alcohol

**Sunday to Thursday 09:00 to 11:30
Friday and Saturday 09:00 to 00:00**

Recorded Music

**Sunday to Thursday 09:00 to 11:30
Friday and Saturday 09:00 to 00:00**

Live Music, Performance of Dance and Anything of a Similar Description

Monday to Sunday 09:00 to 11:30

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

**Sunday to Thursday 09:00 to 11:30
Friday and Saturday 09:00 to 00:00**

Late Night Refreshment

Monday to Sunday 23:00 to 00:00

Hours Open to the Public

Monday to Sunday 09:00 to 00:00

Non Standard Timings

All the above licensable activities:

Christmas Eve, Boxing Day, New Years Eve and All Bank Holiday Sundays

**09:00 to 02:00
23:00 to 02:00 (Late Night Refreshment)**

Hours Open to the Public

Christmas Eve, Boxing Day, New Years Eve and All Bank Holiday Sundays

09:00 to 02:30

(3) That in addition to the appropriate conditions proposed in the operating schedule, as well as existing conditions on the licence, the following conditions be applied:

- All external doors and windows must be kept closed when regulated entertainment is being provided except in the event of an emergency and to allow access to or egress from the premises.**

- **No glasses or bottles must be taken off the premises onto the outside pavement area.**
- **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 must 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 vicinity quietly.**
- **Bottles or broken glasses must not be disposed of from the premises between the hours of 9.00pm and 9.00am so as not to cause a disturbance to residents in the vicinity of the premises.**
- **The entrance to the premises must be made into a double door arrangement to help contain any music as customers enter and leave the premises.**

103 **SABS KEBABS, 201 HOYLAKE ROAD, MORETON**

The Director of Law, HR and Asset Management reported upon an application that had been received from Mecnun Kilic for the grant of a Premises Licence in respect of Sabs Kebabs, 201 Hoylake Road, Moreton, under the provisions of the Licensing Act 2003.

The application for the grant of a Premises Licence was for the following hours:

Late Night Refreshment

Sunday to Thursday	23:00 to 00:00
Friday and Saturday	23:00 to 01:00

Hours Open to the Public

Sunday to Thursday	14:00 to 00:00
Friday and Saturday	14:00 to 01:00

The applicant was 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 the Planning Authority. The Planning Officer had advised that the premises shall only be used as a hot food takeaway and

for no other purpose, between the hours of 11.30 am and 11.00 pm Monday to Saturday and 2.00 pm to 11.00 pm Sunday and Bank Holidays.

The Planning Officer had also advised that two planning applications to extend the operating hours of the premises had been submitted which had both been refused on the grounds that an increase in hours of operation would lead to noise and disturbance which they considered would be detrimental to the amenities of local residents.

The applicant attended the meeting together with his Barrister, Mr Smith, to outline the application.

Mr S Williamson, Planning Enforcement Officer, was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and circulated street plans to all parties.

Mr Smith informed Members that he believed the application was modest. He referred to the street plan and commented that the area was substantially commercial and that similar premises in the area operated hours in excess of the hours requested for these premises. He referred to the fact that this application had previously been refused but that no representations had currently been received from the Responsible Authorities except the Local Planning Authority. He reported that the applicant had already installed CCTV cameras and non-slip flooring. He believed that should the application be granted there would be no cause for concern as longer hours were permitted at other premises in the area. He informed Members that the applicant and his brother, who worked at the premises, had lived in the area for a number of years and had a regular client base.

Mr Williamson advised Members that he had submitted a representation in respect of these premises due to an ongoing complaint received by the Planning Department that the premises had been operating beyond their permitted hours. He reported that three applications had been made within the past two years to extend the hours which had all been refused. He also believed that the premises caused public nuisance.

Mr Williamson responded to questions from Members of the Sub-Committee.

The Chair confirmed that the application would be considered with regard to the four 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 Statutory Guidance issued under Section 182 of Licensing Act 2003.

Members of the Sub-Committee heard no evidence that these premises had undermined any 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 in respect of Sabs Kebabs, 201 Hoylake Road, Moreton be granted with the following hours:

Late Night Refreshment

Sunday to Thursday	23:00 to 00:00
Friday and Saturday	23:00 to 01:00

Hours Open to the Public

Sunday to Thursday	14:00 to 00:00
Friday and Saturday	14:00 to 01:00

104 MOCKBEGGAR HALL, 239-241 HOYLAKE ROAD, MORETON CH46 0SL.

This matter was withdrawn prior to the hearing.