

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 19 December 2012

Present:

Councillors	G Davies	H Smith
	A Leech	M Hornby
	S Niblock	

66 **APPOINTMENT OF CHAIR**

Resolved -

(1) That Councillor H Smith be appointed Chair to consider the application regarding The Bromborough together with Councillors G Davies and A Leech.

(2) That Councillor S Niblock be appointed Chair to consider the application regarding 181-183 Kings Road together with Councillors M Hornby and A Leech.

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

Members of the Committee 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.

68 **APPLICATION TO VARY A PREMISES LICENCE - THE BROMBOROUGH, 2 BROMBOROUGH VILLAGE ROAD, BROMBOROUGH**

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Greene King Retailing Limited to vary a Premises Licence in respect of The Bromborough, 2 Bromborough Village Road, Bromborough, under the provisions of the Licensing Act 2003.

The variation requested was outlined within the report.

The applicants 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 licence be granted.

In respect of the application, a representation had been received from The Bromborough Society. Representations had also been received from the Diocese of Chester and St Barnabas with St Matthew Bromborough Church. The representations related to the fact that if the conditions were removed from the

Licence, they considered that this would cause noise nuisance by customers of the premises. Copies of the representations were available.

Mr C Conchie, Area Manager attended the meeting together with Ms G Naylor, Designated Premises Supervisor.

Canon David Walker and Mrs Nicholson (who represented The Bromborough Society) were also in attendance.

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

Mr Conchie addressed the Sub-Committee and advised Members that the premises was a family friendly community business and as such Greene King Limited had applied to have the condition removed stating that no children be allowed on the premises after 8.00 pm in order that families may order a meal in the evening similar to other premises in the area. He stated that he would be content for a time limit of 9.30 pm to be placed on the Premises Licence regarding children being allowed on the premises. He advised Members that he had undertaken discussions with Environmental Health regarding noise assessments and had agreed to retain the condition on the Premises Licence regarding this. He reported that there was a small area at the main entrance of the building which was a designated smoking area and explained that he wished to install a small number of tables and chairs in the area but that customers would not be encouraged to stay in this area for long periods of time.

Mr Conchie stated that as a result of discussions that had taken place immediately prior to the meeting, he would construct netting in order that balls would not enter neighbouring properties and that he expected staff of the premises to manage the outside area to prevent public nuisance being caused to neighbours.

Canon Walker expressed his gratification regarding this as this action would address a large number of his concerns.

Mr Conchie responded to questions from Members of the Sub-Committee, Mr Abraham, Legal Adviser to the Sub-Committee, Canon Walker and Mrs Nicholson.

Canon Walker advised that he was the nearest residential neighbour to the premises and welcomed the opportunity he had had outside of the meeting to discuss his concerns with Mr Conchie. He advised that many of his concerns had been addressed and that he had a slight concern regarding customers of the premises remaining in the smoking area for longer periods of time should furniture be installed. He stated that he was not aware of any problems relating to entertainment at the premises and he was content for those conditions to be removed as requested.

Mrs Nicholson addressed the Sub-Committee. She explained that she was also grateful for the discussions that had arisen and had been reassured that many of her concerns would be addressed. There were concerns regarding children being able to access the smoking area and the general use of the smoking area.

Ms Naylor encouraged all parties to liaise with her should any problems arise in the future.

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

Members considered representations from Canon Walker and Mrs Nicholson who represented The Bromborough Society and also the representations made by the applicant, Mr Conchie.

Members welcomed the dialogue that had taken place between the applicant and the residents prior to the meeting which had addressed many of the concerns raised.

Members gave consideration to the intentions of the premises as to how they would be managed in light of the proposed changes.

Members took into consideration that it had been agreed that suitable netting would be put in place in the outside garden area to prevent balls and other objects going into neighbouring properties.

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 in respect of The Bromborough, 2 Bromborough Village Road, be varied as follows:

That the following conditions be removed from the Premises Licence:

- **No tables and chairs shall be available in the smoking area.**
- **The conditions as listed in the Public Entertainment Licence.**

That the following conditions be attached to the Premises Licence:

- **Children must not be allowed on the premises after 21:30.**
- **There shall be no drinking permitted in the external smoking area after 22:30.**
- **Signage must be displayed stating that**
 - **children must be accompanied in the outside area at all times,**
 - **no ball games to be played in the outside area; and**
 - **no children shall be allowed in the smoking area at any time.**

69 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 181-183 KINGS ROAD, BEBINGTON

The Acting Director of Law, HR and Asset Management reported upon an application that had been received from Balvinder Grewal for the grant of a Premises Licence in respect of 181-183 Kings Road, Bebington, under the provisions of the Licensing Act 2003.

The premises do not currently hold a Premises Licence. The application for the grant of a Premises Licence was for the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

The applicant had originally requested that the sale by retail of alcohol start from 06:00 and subsequently amended this as above following consultation with Merseyside Police.

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.

In respect of this application, three representations had been received from local residents relating to anti-social behaviour caused by youths which they considered was currently a problem within the vicinity of the premises. Copies of the representations were available.

No representations had been received from any of the Responsible Authorities.

The applicant attended the meeting together with his wife and his representative, Mrs Sherratt.

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

Mrs Sherratt addressed the Sub-Committee and advised that the applicant owned another shop in Rock Ferry and that him and his wife had over 30 years experience in the business. They had never encountered any problems and had passed a number of test purchases. Mrs Sherratt informed Members that the applicant had a good relationship with Merseyside Police and local residents and that Mr and Mrs Grewal had bought the premises and intended to invest a large sum of money re-fitting the premises to a high standard. She advised that the premises would operate an EPOS till system including an inbuilt computerised refusal system, top specification CCTV and that training would be in place for all members of staff.

Mrs Sherratt and the applicant responded to questions from Members of the Sub-Committee and Mr D K 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 Relevant Guidance issued under section 182 of the Licensing Act 2003.

Members considered written representations made by the applicant and local residents and heard representations from Mr Grewal and his representative.

Members noted that the application for the supply of alcohol had been amended following consultation with Merseyside Police and also that a Challenge 25 Policy would be implemented at the premises.

Members also noted that to avoid underage sales, the refusals register will be complimented by a till system with an in-built refusal mechanism.

Members gave consideration as to how the premises would be managed including the fact that the store would have extensive CCTV coverage.

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 181-183 Kings Road, Bebington be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00