

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 11 July 2013

Present:

Councillors	G Davies	M Sullivan
	T Norbury	E Boulton
	D Roberts	M Hornby

4 APPOINTMENT OF CHAIR

Resolved –

- (1) That Councillor G Davies be appointed Chair to consider the application regarding Moreton Sports and Social Club together with Councillors T Norbury and D Roberts.
- (2) That Councillor M Hornby be appointed Chair to consider the application regarding 56 Christchurch Road together with Councillors E Boulton and M Sullivan.

5 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Sub-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.

6 APPLICATION FOR A PREMISES LICENCE - MORETON SPORTS AND SOCIAL CLUB, PASTURE ROAD, MORETON

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Northern Frontier Pub Rescue and Management Company Limited for a Premises Licence in respect of Moreton Sports and Social Club, Pasture Road, Moreton, under the provisions of the Licensing Act 2003.

The hours requested were outlined within the report and the Licensing Manager advised that these hours had been amended since the original application. The applicant 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.

Members were advised that in accordance with the Live Music Act 2012, Live Music was no longer considered as the provision of regulated entertainment at a premises open for the supply of alcohol if it took place between 08:00 and 23:00, is unamplified or is amplified and takes place in the presence of an audience of no more than 200 persons.

A representation had been received from a local resident. A petition had also been received from 11 local residents who were against the application. The representation and petition related to noise nuisance from entertainment coming from the premises and nuisance caused by persons leaving the premises. Copies of the representation and petition were available.

Mrs G Crawford, applicant attended the meeting together with Mrs T Coyne, Manager at the premises.

Mr Hughes, lead petitioner, who objected to the application was also in attendance.

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

Mrs Crawford addressed the Sub-Committee and advised Members that the application had been made in order that a community based establishment could continue to run as it had previously. She explained that the intention was to maintain the Legion status in order that members could use the facilities of the Club.

Mrs Coyne explained that the aim was to keep the club going in order that the members could still attend and to keep the staff in employment and that the way in which the club was run would not change.

Members heard that the fire doors at the rear of the premises were used to allow disabled access and that the applicant had proposed a number of measures to control noise from the premises through these doors, namely

- To include a condition within the terms and conditions of function reservations that should members of the public open these doors, they would be liable to lose their deposit
- That the doors would be alarmed in such a way to alert staff when the doors are opened
- Members of the public would be directed to ask a member of staff to allow them to use the fire exit

Mrs Crawford and Mrs Coyne responded to questions from Members of the Sub-Committee, Mr D K Abraham, Legal Advisor to the Sub-Committee and Mr Hughes.

Mr Hughes explained that his objections related to the noise emanating from the premises when live music was being played and noise escaping from the premises when the fire doors were being opened by patrons at the premises. It was confirmed that the fire doors at the rear of the premises were used to allow disabled access.

Mr Hughes responded to questions from Members of the Sub-Committee, Mr D K Abraham, Mrs Crawford and Mrs Coyne.

Members considered the representations made by Mr Hughes which related particularly to noise emanating from the premises when live music was being played and the fire exit door being opened to allow access and egress.

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 noted that the premises had undertaken to display clear notices to those using the premises that they must have respect for local residents and leave the premises quietly. Members also gave consideration to how the premises would be operated and took into account the willingness of the applicant to uphold the licensing objectives and liaise with local residents.

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 amended application for a Premises Licence in respect of Moreton Sports and Social Club, Pasture Road, Moreton be granted with the following hours:

Sale by Retail of Alcohol

Monday to Thursday	13:00 to 23:00
Friday and Saturday	12:00 to 00:00
Sunday	12:00 to 23:30

Hours Open to the Public

Monday to Thursday	13:00 to 23:30
Friday and Saturday	12:00 to 00:30
Sunday	12:00 to 00:00

Regulated Entertainment (Indoor Sporting Events, Boxing or Wrestling Entertainments, Live Music and Recorded Music)

Monday to Thursday	13:00 to 23:00
Friday and Saturday	12:00 to 00:00
Sunday	12:00 to 23:30

(3) That in addition to the conditions proposed in the operating schedule, the following condition be attached to the Premises Licence:

- The fire doors allowing disabled access must be alarmed in such a way to alert staff when the doors are opened.**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Home Merseyside Limited for a Premises Licence in respect of 56 Christchurch Road, Oxtan, under the provisions of the Licensing Act 2003.

The hours requested were outlined within the report and following a meeting with Merseyside Police the applicant had agreed to a number of conditions being imposed on the Premises Licence should it be granted. The applicant 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.

Representations had been received from seven local residents. The representations related to concerns regarding the cumulative impact of licensed premises in respect of public nuisance and anti-social behaviour which they considered was currently a problem within the vicinity of the premises. Copies of the representations were available.

Mr and Mrs Harrison, applicants attended the meeting with their son, Jack Harrison.

Mr Lennon and Mrs Hinchcliffe who objected to the application were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that Mrs Hinchcliffe was in attendance on behalf of her husband.

Mr Harrison addressed the Sub-Committee and advised Members that the application had been submitted as he would like to run a speciality beer shop selling premium products at a premium price. He explained that the intention was for customers to be able to sample the products on the premises and purchase the products either over the counter or on line. He informed Members that he already owned premises in Oxtan and Woodside and had encountered no problems with either of these premises. Mr Harrison notified Members that he lived in Oxtan and wanted to showcase local food and drink. He advised Members that he took his responsibilities very seriously and that he had listened to the concerns of local residents and was willing to work with them.

Mr Harrison responded to questions from Members of the Sub-Committee, Mr D K Abraham, Legal Advisor to the Sub-Committee, Mr Lennon and Mrs Hinchcliffe.

Mrs Hinchcliffe raised her concerns regarding customers consuming alcohol on the premises as she was not aware that this was included within the application. She also raised concerns regarding the opening hours and limited parking facilities in the area. She believed that should the application be granted, the existing problems of noise and anti-social behaviour would be exacerbated.

Mr Lennon submitted photographs of the location of the premises and the immediate vicinity which he believed showed evidence of the issues of large amounts of traffic in the area. He advised Members that the premises were located in a small concentrated retail trading commercial and residential village. He reported upon the number of off licences, bars and licensed restaurants that currently existed within the

immediate vicinity and asked that Members have regard to the cumulative impact. He advised that his main concerns were the concentration of venues in the area, anti-social behaviour, limited parking facilities and availability of transport and the detriment to public and private equanimity.

Mr Lennon and Mrs Hinchcliffe responded to questions from Members of the Sub-Committee, Mr D K Abraham and Mr and Mrs Harrison.

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 were advised that the premises intended to be a speciality beer bottle shop selling premium alcohol products including a selection of wines and spirits and where customers could sample and taste alcohol. Members were also advised that the premises intended to operate on line deliveries in addition to sales from the premises. The applicant stated that they wished to showcase local alcoholic products.

Members heard evidence of the applicant's experience in operating other licensed premises and of their knowledge of the area.

Mr Harrison acknowledged that parking was a particular concern for businesses and residents of Oxtton Village and that the company were working with others in the village to reduce the problems caused by the lack of parking provision. Details of the proposed deliveries linked to the premises were provided to Members which were intended to take place at times when there was least pressure on parking within the village.

In response to concerns from residents regarding the operating times, the applicant put forward an amendment to the application to terminate the supply of alcohol and the hours open to the public to 10.00 pm. In response to concerns regarding security at the premises the applicant proposed to install internal shutters and confirmed that should the licence be granted he would comply with the Police request for CCTV to operate at the premises.

Members heard from residents regarding the difficulties relating to facilities for parking within the vicinity of the premises. Members considered that the issues regarding parking were a matter to be dealt with through Traffic Enforcement legislation. Residents raised concerns regarding the disposal of waste from the premises however the applicant provided details of the proposed method for the disposal of waste and Members were satisfied that the disposal of waste from business premises is a matter that can be dealt with through separate legislation.

Whilst Members heard concerns relating to the concentration of licensed premises and their impact on anti social behaviour within Oxtton Village, there was no evidence presented by residents to support the concerns that the granting of this licence would lead to an increase in anti-social behaviour. In considering this particular issue Members also had regard to the fact that there were no representations from Merseyside Police.

Members considered that the evidence presented to the Licensing Act 2003 Sub-Committee had not proven that the granting of the licence would undermine 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 56 Christchurch Road, Oxton be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 09:00 to 22:00

Hours Open to the Public

Sunday to Saturday 09:00 to 22:00