



## Licensing Act 2003 Committee

<b>Date:</b>	<b>Monday, 29 September 2008</b>
<b>Time:</b>	<b>6.00 pm</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

**Contact Officer:** Andrew Mossop  
**Tel:** 0151 691 8501  
**e-mail:** andrewmossop@wirral.gov.uk  
**Website:**

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### AGENDA

**1. DECLARATIONS OF INTEREST**

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

**2. MINUTES**

To receive the minutes of the meeting held on 16 June, 2008 which were received or approved by the Council on 14 July, 2008.

**3. CUMULATIVE IMPACT SPECIAL POLICY (Pages 1 - 52)**

**4. JUDICIAL REVIEW - SAUGHALL HOTEL (Pages 53 - 56)**

**5. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

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WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE - 29 SEPTEMBER 2008

REPORT OF THE DIRECTOR OF REGENERATION

## **CUMULATIVE IMPACT SPECIAL POLICY**

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### **1.0 EXECUTIVE SUMMARY**

1.1 The purpose of this report is to advise Members of a request received to amend the Council's Statement of Licensing Policy to include a Special Policy in respect of Cumulative Impact for an area of Hoylake.

### **2.0 BACKGROUND**

2.1 The Council's Statement of Licensing Policy was first published in January 2005. Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a statement of its Licensing Policy every three years. A review was undertaken during 2007 and a revised statement was published in December 2007. The requirement to review the policy at least every three years does not prevent the Council from amending the policy at another time within these three years. Guidance issued under Section 182 of the Licensing Act 2003 states that 'During the three year period, the policy must be kept under review and the Licensing Authority may make any revision to it as it considers appropriate'.

2.2 Residents of Hoylake have written to the Licensing Authority requesting that a Special Cumulative Impact Policy be introduced in Hoylake. Individual letters have been received from 14 residents and a petition signed by 186 residents has also been submitted with a further letter on behalf of the Residents Forum in Hoylake. These documents are attached in Appendix 1.

2.3 Residents state that their lives have been adversely affected particularly by noise nuisance and anti-social behaviour associated with licensed premises in Hoylake. Residents consider that the cumulative impact of licensed premises in Hoylake is affecting the promotion of the Licensing Objectives namely, the prevention of public nuisance, prevention of crime and disorder, public safety and the protection of children from harm.

2.4 A list of the licensed premises within the defined area of Hoylake can be found in Appendix 2 and the area is outlined in a map in Appendix 3.

2.5 The effect of adopting a Special Cumulative Impact Policy is to create a presumption that applications for new Premises Licences or Club Premises Certificates or variations that are likely to add to the cumulative impact of existing premises, will normally be refused following relevant representations, unless the applicant can demonstrate in their operating schedule that granting the application will not give rise to a negative cumulative impact on one or more of the licensing objectives.

2.6 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant of variation of a licence on the grounds that the premises will have a negative cumulative impact on one or more of the Licensing Objectives.

- 2.7 In consideration of whether to adopt a special policy relating to cumulative impact Guidance issued under Section 182 of the Licensing Act 2003 sets out the following matters to be considered by the Licensing Authority:
- Concern about crime and disorder or public nuisance.
  - Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
  - Identify the boundaries of the area where the problems are occurring.
  - Consult with those specified in section 5(3) of the Licensing Act 2003, and subject to the outcome of the consultation include and publish details of the special policy in the Statement of Licensing Policy.
- 2.8 Following the concerns raised by local residents in respect of public nuisance, views have been sought from each of the following 'Responsible Authorities' requesting any evidence they may have in respect of crime and disorder or nuisance happening and caused by customers of licensed premises in Hoylake or evidence that a risk of cumulative impact is imminent:
- Merseyside Police  
Merseyside Fire and Rescue Service  
Environmental Health  
Trading Standards  
Local Safe Guarding Children Board  
Planning Authority
- 2.9 We have received responses from Merseyside Fire and Rescue, Trading Standards, Environmental Health and Merseyside Police.
- 2.10 Merseyside Fire and Rescue Service and Trading Standards state they have no evidence to support the introduction of a Cumulative Impact Policy for the area in Hoylake.
- 2.11 Environmental Health have stated that there have been no significant increase in complaints in Hoylake over the last 4 years. The complaints that have been received this year relate to two premises which are currently under investigation.
- 2.12 The reply from Merseyside Police to the consultation is attached in Appendix 4:
- Police statistics do not support the view that problems in Hoylake are increasing
  - Statistics for violent crime for the period April 2004 – April 2008 show that violence is decreasing
  - Statistics for anti-social behaviour for the period April 2004 – April 2008 show that anti-social behaviour is reasonably constant
  - The level of violent crime in Hoylake is the lowest in Wirral
  - The level of anti-social behaviour is the second to lowest in Wirral

- The Police recognise that their statistics only represent those incidents that are reported to the Police and that there can be a level of anti-social behaviour that is not reported.

2.13 The Police Area Commander states that Police resources currently directed towards Hoylake are appropriate to meet demands but that an increase in the number of licensed premises or a substantial variation of hours operated by them could affect this position in that, it could result in a redeployment of resources which in turn could impact on the Policing in other areas. In view of this statement, clarification was sought as to whether Merseyside Police considered it was necessary to adopt a Special Cumulative Impact Policy within Hoylake. The Area Commander then clarified his position was, that based on the current available information, he did not consider there was a clear case made to justify a Special Cumulative Impact Policy in Hoylake at this time. He did however, reserve the right to re-consider his position should the situation change.

2.14 Members are advised that on the basis of the responses received from the Responsible Authorities there is not sufficient evidence to support the introduction of a Special Cumulative Impact Policy for Hoylake at this time.

2.15 Members are further advised that not adopting a Special Cumulative Impact Policy does not mean that cumulative impact cannot be taken into consideration by Members of the Licensing Act 2003 Sub-Committee when making decisions on individual Licensing applications.

### **3.0 FINANCIAL IMPLICATIONS**

3.1 There are no financial implications arising out of this report.

### **4.0 STAFFING IMPLICATIONS**

4.1 There are no staffing implications arising out of this report.

### **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 There are no equal opportunities implications arising out of this report.

### **6.0 COMMUNITY SAFETY IMPLICATIONS**

6.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

### **7.0 LOCAL AGENDA 21 IMPLICATIONS**

7.1 There are none arising directly from this report.

### **8.0 PLANNING IMPLICATIONS**

8.1 There are no planning implications arising out of this report.

### **9.0 ANTI-POVERTY IMPLICATIONS**

9.1 There are no anti poverty implications arising from this report.

### **10.0 SOCIAL INCLUSION IMPLICATIONS**

10.1 There are no social inclusion implications arising out of this report.

**11.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

11.1 There is particular relevance to the Hoylake and Meols Ward.

**12.0 BACKGROUND PAPERS**

12.1 There are no background papers.

**13.0 RECOMMENDATION**

13.1 The Committee are asked to consider the evidence and views provided by the Responsible Authorities and Residents but not, at this time, agree to an amendment to the statement of Licensing Policy in respect of Cumulative Impact in Hoylake.

Alan Stennard  
Director of Regeneration

This report has been written by Margaret O'Donnell who can be contacted on 691 8606

LICENSING

16.5-08  
19 MAY 2008  
MAD

Melrose Ave  
Haylake

Dear Mrs O'Donnell

As a resident's living in Haylake we are writing in support for the request that the Wirral Borough Council adopt cumulative policy for Haylake.

The noise from people waiting for late night buses and also those leaving bars and restaurants is unacceptable.

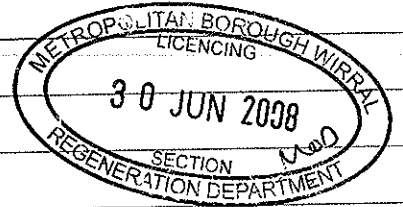
I hope the Council will support this request Thank You

Yours Sincerely, Mrs B Edwards

Mr & Mrs M. McElone

TO

MRS M. O'Donnell, J L Green  
LICENSING Authority, 20 Grosvenor Rd,  
WIRRAL Borough Council, Hoylake,  
TOWN HALL, WIRRAL CH47 3 BS.  
BRIGHTON STREET  
WALLASEY,  
CH44 8 ED.



DEAR MRS O'Donnell,

Subjective Policy for Hoylake

As a resident living in Hoylake, I  
write to support the request for  
WIRRAL Borough Council

to adopt a subjective policy for  
Hoylake. We have been subjected to  
intolerable problems and loss of  
peaceful enjoyment on property and  
fill up since the arrival of the  
"Wipe Bar Science" in Hoylake



(2)

Most FRI / SAT. or SAT / Sun  
morning the passageway between  
Market street + the Row bar path is  
discussing with Komur and also could  
take away,

When we were led to believe  
that Hejlate would have a cafe  
culture similar to France we  
didn't expect it to be like  
the less salubrious parts of Paris,

I hope the Council will fully  
support this request for a  
cumulative Policy for Hejlate

Yours sincerely

Joe O'Brien

**LICENSING**  
13 JUN 2008  
RL - Please discuss 2/6/08  
Dear Mrs. O'Donnell,

34, Leighton Ave.,  
Meols, Worsal  
CH47 0LZ

I live in Meols but  
as there is not much to do I go to  
Haylake for a bit of entertainment.  
(I am a woman of 78)

I never go on my own in  
the evening now as there is too much  
rowdyism and drunkenness going on.

Whilst I know lots of  
people who are against all the Bars I  
cannot understand why more licences  
are issued. Must say I don't drink myself  
but am not against a drink - but not  
the bringing that goes on

Yours sincerely,  
Joyce Jones

6 HOYLE ROAD  
HOYLEAKE  
WIRRAL

12<sup>th</sup> JUNE 2008

MRS M. O'DONNELL  
LICENSING AUTHORITY  
WIRRAL BOROUGH COUNCIL  
TOWN HALL  
BRIGHTON STREET  
WALLASEY  
CH44 5ED

LICENSING  
16 JUN 2008

*MP* - Please acknowledge  
Act 16/16

Dear Mrs O'Donnell,

CUMULATIVE POLICY FOR HOYLEAKE

I have lived in Hoyleake for 50 years and have never been so intimidated by the problems of loss of peace we have to tolerate now in our village.

I write to request the Wirral Borough Council to adopt a Cumulative Policy for Hoyleake as we are under great strain by the arrival of the Wine Bar scene. I am hoping for the council to

to support this request -  
Thank you for your cooperation.

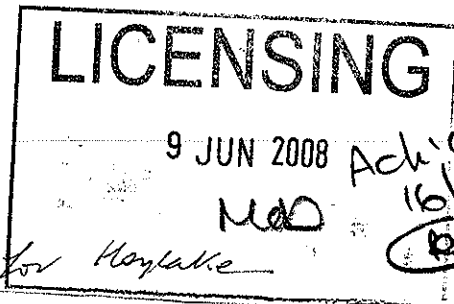
Yours sincerely

Peggy Wieser

Standard letter  
please

Windswept  
20 Grove Terrace  
Haylake CH 47 2HJ

Mrs. M. O'Donnell  
Licensing Authority  
Wirral Borough Council  
CH 44 8ED



Dear Mrs O'Donnell,  
Cumulative Policy for Haylake

As a resident living in Haylake I write to support the request for Wirral Borough Council to adopt a Cumulative Policy for Haylake. Since the arrival of the Wine Bar Scene we have been suffering intolerable problems and the loss of the peaceful enjoyment of living in Haylake. It once was a gentle place to live and bring our children up in its safe environment.

In company with many residents I fully support the request to introduce a Cumulative Policy in Haylake as the excessive nuisance that these premises have put upon the residents is unacceptable.

I really do hope the Council will support this request from the residents of Haylake and thank you for your cooperation.

Yours sincerely,

Beryl Hord.

0151  
632  
3426

62a Market Street,  
Hoylake,  
Wirral CH43 3BB

LICENSING

07 APR 2008

The Licensing Authority,  
Wirral Borough Council,  
Town Hall,  
Brighton Street,  
Wallasey, CH44 8ED.

2nd April, 2008

Dear Sirs,

Having decided to return 'home' to Merseyside, some ten years ago, I felt that Hoylake was the ideal place to live - pleasant, good amenities, relatively quiet, welcoming and with a homely village feel.

During the intervening years, I have come to regret my decision.

Hoylake is now beset with an over provision of bars, which in turn cause problems. No longer can I have my windows open, especially of a weekend because of the shouting, screaming and foul language. Of a Saturday and Sunday morning are frequently has to step gingerly in order to avoid vomit and broken glass.

I do my best to avoid going out of an evening, especially at weekends, as I feel threatened by groups who are committing acts of anti social behaviour. When I do go out to have a meal with friends, they will not allow me to walk home un-accompanied.

A number of bars have been temporarily closed because of drug

drug problems. Why not close them down completely?

Why do we have to put up with problems that have been caused by the proliferation of bars and their attendant social mis-behavior. The United Human Development Plan 2000 S.H.I. States "residents have a right to a peaceful enjoyment of their property."

I do hope that the Licensing Authority will grant no further licenses in Hoxlyde and that they will give serious consideration to rescinding some of the licenses that are in operation.

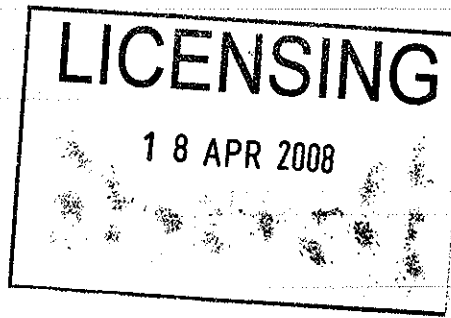
The quality of life here in Hoxlyde is now at rock bottom and despite all the platitudes those in authority do not seem to care.

Please, please do something to make the lives of residents, more wholesome.

Yours faithfully

Peter B. Banks

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35 Market Street  
Hoylake  
Wirral  
CH47 2BG

Ms M O'Donnell  
Licensing Authority  
Wirral Borough Council  
Town Hall  
Brighton Street  
Wallasey  
CH44 8ED

15 April 2008

Dear Ms O'Donnell

### **CUMULATIVE POLICY FOR HOYLAKE**

I write to you as resident living Market Street Hoylake, and have watched the number of licensed establishments grow to an unacceptable level for a small village. The numbers have grown steadily and I write to request Wirral Borough Council to provide a Cumulative Policy for Hoylake.

The residents have been subjected to intolerable problems both in terms of breaches of the license and public order problems and to have any more would cause the residents of Hoylake to suffer a greater loss of the peaceful enjoyment of their property.

As a fairly newcomer to Hoylake, having only been in residence for 2 years full time and visiting for 4, I have to say that the deterioration I have witnessed over that time to the level it is now at is very sad. My husband, however, has been in Hoylake for 24 years would state that this deterioration began slowly about 6 years ago. With this in mind I and many other residents fully support the request to introduce a Cumulative Policy in Hoylake. The strain that these licensed establishments put on both the police and the residents is intolerable.

I never imagined that when I chose to move to Hoylake I was moving into an area that appears to have a high level of crime, disorder, alcoholism, drug taking, dealers and prostitution. The recent action by the police was most welcome and supported by the local people, since their intervention there has been a slight improvement but how long will that last if a permanent solution is not found.

Living in the immediate vicinity of Bar One, 43 Market Street, Hoylake we suffer greatly from all the associated problems that go with licensed premises, and indeed both the police and the environmental health department have extensive logs of these problems. On the busy nights I feel trapped in my own home as I try to stay in the back part of the property and close all the doors to avoid the noise.

It is not now a desirable place to live and raise a family and consideration has to be given to turning this around before it is too late.

Yours faithfully

*Loan McKindley*



Ms Anna Moroz  
15 Cable Road South  
HOYLAKE  
Wirral  
CH47 3BR

Licensing Authority  
Wirral Borough Council  
Town Hall  
Brighton Street  
Wallasey  
CH44 8ED

**LICENSING**

23 APR 2008

21<sup>st</sup> April 2008

Dear Sir/Madam

I write once again to plead with the Licensing Committee for a Cumulative Policy, for a restricted area of Hoylake to be added to the Licensing Policy of the Council.

Surely its common sense to see how all these bars are contributing to a life of hell for the residents.

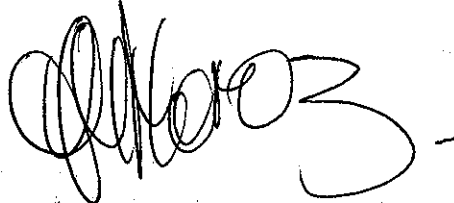
Do you think its fair that we should pay our Council Tax bills? If you answer is yes, then do you not think we should have some sort of say in what goes on in our area. When was the last time any one in your offices saw the streets after the weekend, filthy, dirty and disgusting. These are but a few words that come to mind.

We are all very unsatisfied and would like you to look into this matter.

Enough is enough and what do we have to do for you to understand this. All we want in life is to live in peace and quiet and safety. The Bars have caused us nothing but grief and despair and we want something to be done about it. Our streets are filthy and disgusting, we are afraid to venture out past a certain time and to open our doors. This is no way to live – so please give this some thought before issuing any more permits for new bars and also for issuing music licences after a certain time.

Once again your very dissatisfied member of the community

Anna Moroz



LICENSING

29 APR 2008

4 The Kings Gap  
Hoylake  
Wirral  
April, 27 2008  
632 3617

Dear Ms. O'Donnell

I am writing in support of the Hoylake Residents Association's request for a moratorium, on the licensing of wine bars and drinking establishments in Hoylake. We favour the support of the Cumulative Policy restricting the number of bars in a residential area.

Hoylake has one of the highest populations of elderly residents in the country, yet there appears to have been a perverse pleasure taken, in squeezing as many drinking establishments as possible into a very small closely packed residential area. Market St. is residential on one side; so many people are living and suffering the consequences of having these bars opposite to them. Adding to the nuisance is the permission given for extended opening hours. There are an excessive number of outlets for the acquisition of alcohol, in the vicinity of Market St. alone. Public houses used to have to prove they served a local need. This seems to pertain no longer. We would welcome an increase in younger residents in the area to give us a more balanced population, however the present young families especially those with children, are suffering as much as the elderly, from the drunken revels that are commonplace here, especially at the weekends. Many of these obnoxious drinkers come from as far afield as Liverpool and are not local people.

Every morning when I go for my newspaper, I pick up large quantities of rubbish, including beer bottles; often half full, and fast food containers, all of which I deposit in the waste bins provided by the council, but which these people are too drunk or irresponsible to use. I am revolted by pools of vomit and the evidence of urination, which despoil the street. The bad behaviour, excessive noise, vomiting, urinating, bad language, vandalism and brawling is not restricted to Market St. but overflows into the side roads. My (very heavy) front gates have been broken more than once.

The risk of finding people urinating, or engaging in sex in one's front garden, has also increased over the years. I find discarded underwear in my front garden, which I then have to dispose of. My wife finds it pretty unpleasant, to be confronted with such behaviour, but can send these people packing. So far. I am thankful I no longer have teenage children

at home to be exposed to potentially frightening experiences, especially with the recent introduction of drugs into the scenario.

The police do their best but are grossly undermanned for the extensive area they have to cover. The cells in Hoylake Police Station apparently cannot be used, (no explanation forthcoming); and when a miscreant has to be taken to Birkenhead, the area is left unpoliced for at least 2 hrs. at the most critical times. The police therefore have little choice but to turn a blind eye to offences like public urinating, in case crimes that are more serious occur as soon as their back is turned.

Public urination, although an offence, is becoming commonplace, compounded by the lack of public toilets. After the bars close, people hang about, eating take-away food, and when requiring a lavatory where none exist, go where it suits them. Depending on how drunk they are, they find a garden or doorway or just do it in the street. The Victorians sensibly provided public urinals (which were relatively vandal proof) all over the town. The Council, (in their wisdom!!) have seen fit to close them all. Neighbours living in Station Rd. report that even females squat and urinate, in the area outside Jack Rabbit Slim's.

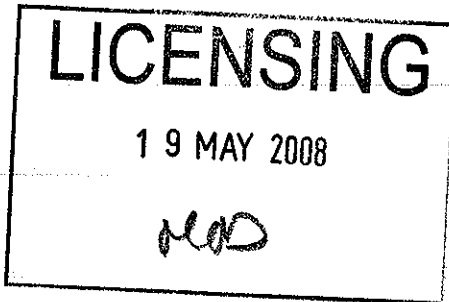
The extended licensing hours accorded these bars, mean that at closing time, there is no public transport, taxi drivers are reluctant to pick up the drunkest people, who then hang around creating a nuisance or worse, or fall asleep until they sober up a little. There is a regular nuisance from the roundabout, a few yards from our home, with screaming, shouting and fighting. The roundabout incidentally, is outside the alcohol free zone.

Please end it. We lived for thirty years in a quiet, slightly shabby, happy neighbourhood. Now our quiet pleasant life and that of our friends and neighbours has been destroyed by the arbitrary choice of our village for the development of "Café Culture", without any conscience or care for the consequences for us. The Council exists, supposedly, to represent the views of the council tax payers. Of this also they seem to be quite unaware. They should be putting our case to the Licensing authority, not ignoring what is happening.

Yours sincerely

Milton and Norms Davies.

*M. J. Davies*  
*M. J. Davies*



Honeysuckle Cottage  
2 Station Road  
Hoylelake  
Wirral CH47 4AA  
5<sup>th</sup> May 2008

Licensing Authority  
Wirral Borough Council  
Town Hall  
Brighton Street  
Wallasey  
CH44 8ED

Dear Sirs

As a long time resident of Hoylelake I would like to support the request of the residents of Hoylelake for a Cumulative Policy for a restricted area of Hoylelake to be added to the Licensing Policy of the Council.

As I live in close proximity to the premises of Jack Rabbit Slims, I am constantly disturbed by the volume of noise from these premises. Because of this, I am no longer able to open my front windows. The owner has a total disregard for the peace and quiet of the nearby residents.

I have kept a record of the dates during April (although it has been going on for many months) when the noise was particularly disturbing:-

Friday 4 <sup>th</sup> April 2008	Loud music late into the night.
Saturday 5 <sup>th</sup> “	Large TV screen on the street with sports programme blazing out all afternoon and evening.
Sunday 13 <sup>th</sup> “	11.15pm music and outside TV still on and noisy.
Thursday 17 <sup>th</sup> “	11.30pm loud music still going on.
Sunday 20 <sup>th</sup> “	Increased volume of music just prior to 11.00pm.
Saturday 26 <sup>th</sup> “	Increased volume of music after 9.00pm.
Sunday 27 <sup>th</sup> “	Sports programme on outside TV all afternoon at an excessive volume.
Wednesday 30 <sup>th</sup> “	Loud outside TV sports programme all evening.

I would also like to report to you the following disturbances so far for May 2008:-

Friday 2 <sup>nd</sup> May 2008	Loud music and rowdiness on the street during the evening.
Saturday 3 <sup>rd</sup> May “	9.00pm loud music and people noisy on the street.
Sunday 4 <sup>th</sup> May “	Lunchtime onwards - loud sports programme on outside TV and people drinking on street, plus loud band and street noise all evening.

Hoylelake is a residential area, not club land. Therefore licenses should not be given to such premises.

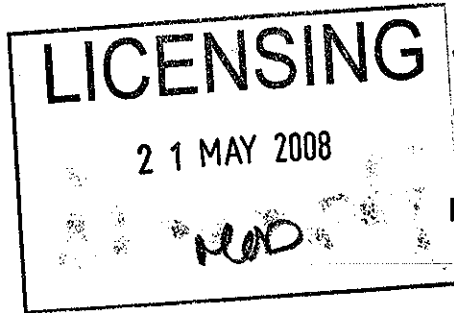
Yours faithfully,

*Nancy Iles*  
(MISS NANCY ILES).

39A Market Street

Hoylake  
Wirral  
Ch47 2BG

May 2008



Ms M O'Donnell  
Licensing Authority  
Wirral Borough Council  
Town Hall  
Brighton Street  
Wallasey  
CH44 8ED

Dear Ms O'Donnell

#### **CUMULATIVE POLICY FOR HOYLAKE**

As a resident living in Hoylake. I write to support the request for the Wirral Borough Council to provide a Cumulative Policy for Hoylake.

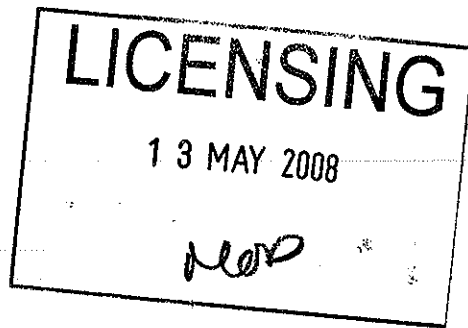
We have lived at the above address for 16 years and over the last few years we have been subjected to various problems and the loss of the peace and quiet of our property.

I and many other residents fully support the request to introduce a Cumulative Policy in Hoylake. I strain that these licensed establishments put upon the residents is unacceptable.

I do hope that the council will support us as nobody else seems to. The police say they can't come out to noise problems. The Environmental Health are a toothless agency who seem to be afraid to take action. I do hope that you can restore our faith in this case as we have had enough of continually logging complaints and no action is forth coming. We are the innocent party here Please Help us we have to tolerate loud music and foul and abusive language every week end.

Yours sincerely

Mr and Mrs Taylor



37A Market Street  
Hoylake  
Wirral  
CH47 2BG

Ms M O'Donnell  
Licensing Authority  
Wirral Borough Council  
Town Hall  
Brighton Street  
Wallasey  
CH44 8ED

May 2008

Dear Ms O'Donnell

**CUMULATIVE POLICY FOR HOYLAKÉ**

As a resident living in Hoylake, I write to support the request for Wirral Borough Council to provide a Cumulative Policy for Hoylake.

As residents we have been subjected to intolerable problems and the loss of the peaceful enjoyment of our property.

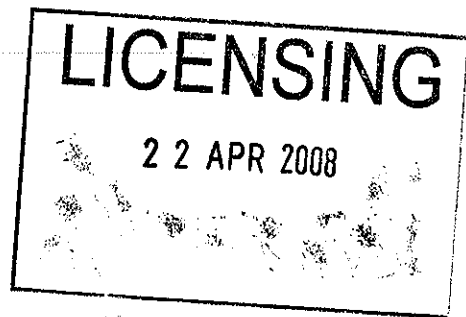
I and many other residents fully support the request to introduce a Cumulative Policy in Hoylake. The strain that these licensed establishments put upon the residents is unacceptable.

I do hope that the council will support this request and thank you for your co-operation.

Yours sincerely

Mrs D Quilliam

45, Cable Road,  
Hoylake.  
CH 47 2AZ  
0151 632 2152.



To the Licensing Committee.

I represent the Residents Forum in Hoylake which has been set up so that Residents can meet together and discuss the problems in Hoylake, particularly wine bars and hot food outlets.

All our meetings are attended by over 100 people who are united in their concerns about Hoylake on Thursday, Friday and Saturday evenings from 8 p.m. till after 2 a.m.

We knew that what started as the Café Bar Culture prior to the Open Golf in 2006 would end in tears in later years as the daytime bars struggled to survive financially and became late night only social bars encouraging Binge Drinking to keep in business.

All this then leads to Hot Food Outlets wanting to stay open later than the Wine Bars to cash in on the rowdy revellers in the Village causing a nuisance to the Residents who live in close proximity to these Shops, and the irresponsible dropping of litter all over the Village. The revellers buy food after consuming large amounts of Drink then invariably are ill in the Village, and we have to live with vomit on the pavements, and urination in gardens and alleyways.

We, as a Village, have fought every application for late Licences to maintain a 12 o'clock closing time so that the Village is clear by 12-30 and the Residents can then expect Peaceful enjoyment of their properties in Hoylake, which is their Human Right, and that disruptive behaviour caused by late night Binge Drinking compounded by even later Food Outlet opening is prevented.

We are now the subject of a price War on drinks in Hoylake with over 2000 drinkers in our small Village at weekends. We do not want extended hours of Food Outlets and wine bars to make our lives worse.

We are applying for a Cumulative Policy to be added to Wirral Borough Licensing Policy to prevent any further development of Wine Bars and Food Outlets in Hoylake in the future.

This is supported by a large Petition from Residents.

We believe that the presence of these premises has had an adverse effect on the Quality of Life of the Residents who fear for their safety when walking in the Village on Thursday Friday and Saturday Nights.

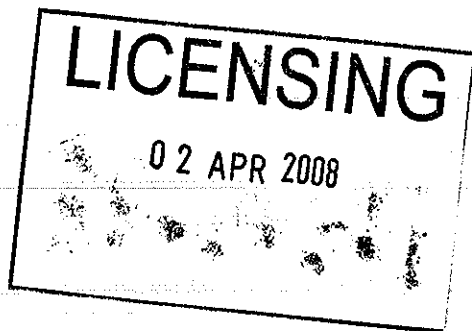
The Wirral Borough Council U.D. Policy states that Residents have a right to Peaceful enjoyment of their Properties and we believe that this has now been violated by the Bars and Food Outlets.

We do not believe that the major services i.e. Police can cope with any more of these businesses and that any further applications should have to show that there is a specific need for their business or change of Promises Licences.

Yours Sincerely,  
Jackie Hall.

*Jackie Hall*  
17-4-08





Charles Crebbin,  
6, Hadfield Avenue,  
Hoylake, Wirral, CH47 3DJ

Licensing Authority,  
Wirral Borough Council,  
Town Hall,  
Brighton Street,  
Wallasey, Wirral, CH44 8ED

1 April, 2008

(Copies to Councillor Gerry Ellis, Stephen Hesford, M.P., Inspector Greg Lambert, Jackie Hall)

Dear Sirs,

In any consideration of the impact of commercial activities in Hoylake on the residents of Hoylake, it should be borne in mind that, while most of Hoylake's businesses (including bars) are located on Market Street, that street – by virtue of its old Victorian houses, its more modern blocks of flats and its flats above shops – is predominantly residential (**i.e. there are far more residential units on Market Street than there are commercial units**). Also, most of the side streets off Market Street are solely residential. So there are many Hoylake residents who live within sight of Market Street activities and many more who live within earshot of the sounds produced by those activities. **The result is that excessively noisy bars in Hoylake have serious adverse effects upon the lives of a great many of the residents of Hoylake.**

If the bars which produce this offensive noise were effectively sound-proofed, the worst effects of this anti-social behaviour would be greatly reduced. But sound proofing seems to be non-existent in most cases. And, since the anti-social behaviour caused by noise pollution falls within the ambit of the Environmental Health Department, rather than the police, there is no way for residents to get an immediate response to their pleas for help. (Most cases of this type of anti-social behaviour occur on Friday evenings, Saturdays and Sundays when the Environmental Health Department office is un-manned.)

I would like to suggest, therefore, that the Licensing Authority – when issuing licenses to any businesses which offer dancing, live music, recorded

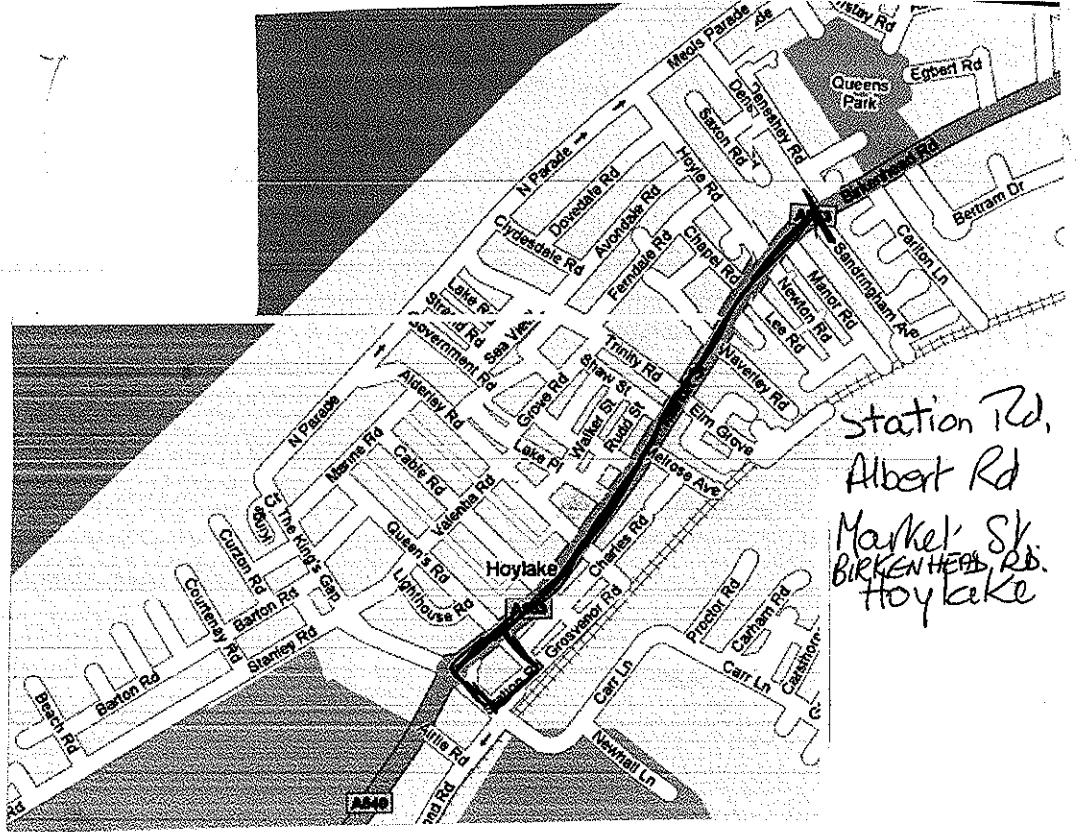
music, Karaoke,, etc. – should make it a condition of the license that effective sound proofing is in place, that that sound proofing is examined and certified as fit for purpose by the Environmental Health Department's Noise Pollution section and that the premises be monitored on a regular basis at weekends by the Noise Pollution experts (with the corollary that any leakage of noise from the premises concerned would mean an immediate removal of their license to operate!).

An additional aspect of noise pollution and other anti-social behaviour caused by Hoylake's many bars is the behaviour of the bar's customers when they leave the bars at closing time. This is of course a matter for the police to control. But it is grossly unfair to the police – with their extremely limited resources in Hoylake – to expect them exert effective control at ever later times of night. At one time, bars used to close at 11.00 p.m. and the noise of marauding revelers would be over by midnight. Now, bars seem to be granted easy permission to be open to midnight or later meaning that the residents of Hoylake are subjected to anti-social behaviour well into the early hours of the morning. I suggest further to the Licensing Authority, therefore, that all bars in Hoylake should be restricted to the same closing time as that currently operated by Hoylake Lights – namely 11.30 p.m.

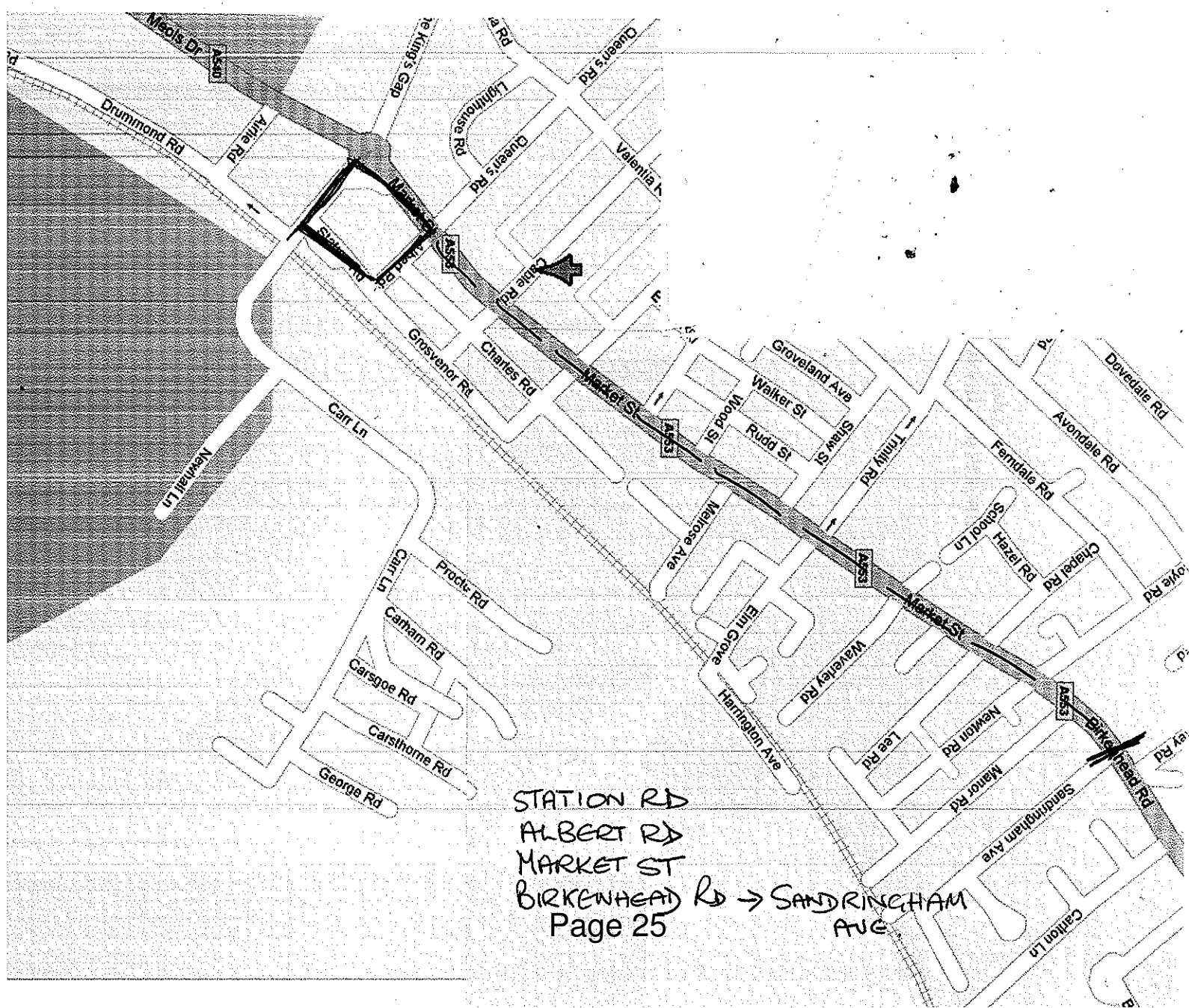
Hoylake has changed drastically since my family and I moved here in 1980 and is no longer the peaceful seaside town it used to be. One cannot expect things to remain the same, of course. Change has to be accepted and, in many cases, strongly welcomed. But when it comes to welcoming ever more late-night drinking establishments a time to call "STOP" must be considered. In my view – and in the view of many others – saturation point has already been reached, if not passed. So, **PLEASE**, no more licensed premises in Hoylake!

Yours faithfully,





Station Rd,  
 Albert Rd  
 Market St  
 BIRKENHEAD RD.  
 Hoylake



STATION RD  
 ALBERT RD  
 MARKET ST  
 BIRKENHEAD RD → SANDRINGHAM  
 AVE  
 Page 25

# Hoylake & West Kirby Neighbourhood: Keeping you informed

Hoylake  
Police Station  
Queens Road  
Hoylake  
CH47 2AG

Email: A.BCU.NH3.Insp@merseyside.pnn.police.uk Tel: 0151 777 2140 or 0151 709 6010



Dear resident,

Please see the below synopsis of Policing activity taken around the Night Time Economy area of Hoylake and West Kirby.

- Hoylake Lights has now been before the magistrates and licensing panel and their agreement to our request to reduce their hours from a 0100 close to a 0000 close has been ratified.
- Operation Hawthorne on 14 March 2008 was the single largest deployment of officers on the Wirral for drugs raid in recent years. It involved 150 Police officers, support staff, Ministry of Defence Police, Customs and Excise, GSL prisoner transport services, and Wirral Drug and alcohol action teams.
- Following an extensive intelligence gathering and planning phase lasting several months 3 premises (Jack Rabbit Slims, Cuba and Bar One) were raided simultaneously. 19 persons were arrested for a variety of offences, and 20 discarded wraps of cocaine recovered from the premises. Over 300 individuals were searched.
- Follow up operations were conducted with 30 staff and drugs dogs on 29 March 2008 whereby 12 premises across the Wirral, including 6 premises in Hoylake and West Kirby were visited. 1 person was arrested from the visits in Hoylake and West Kirby compared to 14 from the other six visits; this gives a clear indication that the message not to abuse drugs in this neighbourhood is patently getting through.
- The level of Anti Social Behaviour has reduced by 23% compared to last year. This is the 2nd biggest reduction on the Wirral and places us only slightly behind Heswall neighbourhood (as 2nd out of 8) who have recorded less ASB but do not have a recognised Night Time Economy Area.

Greg Lambert

MERSEYSIDE  
**POLICE**

**total  
policing**

war on crime  
care for victims

[www.merseyside.police.uk](http://www.merseyside.police.uk)

0151 691 8191

30 2 1

**STEPHEN HESFORD M.P.**  
Labour Member of Parliament for Wirral West

Constituency Office:  
100 Ford Road,  
Upton, Wirral CH49 0TQ  
Tel: 0151 522 0531  
Fax: 0151 522 0568

House of Commons,  
London SW1A 0AA  
Tel: 020 7219 6227  
Fax: 020 7219 4953  
Email: hesfords@parliament.uk

Stephen Maddox  
Chief Executive  
Wirral MBC  
Town Hall  
Brighton Street  
Wallasey  
Wirral CH44 8ED

17 APR 2008

Our Ref: HALL061

14 April 2008

Dear Stephen

Mrs Jacqueline Hall - 45 Cable Road, Hoylake, Wirral

I am writing on behalf of the above named constituent of mine regarding housing in Hoylake.

Mrs Hall has contacted me and I enclose copy correspondence for your information.

I would be grateful if you could look into this matter and let me have your comments please.

Many thanks.

Yours sincerely



Stephen Hesford MP

---

**From:** hall1@go-plus.net [mailto:hall1@go-plus.net]  
**Sent:** 07 April 2008 15:41  
**To:** HESFORD, Stephen  
**Subject:** Hoylake.

The Residents of Hoylake are applying to the Council for a Cumulative Policy to be added to Wirral Borough Council Licensing Policy.

We hope that you will write a letter of Support to this application to the Licensing Department.

We have worked Independently and Non Politically up to now to deal with the problems which we suffer as a result of the Wine Bars in Hoylake and the Hot Food Outlets working late into the night.

We also oppose the Licensing Act which allows Temporary Event Licences to Public Houses etc. 12 times per year without any consultation with Residents.

Yours Sincerely,

Jackie Hall.

---

Message sent via TelecomPlusMail - <http://webmail.go-plus.net/>

10/04/2008

Up to 8/14/08  
sheets 1-7 = 186

**To Wirral Borough Council Licensing Committee.**

The Residents of Hoylake wish to apply to Wirral Borough Council for a Cumulative Policy, for a restricted area of Hoylake [see enclosed map,] to be added to the Licensing Policy of the Council.

The reasons for this are public safety, low level crime and disorder, disruptive and abusive behaviour and public nuisance and the protection of children from harm.

We feel that the presence of the Bars has had an adverse effect on the quality of life for Residents, who are fearful to venture out in their own Village, particularly on Friday and Saturday nights, as they are intimidated by the revellers.

The Wirral Urban Development Plan 2000 SH1 states that Residents have a right to a peaceful enjoyment of their property.

The present number of Bars cause nuisance and lead to loss of amenity to Residents, by reason of noise and disturbance, and any further Bars would be impossible for all the Services [Police, Fire, Environmental Health etc ] to manage.

This letter has been accepted by the enclosed list of Residents at a Public Meeting on Monday 31<sup>st</sup> March 2008.

**Evidence in support is to be supplied.**

Licensing Authority  
Wirral Borough Council  
Town Hall  
Brighton Street  
Wallasey  
CH44 8ED

Address FOR ALL LETTERS

1

COMMUNITY MEETING. MONDAY MARCH 31st.

NAME.	ADDRESS.	TELEPHONE.
Clive Kirk	19 North Parade	632 2109
B. Rothwell	57, CABLE RD	632-5064
R. Rothwell	55, CABLE RD	632-5064
C. CREBBIN	6 HADFIELD AVE	632-5973
J.K. ANDERSON	14 DENESHEIM RD	632-4457
M.K. ANDERSON	14 DENESHEIM RD	632-4457
N. DYSON	5 MARKET ST	632 2775
Ma Dyson	" " "	" "
V. Rogan	4 Grove Terrace	632 4465
J Foster	11 Ernelbot Lane	632 4051
M.H. Foster	" "	" "
Anne Hindley	16, Hoyle Rd.	632 3989
John Lindley	" "	" "
M. Bullie	4 Shrew St	632-4359
J Elliott	27, Newton Rd	632 5915
P.R. MELDRUM	28 NEWTON RD	632-0815
A.R. Cook	24 MANOR ROAD	632 4685
J.M. Jones	34 Leighton Ave Meols.	632 4944
G. Capper	65 <sup>A</sup> MARKET STREET OTSI	632 1276
JOHN HAYE	46 LAKE PLACE	632 4570
Vicky Clark	10 Stanley Rd. Hoylake	632. 2646
Cynthia Radford	16 Waverley Rd, Hoylake	632 - 4357
Elizabeth Edwards	36. CROMER CT. HLYDERLEY RD. HOYLAK	632-6363
MR. MRS W GRANAM	18 ROSECROFT COURT HOYLAK	633 2746
M. Morrell	2 Wood St Hoylake	632 5818
Brenda Bault	37 Meols Drive Hoylake	632 2605
Eddie T. Bault	37 Meols Dr Hoylake	632 2605

These signatures support the application with regard to the Cumulative Policy. Wirral Borough Council Licensing Policy.

28



**COMMUNITY MEETING. MONDAY MARCH 31st.**

(2)

NAME.	ADDRESS.	TELEPHONE.
ETHEL DEVEREUX	11 MENLO DR. HOYLAKH	632 3179
Nota Fowler	1 Lake Place "	632 1132
T.J. TIPPING	1 GROSVENOR RD "	632 2272
Geoff Tipping	1 Grosvenor Rd Hoylake	632 2272
B. Greenwood	55A Market St. Hoylake	632 5569
Willow Colios	OFFICE OF STEPHEN HESFOLD MP 140 FORD ROAD, UPTON	5220531
Pendine Cook	37 ALDERLEY RD HOYLAKH	632-0263
JAMES WOOD	31 CUM STREET HOYLAKH	632 3577
Norma Mc King	35 MARKET STREET HOYLAKH	632. 4548
Shirley Damer	20 Rudd Street Hoylake.	632 3661
ANDREA SWADICK	19 AIRLIE RD	632 6334
Sheila Swadick	19 Airlie Rd	" "
John Evans	78 Meols Parade	632-2167
J. DAZZAN	3 HAMMILL AVE HOYLAKH	632 4476
M MOTHERSHEAD	29 DELWENT ROAD, MEOLS	632 3607
AL BATES	15 HOLLE COURT, HOULACE	0845 488 0037
J. Davis	4 The King's Gap Hoylake	0151 632 3617
M. J. Davis	4 The King's gap Hoylake	632 3617
Chris Westerman	5 Ferndale Road, Hoylake	632 5516
Les Westerman	5 Ferndale Road, Hoylake	632 5516
Wendy McKeown	3 Ferndale Rd, Hoylake.	632-5112
Terry McKeown	3 ferndale rd Hoylake	632 5112
David O'MALLEY	Breakwater, North Wirral, Hoylake	632 3204
NANCY IRES	2 STATION RD. HOYLAKH	632 1515
B. W. Ainsop	Mortgago Needs Market St Hoylake	632 2100
GRAHAM AINSOP	" "	"
PAUL WILSON	16 FRANCON DRIVE	625-2985
John Meyer	23 Meols Drive	07922 017509
ANDY WILLIAMS	16 WALKER STREET HOYLAKH	632-2177.

These signatures support the application with regard to the Cumulative Policy. Wirral Borough Council Licensing Policy.

(29)

**COMMUNITY MEETING. MONDAY MARCH 31st.**

3

NAME. ADDRESS. TELEPHONE.

MRS MRS T. HOPPER 7, MARKET STREET HOYLAK 632 0355  
 Dame B Howard 1 VALENTIA ROAD Hoylake 632 1342  
 Florence Foran 7, Mumfords Lane Wirral  
 Margaret McCaughey 6 Woodland Av. CH47 5BA 632-3717  
 Sheila Thornton 27, Bennet's Lane CH47 7AY 632-4403  
 Margaret Robertson 13 THE ROW, MARKET ST CH47 3DB 632 1692  
 S. Turner Flat 27 Cromer Ct CH47 2AU 632 5876  
 E. Siewick 37 GROVE Rd. CH47 2SS 632 5648  
 Lynda Williams 1 Ferndale Road Hoylake CH43 7AT 632-6093  
 Shirley Sedgwick 7, Forest Close CH47 6BA 632-1229  
 Jean Huntington 11, Elmtree Court, CH47. 632-2311.  
 MRS MRS MEAKER 7 MILBRE POINT 88 STANLEY 632 4518  
 MRS A FINN 8 GARDEN MSY RD, MEOLS CH47 5AT 632 3948  
 PAT BUTLER 1 COURTENAY RD HOYLAK CH47 1ND 632 5502  
 MRS M. NOLAN 21 PROCTOR RD HOYLAK CH47-4BB 632 3203  
 MRS E MORRIS 5 CABLE RD Hoylake CH47 3BR 632.4566  
 MRS N WILLIAMS 18 WAVELEY HOYLAK CH47 3DD 632 5156  
 MRS M MILNE 4 Spenwood Grove Meols CH47 9SL 632 5013  
 MRS C TAYLOR 39A MARKET STREET HOYLAK CH47 2BA 632 0167  
 Mrs JUNE PULLIN 37A Market St Hoylake 632 1369  
 JOHN BUTLER 1 CARTENAY ROAD HOYLAK 632.5502  
 Mr B. Griffith 7 Ethelbert Rd. Meols 632 2115  
 Mr B Griffith 7 Ethelbert Rd Meols 632-2115  
 Mrs H. Bell Newton Cottage, Lake Place, Hoylake 632 0427  
 PETER BANKS 62A MARKET STREET HOYLAK 632 3426  
 JOHN HANWICK 16 GROSVENOR RD 632 3168  
 Sign James 21, GROSVENOR RD 632 4462  
 MR & MRS D Amidge 12, ELM GROVE 632 3755  
 MR M. MORGAN Flat 4 THE ELM ELM RD 632 6876  
 MR. A. WILLIAMS 16 LAKEVIEW STREET HOYLAK 632-2177  
 JAMES WOOD 31 RUD ST HOYLAK 632 3577

These signatures support the application with regard to the Cumulative Policy. Wirral Borough Council Licensing Policy.

35

Following the Hoylake Residents

CUMULATIVE

(4)

**COMMUNITY MEETING, MONDAY MARCH 31st, POLICY**

we also wish to express our support for the application

NAME. ADDRESS. TELEPHONE.

<del>AS</del>	8 Waverley Rd	632 1669
D.C. WHITE	4 SCHOOL HOUSE COTTAGES	632 6430
E C WHITE	4 SCHOOL HOUSE COTTAGES	632 6430
G. WRIGHT	9 Chapel Road	
A. GOODBURN	35, CRAMER COURT ALDERLEY RD	632. 3540
B. Herd	20 Grove Ten	632. 3172
K Herd	20 Grove Ten	632. 3172
JIM O'NEIL	29 Shaw Street, Hoylake	632-2047
CAROL O'NEIL	29, SHAW STREET HOYLAKA	632-2047.
M MCALEENY	115, MARKET ST	632 5240
D J MCALEENY	115 MARKET ST. HOYLAKA	632 5240
<del>Robert</del>	14 ELM TERRACE, HOYLAKA	632 1684
J.M. Webster	- - - -	" "
A Gamble	10 ELM TERRACE	632 3852
A Gamble	10 Elm Terrace Hoylake	" "
P Cole	8 Elm Terrace Hoylake	632-4259
<del>P Cole</del>	8 Elm Terrace Hoylake	" "
S Cavell	23 ELM TERRACE HOYLAKA	632. 5815
V NARD	15. ELM TCE "	632-4565
G N NARD	15. ELM TCE "	632-4563
T SINGH	3 Elm Grove	632 6594
MR J CAMB	SUNNYSIDE HOUSE ELM GROVE	632 5711
E MORRIS	84 ELM GROVE HOYLAKA	632-4064
J. Dogh	92 Elm Grove Hoylake	632 5584
J Halman	20 ✓	✓ 662.7
S McGechee	101 Elm Grove Hoylake	632 0465.
D. HUMPHREYS	1 SHAW STREET	63255-6325853
I. JACK	10 SHAW ST	632 2894
TIM MANCOX	FLAT 2, 92b MARKET ST	632 - 0598
JOANNE BIRD	" " "	" " "
STU BRENNAN	16 SHAW ST	0785 550 1112
R WILLIAMS	9 SHAW ST	
M WILLIAMS	9 SHAW ST	

These signatures support the application with regard to the Cumulative Policy. Wirral Borough Council Licensing Policy.

(33)

**COMMUNITY MEETING, MONDAY MARCH 31st,**

we also wish to express our support for the application

NAME. ADDRESS. TELEPHONE.

T.E. SINGLETON	LAKE PLACE HOYLAKES	632 6994
L. WATTS	51 MARKET ST. HOYLAKES	632 3160
B. Robinson	12 Waverley Rd Hoylake	632 1387
R.G. ROBINSON MBE	" " " "	" "
D. Parker	7 Waverley Rd. Hoylake	632 4491
M.R. Parker		
J. PRINCE	46 TRINITY RD HOYLAKES	633 2565
R.G. Pearce	10 Waverley Rd Hoylake	632 1135
D.V. Pearce	10 Waverley Rd Hoylake	632 1135
E. Roberts	106 MARKET ST	632 2469
D. Jones	" " (shop Hoylake)	" "
J. FOSTER	53 BERWYN CLOSE E/PORT	348 0029
J. Greward	31 Cable Rd Hoylake	632/2211
J. Taylor	6 Station Rd Hoylake	632/1654
J. McGoole	28 HADFIELD Avenue Hoylake	632/1367
J. McGoole	28 Hadfield Ave Hoylake	" "
J. Ingham	9 HADFIELD AVE HOYLAKES	632 4854
J. Ingham	9 HADFIELD AVE HOYLAKES	" "
T. Roberts	13 Hadfield Ave Hoylake	632-2703
A.K. Roberts	" " " "	" "
RAY SHELTON	19 Hadfield Avenue Hoylake	632 2887
J. Shelton	23 Hadfield Ave Hoylake	632 2873
J. McLEOD	20 HADFIELD AVE HOYLAKES	
W. BLAKE	4, HADFIELD AVE, HOYLAKES	632-3560
T. Blake	" " " "	" "
G. ALEXANDER	2 " " "	632-1010
A. Alexander	2 " " "	632-1010
P. P. Swift	27 Elm Crestace	
L. A. Byrne	2 Waverley Road	632-4389
M. J. J. J.	2 Waverley Rd	632-4389

These signatures support the application with regard to the Cumulative Policy. Wirral Borough Council Licensing Policy. (Details beneath)

**COMMUNITY MEETING/ MONDAY MARCH 31st,**

The following also wish to express their support for the application

NAME.

ADDRESS.

TELEPHONE.

R E SMITH	10 DRUMMOTT ROAD HOYLAK	632 1865
J. E. M. TAGG	34 GARDEN HEY R.D. MEOLS	632 5418
E. LANGLEY	FLATH HOYLE CT. 61 TRINITY RD HOYLAK	632 2896
n. merce	King's Gap Hoylake.	
J. Clark	8 Redwin on 5th Avenue W/L	
L. STERLOCK	32 LAE RD HOYLAK	
P. Fleming	7 Hail Lane Meols	
L. K. Ireland.	144" Market St Hoylake.	
J. Eccles	23 Melrose Ave Hoylake	
J. Roberts	46 Goose Cough Hoylake	
S. Bron-Rast	2 Trinity Court School Lane, Hoylake	
J. Kirk	19 North Parade Hoylake	
Antonia Palmer	447 12th St CH47 3BB.	
D. Hudson	6 Warwick Rd Hoylake	632-6104
J. P. Hill	2 Benney Ave Hoylake	632 2651
P. JARVIS	26 Somers Rd W/L	
B. Howcroft	7 Grosvenor Road	
M. Howcroft	" " "	
J. M. Wade	2 Celtic Rd. Meols	
J. Jones	34 Leighton Ave Meols	
J. N. Mith	9 Sigurdurst Rd. Meols	
K. Johnson	15. Somerset Rd. W. Kirby	
M. Bullock	4 Shaw St Hoylake	632-4359
J. E. Jones	20 Yelmon to Hall.	632 0884
J. Elliott	21 Newton Rd Hoylake	632 5915
S. SWARTON	55 CABLE RD HOYL	
K. E. Lotter	55 CABLE RD HOYL	
C. Braund	6 Allard Drive Moreton	678 6714
M. R. K.	1 HARRINGTON AVE HOYLAK	632 1029
R. D. Davy	47 Ashford Road, Meols	632 3933

These signatures support the application with regard to the Cumulative Policy. Wirral Borough Council Licensing Policy. (Details beneath)

(7)

**COMMUNITY MEETING. MONDAY MARCH 31st.**

NAME.

ADDRESS.

TELEPHONE.

A.R.COOK

24 MANOR ROAD

632 4688

These signatures support the application with regard to the Cumulative Policy. Wirral Borough Council Licensing Policy.

**A BREAKDOWN OF LICENSED PREMISES IN HOYLAKE**

**BARS & RESTAURANTS**

**Aura**

**Hours Open to the Public**

Sunday to Thursday 10.00am to 12.00midnight

Friday and Saturday 10.00am to 12.30am

**Bar One**

**Hours Open to the Public**

Monday to Sunday 10.00am to 12.00midnight

**La Bodega**

**Hours Open to the Public**

Sunday to Saturday 11.00am to 12.30am

**Bar Cuba**

**Hours Open to the Public**

Monday to Saturday 11.00am to 12.00midnight

Sunday 11:00 to 23:30

**Jack Rabbit Slims**

**Hours Open to the Public**

Monday to Sunday 11.00am to 12.30am

**Hoylake Lights**

**Hours Open to the Public**

Sunday to Saturday 07:00 to 12:30

## **Ship Inn**

### **Hours Open to the Public**

Monday to Saturday 11.00am to 1.00am  
Sunday 12.00noon to 12.30am

## **Tides**

### **Hours open to the Public**

Sunday to Thursday 11.00am to 23.30  
Friday to Saturday 11.00am to 12.30am

## **Punch Bowl**

### **Hours open to the Public**

Sunday to Saturday 10.00am to 12.30am

## **The Blue Anchor**

### **Hours open to the Public**

Monday to Thursday 11.00am to 12.00 midnight  
Friday to Saturday 11.00am to 12.30am  
Sunday 12.00 to 22.30

## **Eskimo**

### **Hours open to the Public**

Saturday to Sunday 10.00am to 12.30midnight



## **RESTAURANTS**

### **The Boulevard**

#### **Hours open to the Public**

Monday to Saturday 12.00noon to 12.00midnight  
Sunday 12.00noon to 23.30

### **Indira Tandoori**

#### **Hours open to the public**

Sundays to Saturdays 17.30pm to 02.00am

### **Golden Orchid Thai Restaurant**

#### **Hours open to the Public**

Monday to Sunday 11.00am to 12.00midnight

### **Greek Taverna**

#### **Hours open to the Public**

Monday to Saturday 11.00am to 23.00  
Sunday 12.00noon to 22.30

### **Jade Garden**

#### **Hours open to the Public**

Monday to Saturday 11.00am to 23.00  
Sunday 12.00noon 22.30

### **Curry Garden**

#### **Hours open to the Public**

Sunday to Thursday 17.00 to 23.30  
Friday to Saturday 17.00 to 12.30am

### **Zucchini Restaurant**

#### **Hours open to the Public**

Monday to Sunday 11.00am to 12.00midnight

### **Lino's Restaurant**

#### **Hours open to the Public**

Monday to Saturday 11.00am to 23.00

Sunday 12.00noon to 22.30

### **Julians Restaurant**

#### **Hours open to the Public**

Monday to Saturday 11.00am to 23.00

Sunday 12.00noon to 22.30

### **Ming Dynasty Restaurant**

#### **Hours open to the Public**

Monday to Saturday 11.00am to 12.00midnight

Sunday 12.00noon to 23.30

## **STORES/OFF LICENCE**

### **Thresher**

#### **Hours open to the Public**

Monday to Saturday 08.00am to 23.00

Sunday 10.00am to 22.30

### **Sainsburys**

#### **Hours open to the Public**

Sunday to Saturday 24 hours – Serve Alcohol 06.00am to 23.00

### **Co-op**

#### **Hours open to the Public**

Monday to Saturday 08.00am to 23.00

Sunday 10.00am to 22.30

### **Somerfield**

#### **Hours open to the Public**

Monday to Saturday 08.00am to 23.00

Sunday 10.00am to 22.30

## **TAKE AWAY/LATE NIGHT REFRESHMENT**

### **Pizza Magic**

#### **Hours of Late Night Refreshment**

Monday to Thursday 23.00 to 12.00midnight

Friday to Sunday 23.00 to 01.00am

### **Ali's Kebab House**

#### **Hours of Late Night Refreshment**

Sunday to Thursday 23.00 to 12midnight

Friday to Saturday 23.00 to 01.00am

### **Tasty Kitchen**

#### **Hours of Late Night Refreshment**

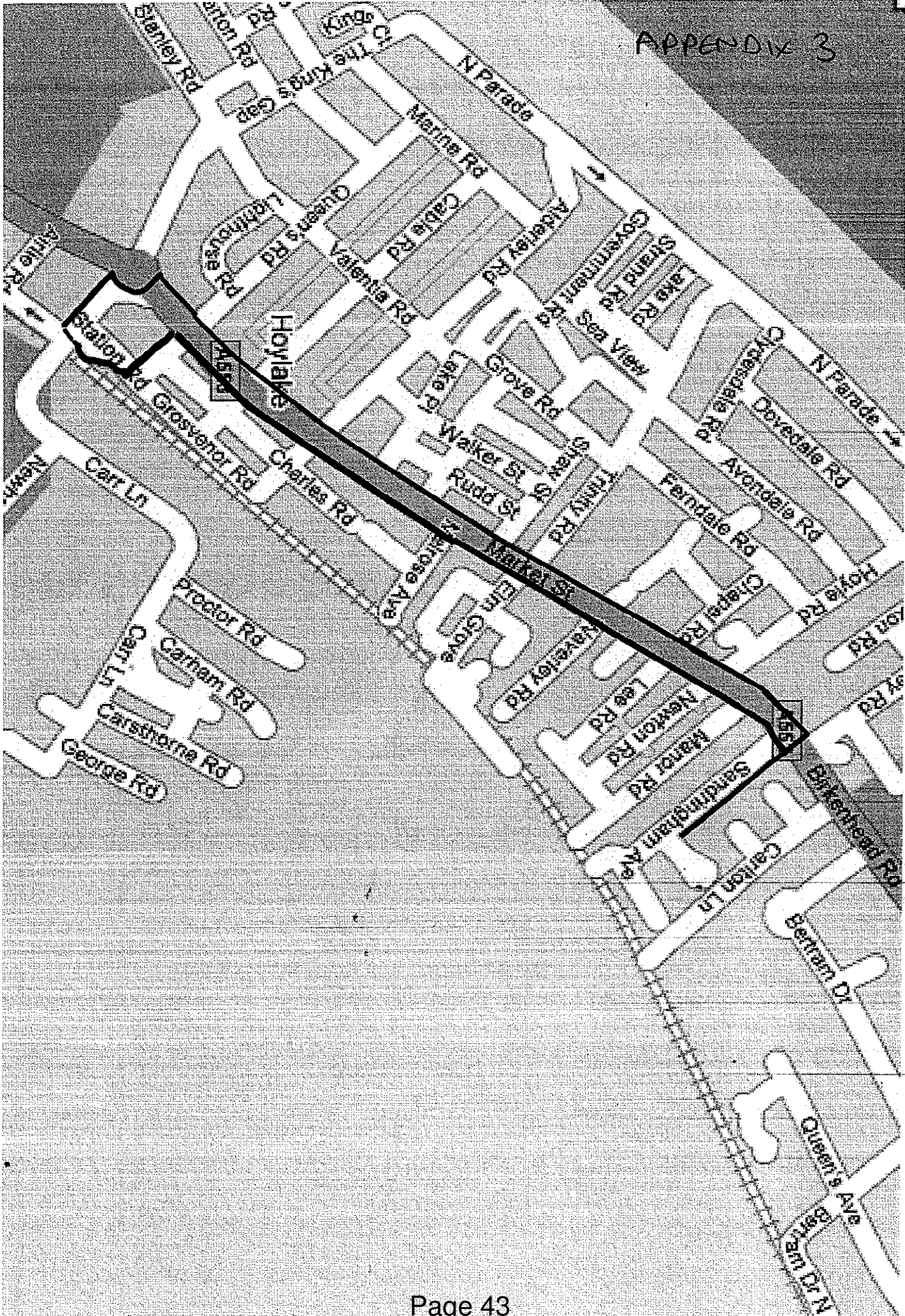
Monday to Sunday 23.00 to 05.00am

### **Captain Tony's Take Away**

#### **Hours of Late Night Refreshment**

Sunday to Thursday 23.00 to 12.00midnight

Friday to Saturday 23.00 to 01.00am



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MERSEYSIDE  
**POLICE**

Chief Superintendent Jon Ward  
Merseyside Police  
Manor Road Police Station, Manor Road, Wallasey, Wirral CH44 1DA  
Tel: 0151-777-2000 Fax: 0151-777-2010  
Email: Jon.Ward@merseyside.pnn.police.uk

**LICENSING**

25 JUN 2008

Mrs Margaret O'Donnell  
Licensing Manager  
Department of Regeneration  
Wirral MBC  
Wallasey Town Hall  
Brighton Street  
Wallasey  
Wirral CH44 8ED

Our Ref. JW/JA

Your ref.

Date: 20<sup>th</sup> June 2008

Dear Mrs. O'Donnell

**LICENSING ACT 2003 – CUMULATIVE IMPACT – HOYLAKE**

I write in response to your letter dated 6<sup>th</sup> June 2008 regarding the wish of Hoylake residents for Hoylake to be designated an area of Cumulative Impact. The residents state that the cumulative impact of bars is having a negative effect on the Licensing Objectives namely Crime and Disorder, Public Nuisance, Public Safety and the Protection of Children from Harm.

In order to best evaluate the request it would clearly be advantageous for the Council to have available Police Figures in respect of crimes and anti-social behaviour. Those figures are attached by way of a bar chart and include the figures for all crime in Hoylake over the past four years. The figures are for the specific beat in the area requested for cumulative impact and include two years prior to and two years after the staging of the Open Golf. By way of completeness I have included all crime however, clearly the most relevant figures are those for violence and anti-social behaviour. It should be noted that the figures for 2004 for anti-social behaviour are inaccurate as a result of changes in recording systems. This accounts for the apparent low figure for that year.

The actual recorded figures in relation to violence and anti-social behaviour are as follows :-

	<u>Violence</u>	<u>Anti Social Behaviour</u>
Apr 04-05	56	108
Apr 05-06	43	193
Apr 06-07	48	228
Apr 07-08	34	227



MERSEYSIDE  
**POLICE**

**total  
policing**

war on crime  
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Violence figures include all assaults from a S39 (common assault) upwards. Unfortunately there is no mechanism to determine whether a particular assault is specifically linked to the night time economy. Anti-social behaviour figures relate to all aspects of anti-social behaviour and again there is no mechanism to determine whether the specific incidents relate to the night time economy or other factors such as youth disorder.

It can be seen that in general terms the figures in relation to violence are decreasing while the figures for anti-social behaviour are reasonably constant. They do not appear to support the view that problems in Hoylake are on the increase. Clearly the figures produced can only be those that are reported to the Police and it is accepted that there is a degree of under reporting on a National scale. The residents of Hoylake suggest high levels of public nuisance most of which is not reported and therefore this cannot be supported or discounted by Police figures.

From a Policing perspective the Wirral Area is currently divided into 8 neighbourhoods namely Wallasey A1, Moreton A2, Hoylake A3, Upton A4, Birkenhead North A5, Rock Ferry A6, Bebington A7 and Heswall A8. As a comparison I attach the figures for the whole area in respect of violence and anti-social behaviour only. These figures relate to the Police year ending 31<sup>st</sup> March 2008. In respect of violent crime Hoylake has the lowest number in the whole area and in respect of anti-social behaviour Hoylake has the second lowest figure behind the Heswall Area. As an Area Commander these figures assist me to determine in which Areas I need to concentrate my resources and the number of Police Officers policing the Hoylake Area at the present time is reflective of those figures.

From a general perspective as regards licensing issues for Hoylake there are currently 10 licensed premises within the area requested for consideration of Cumulative Impact. There are a small number of fast food outlets most of whom rely on the patronage of persons leaving the licensed premises. At the present time none of the licensed premises are open beyond midnight however one of the premises in this area has submitted an application to vary their hours to 0400 hrs each night of the week. (The Police have already made representations in respect of this application). If successful in that application I have no doubt that further applications would follow.

The licensed premises are frequented by a number of local residents however there is evidence that persons from outside Hoylake also frequent the area. Policing is generally on a response option however on a Friday and Saturday evenings Officers are specifically deployed to monitor and Police the evening economy. Numbers of the public can vary on such evenings but generally Hoylake is beginning to clear by about 0100 hrs after which time my Officers are redeployed to the Birkenhead Area where later licences are in being.

Over the past 12 months there have been licensing issues surrounding some of these premises. On 20<sup>th</sup> December 2007 two premises in Hoylake were closed by the Police one in respect of repeated disorder and one on licensing irregularities. On 14<sup>th</sup> March 2008 three drugs warrants were executed by Police Officers from across the Force Area on three licensed premises in Hoylake. A number of persons were arrested for both drugs offences and some disorder. At a recent Pubwatch meeting in Hoylake the owners of the licensed premises claimed that business has reduced since the execution of the drugs warrants. To a certain extent this is supported by the views of Officers in that area.



Problems in licensed premises in particular as regards drugs are certainly not unique to Hoylake. It is an unfortunate aspect of today's society that we have to accept there is a problem with drugs in licensed premises throughout the Wirral and indeed on a national basis. We continue to direct resources towards combating this problem.

The Police have been aware of the feeling of Hoylake residents as regards the impact of licensed premises on their community. Sergeant Peers from Licensing attended two community meetings on 22<sup>nd</sup> January 2008 and 31<sup>st</sup> March 2008 both of which were to specifically discuss licensing issues. Both meetings were well attended by local residents and the strength of feeling was high. It was at these meetings that the subject of cumulative impact was first mooted.

In late 2007 Constable Johnson from Hoylake conducted a formal survey of residents in the Hoylake and Meols area as regards their biggest concerns from a Policing perspective. In relation to Hoylake only, excluding Meols, 73 forms were returned. The residents were asked to mark issues on a scale of 1 to 10 with 10 being most concern. Overall the issue of most concern was underage drinking by youths in public places scoring an average of 9. (This issue is being addressed by the neighbourhood). The question as to whether licensing hours in Hoylake were too early scored 1 and the question as to whether licensing hours were too late scored 4. Residents were also asked to name the one issue that caused them the most concern. 21 residents stated that the most concern was 'disturbance and noise from bars' and 5 residents stated that 'littering outside bars' was their main concern. It is recognised that such surveys cannot always be relied upon as they can be influenced by numerous factors.

In conclusion I would merely add that I am satisfied that the Policing resources currently directed towards Hoylake are both appropriate and sufficient to meet the demands of the community and in particular the demands placed upon us by the night time economy of the Area. Any increase in the current levels of licensed premises or indeed substantial variations to the hours with which they currently operate could result in a forced redeployment of my resources which in turn could impact on our Policing in other areas.

If we can be of any further assistance please do not hesitate to contact Inspector Vickers from the Hoylake Neighbourhood, Sergeant Peers from the Licensing Section or indeed myself.

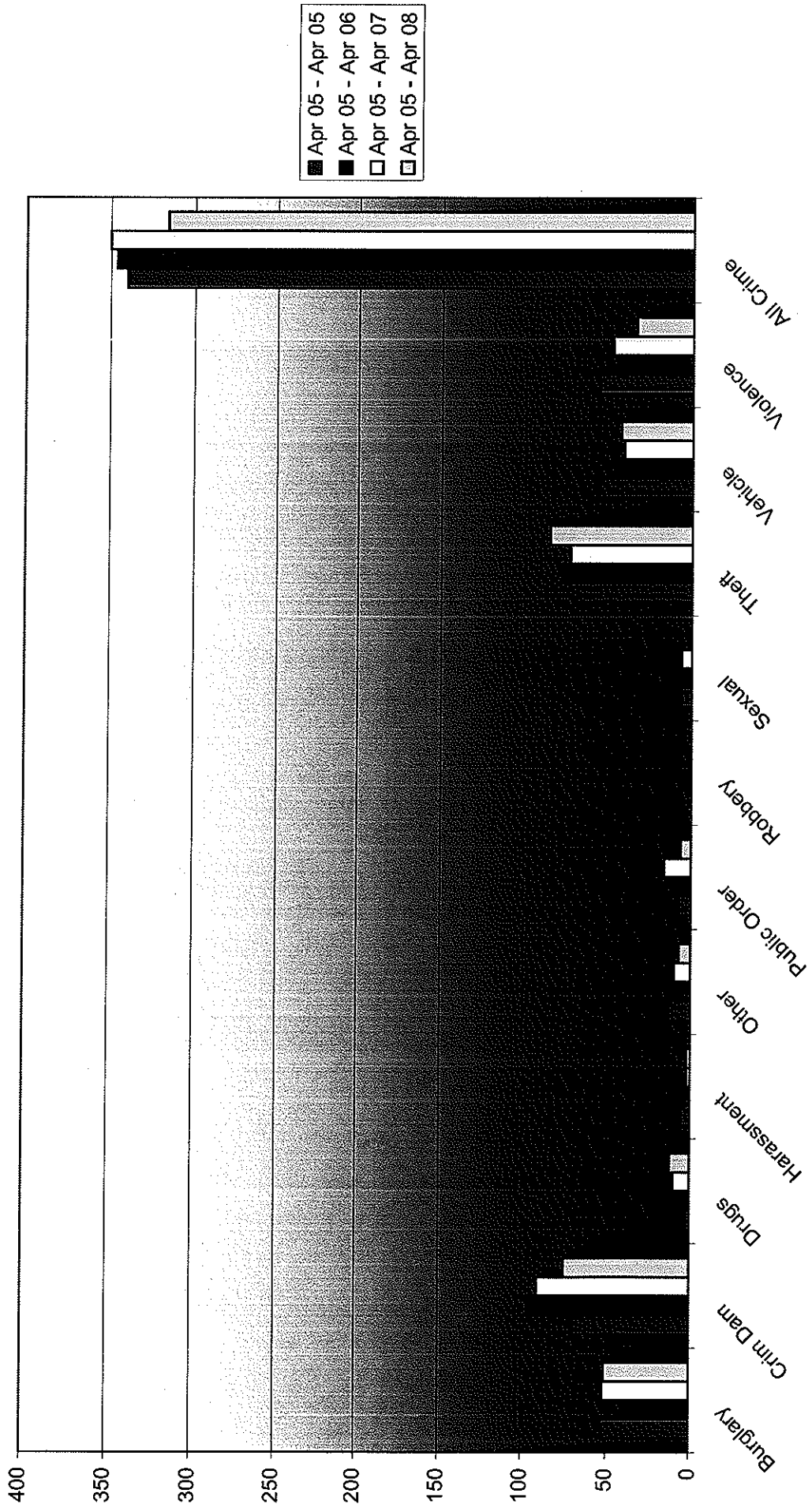
Yours sincerely



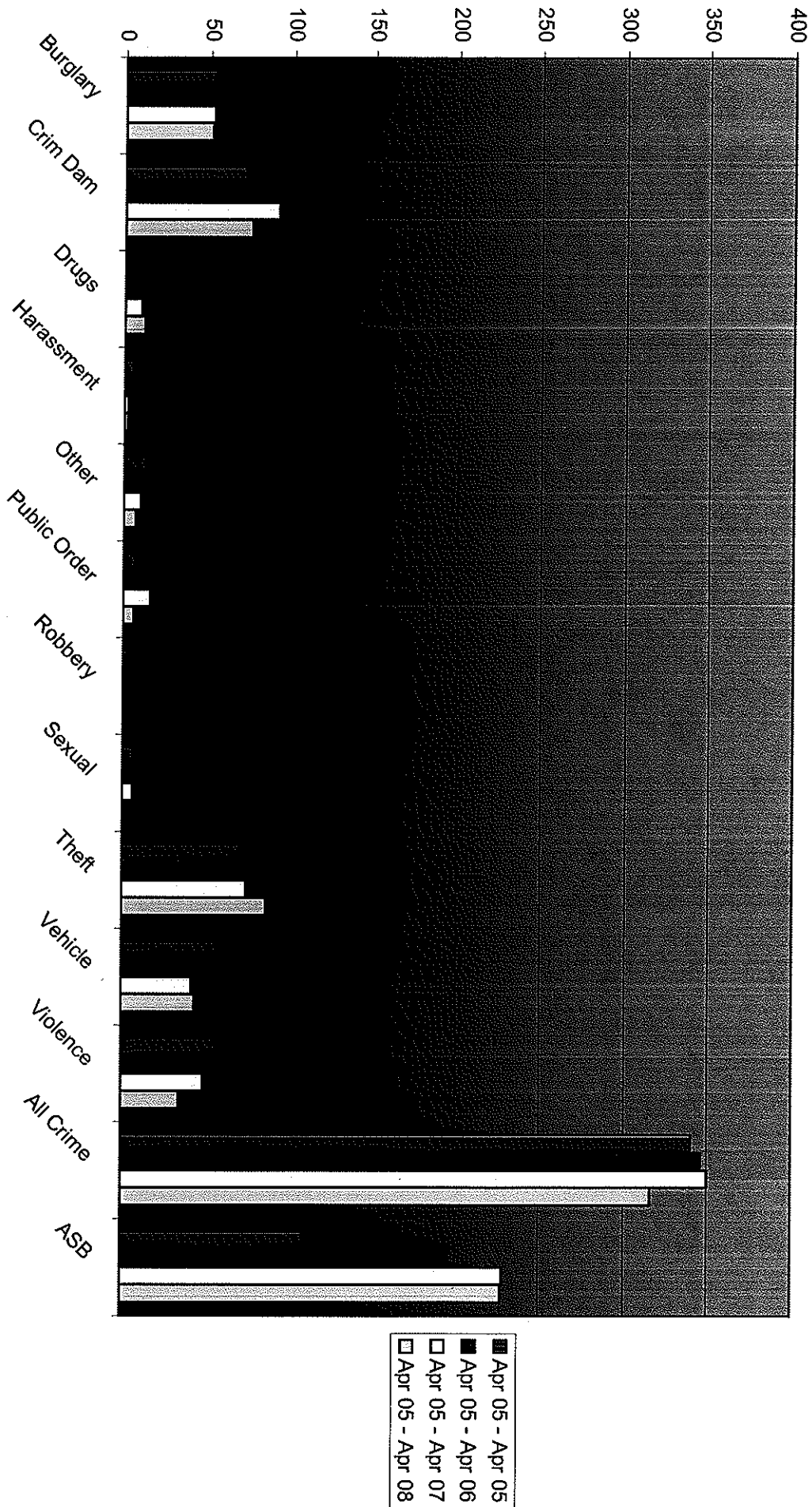
**JON WARD  
CHIEF SUPERINTENDENT  
WIRRAL AREA COMMANDER**

**cc: Mr Steve Maddox – Chief Executive, Wirral Metropolitan Borough Council  
Mr Alan Stennard – Direction of Regeneration, Wirral Metropolitan Borough Council**

A315 crime (4yr comparison)



A315 Crime & ASB last 4 yrs.



	<b>Crimes reported</b>	<b>Target</b>	<b>Difference</b>	<b>% Diff</b>
<b>A1</b>	<b>909</b>	<b>988</b>		
<b>A2</b>	<b>479</b>	<b>606</b>		
<b>A3</b>	<b>160</b>	<b>187</b>		
<b>A4</b>	<b>310</b>	<b>366</b>		
<b>A5</b>	<b>761</b>	<b>895</b>		
<b>A6</b>	<b>961</b>	<b>1276</b>		
<b>A7</b>	<b>395</b>	<b>520</b>		
<b>A8</b>	<b>184</b>	<b>214</b>		
<b>TOTAL</b>	<b>4159</b>	<b>5056</b>		

Please note: this report uses the NICL category "Anti-Social Behaviour", which does not match the ASB PI definition. The PI has a narrower definition than the NICL category.

## ASB Incidents in BCU A - Wirral - April 2007 to March 2008

	Last Year	This Year	Difference	Percentage Difference
A1	4759	4492	-267	-6%
A2	3219	2602	-617	-19%
A3	1256	995	-261	-21%
A4	2592	2234	-358	-14%
A5	4455	3522	-933	-21%
A6	4777	3678	-1099	-23%
A7	2932	2759	-173	-6%
A8	1253	883	-370	-30%
<b>Total</b>	<b>25243</b>	<b>21165</b>	<b>-4078</b>	<b>-16%</b>

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WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

**29 SEPTEMBER 2008**

REPORT OF THE DIRECTOR OF REGENERATION

**JUDICIAL REVIEW - SAUGHALL HOTEL**

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## 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to inform Members of the outcome of a Judicial Review of a decision made by Wirral Magistrates' Court under the Licensing Act 2003 concerning a Premises Licence for the premises known as The Saughall Hotel, Saughall Massie.

## 2.0 BACKGROUND

2.3 In June 2005 Daniel Thwaites Plc applied to the Licensing Authority for the existing licence to be converted to a Premises Licence under the Licensing Act 2003 and for the licence to be varied simultaneously.

2.4 The premises sought to extend the hours for licensable activities beyond those of the existing licence. The Police did not support the hours initially proposed and subsequently Daniel Thwaites Plc agreed to restrict the hours to those that were acceptable to the Police. In summary the application was amended as follows:

### **Supply of Alcohol**

Sunday to Thursday	10.00am to 12.00midnight
Friday and Saturday	10.00am to 1.00am

### **Regulated Entertainment**

Sunday to Thursday	11.00am to 11.00pm
Friday and Saturday	11.00am to 12.00midnight

### **Hours Open to the Public**

Sunday to Thursday	10.00am to 1.00am
Friday and Saturday	10.00am to 2.00am

2.5 There were also additional non standard timings.

2.6 The Police withdrew their representations against the modified proposal and did not appear before the Licensing Authority when the application was considered on 23 August 2005. No representations were made by any other Responsible Authorities. However, representations were made by the Saughall Massie Conservation Society and other Saughall Massie residents. A Ward Councillor had also been asked to support the representations made by local residents.

- 2.7 The applicant told the Licensing Authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later on special occasions.
- 2.8 The application was granted in the modified terms requested and conditions were imposed on the licence to prevent public nuisance. These included: the area outside the premises must be cleared by 11.00pm, that all doors and windows must be kept closed when regulated entertainment was provided and that prominent notices should be placed on the premises requiring customers to leave quietly.
- 2.9 The Saughall Massie Conservation Society along with other residents appealed against this decision to the Magistrates Court. This appeal was granted with the following hours of operations:

#### **Supply of Alcohol**

Sunday to Thursday	10.00am to 11.30pm
Friday and Saturday	10.00am to 12.00midnight

#### **Regulated Entertainment**

Sunday to Thursday	11.00am to 11.00pm
Friday and Saturday	11.00am to 11.30pm

#### **Hours Open to the Public**

Sunday to Thursday	10.00am to 12.00midnight
Friday and Saturday	10.00am to 1.00am

- 2.10 There were also additional non standard timings.
- 2.11 There had been no complaints recorded against the premises under the old licensing regime nor since the new licence came into effect on 24 November 2005.
- 2.12 Daniel Thwates Plc considered that the Magistrates' Court decision was unlawful for the following reasons:
- The decision was not in line with the philosophy of the Licensing Act 2003.
  - The Decision was based on speculation rather than evidence.
  - The decision took into account irrelevant considerations and failed to take into account proper considerations.
  - The restrictions imposed on the licence were not necessary for the promotion of the Licensing Objectives.
  - It was a decision to which no properly directed Magistrates' Court could have come to on the evidence that was presented.
  - The conditions imposed regarding the time at which the premises must close was not a matter regulated under the Licensing Act 2003.
  - The Magistrates failed to give adequate reasons for their decision.



- The Magistrates failed properly to consider and take into account the Guidance issued under Section 182 of the Licensing Act 2003.
- 2.13 Daniel Thwaites Plc subsequently applied for, and were granted, permission for a Judicial Review of this decision and sought an order quashing the decision and the costs awarded against them.
- 2.14 The matter was considered in the High Court on 10 March 2008 by the Honourable Mrs Justice Black who then delivered her decision on 6 May 2008.
- 2.15 Mrs Justice Black concluded that the Magistrates' decision was unlawful and therefore must be quashed and that the Magistrates' order in relation to costs would not stand as the Magistrates' would have had no reason to grant costs against Daniel Thwaites Plc if the appeal had been dismissed.
- 2.16 In reaching her conclusion Mrs Justice Black acknowledged that the Magistrates' did take account of the Licensing Objectives, correctly identifying those that were relevant but failed to take proper account of the changed approach to licensing introduced by the Licensing Act 2003. The judgement states that:
- 'Had they had proper regard to the Act and the Guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that was required in the circumstances of the case....The fact that the Police did not oppose the hours sought on this basis (issue of migration) should have weighed very heavily with them, whereas, in fact, they appear to have dismissed the Police view because it did not agree with their own.'
- 2.17 Mrs Justice Black goes on to state that they should have also given consideration to precisely how frequently the premises would be likely to be open late and made findings about it. In conclusion Mrs Justice Black states that the Magistrates':
- '...proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and it must be quashed.'
- 2.18 Mrs Justice Black considered separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as apposed to the hours during which licensable activities take place. In consideration of this matter Mrs Justice Black states that in her view a requirement that the premises close at a particular time is a condition and therefore there should be no reason why the closing up of the premises at a particular time cannot be imposed where necessary to promote the licensing objectives.
- 2.19 The effect of this judgement has been to clarify the importance of evidence as apposed to speculation presented in hearings under the Licensing Act 2003 and in respect of opening and closing times, these are conditions that can be imposed by the Licensing Authority.

### **3.0 FINANCIAL IMPLICATIONS**

3.1 There are no financial implications arising out of this report.

### **4.0 STAFFING IMPLICATIONS**

4.1 There are no staffing implications arising out of this report.

### **4.0 EQUAL OPPORTUNITIES IMPLICATIONS**

4.1 There are no equal opportunities implications arising out of this report.

### **5.0 COMMUNITY SAFETY IMPLICATIONS**

5.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

### **6.0 LOCAL AGENDA 21 IMPLICATIONS**

6.1 There are none arising directly from this report.

### **7.0 PLANNING IMPLICATIONS**

7.1 There are no planning implications arising out of this report.

### **8.0 ANTI-POVERTY IMPLICATIONS**

8.1 There are no anti poverty implications arising from this report.

### **9.0 SOCIAL INCLUSION IMPLICATIONS**

9.1 There are no social inclusion implications associated with this report.

### **10.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

10.1 This report affects the entire Borough

### **11.0 BACKGROUND PAPERS**

11.1 None.

### **12.0 RECOMMENDATION**

12.1 That Members note the report and recognise the implication of the judgement confirming the basis for Licensing decisions.

Alan Stennard  
Director of Regeneration

This report has been written by Margaret O'Donnell who can be contacted on 691 8606