LICENSING ACT 2003 SUB-COMMITTEE

Friday, 25 October 2013

Present:

Councillors S Niblock T Norbury M Hornby

29 **APPOINTMENT OF CHAIR**

Resolved – That Councillor S Niblock be appointed Chair for this meeting.

30 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.

31 APPLICATION FOR A PREMISES LICENCE - THE CREEP, MARINE PROMENADE, NEW BRIGHTON

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Mr D Wilkie for a Premises Licence in respect of The Creep, Marine Promenade, New Brighton, under the provisions of the Licensing Act 2003.

The hours requested were outlined within the report. 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.

A representation had been received from a local resident. The representation related to concerns of anti-social behaviour caused by persons leaving the premises at a late hour. A copy of the representation was available. A response to the representation had been received from the applicant's representative and was also available.

Mr D Wilkie, applicant, attended the meeting together with his representative Mr D Smith and the proposed Designated Premises Supervisor, Mr G Fletcher.

The Licensing Manager confirmed that all documentation had been sent and received and that no communication had been received from the local resident regarding his attendance at the hearing.

Mr Smith referred to the concerns raised by the local resident. He outlined the steps proposed to restrict access through the passageway located between Marine Promenade and Virginia Road during late hours by the possibility of having a barrier

in place which would be supervised by doorstaff of the premises. He further informed Members that the main entrance was not located in Virginia Road but that this was a fire exit which would be fitted with an alarm. Mr Wilkie advised Members that an office would also be in operation at the premises to arrange and an area for people waiting for taxis would be made available at the premises in order to alleviate any problems of people congregating outside the premises. Mr Smith believed that local regeneration and economic benefits would be generated from the new business and requested that the application be granted.

Mr Smith, Mr Wilkie and Mr Fletcher responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor 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 Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Members had regard to a representation from a local resident, regarding his perceived concerns in respect of anti-social behaviour, public safety and nuisance which may be caused by people leaving the premises late at night. Members also had regard to representations received in support of the application.

In determining the matter, Members considered the representations made by the applicant and his representative in respect of how the premises would be operated and how the licensing objectives would be maintained. Members also gave consideration to the measures put forward by the applicant to address the concerns of the representation made by a local resident.

Members had regard to the fact that Merseyside Police had withdrawn their representation due to the applicant agreeing to impose a number of conditions upon the Premises Licence and the fact that there were no representations from any of the other Responsible Authorities.

Members noted the applicant's willingness to sign up to the Charter for Licensed Premises in Wirral and become a member of the local Pub Watch Scheme.

In determining the matter Members recognised that any disturbance caused to local residents could lead to a review of the Premises Licence. Members also had regard to the lack of direct evidence that the licensing objectives would be undermined should the application be granted.

Resolved -

- (1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.
- (2) That the application for a Premises Licence in respect of The Creep, Marine Promenade, New Brighton, be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 12:00 to 03:00

The applicant has indicated that the sale of alcohol will be for consumption on the premises only.

Hours Open to the Public

Sunday to Saturday 12:00 to 03:00

Regulated Entertainment

Sunday to Saturday 12:00 to 03:00

Late Night Refreshment

Monday to Saturday 23:00 to 03:00

Non-Standard Timings

All of the above Licensable Activities and Hours Open to the Public have been requested to be extended as follows:

Christmas Eve 12:00 to 05:00 New Years Eve 12:00 to 05:00

Members strongly recommended that the applicant seek guidance regarding the placement of the barrier in the passageway between Virginia Road and the promenade.