

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 26 June 2014

Present:

Councillors J Salter
 H Smith
 M Sullivan

1 **APPOINTMENT OF CHAIR**

Resolved – That Councillor M Sullivan be appointed Chair for this meeting.

2 **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.

3 **APPLICATION TO VARY A PREMISES LICENCE - CHAMBERS, 1-5 THE MOUNT, HESWALL**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Chambers (Wirral) Limited to vary a Premises Licence in respect of Chambers, 1-5 The Mount, Heswall, under the provisions of the Licensing Act 2003.

The application was to remove two conditions from the Premises Licence as detailed within the report.

Representations had been received from nine local residents. The representations related to concerns that noise nuisance would be caused to local residents in respect of the request to remove the restriction on the outside area should the application be granted,

A representation had also been received from Merseyside Police which related to concerns that should the condition relating to the outside area be removed then this would have a negative impact on the prevention of public nuisance, public safety and the prevention of crime and disorder licensing objectives. Merseyside Police also had concerns relating to the request to remove the use of a refusal button on the till system as this would have a negative impact on the protection of children from harm licensing objective. Copies of the representations were available.

The applicant was represented at the meeting by Mr Williams, Solicitor and Mr McNulty, Manager of the premises.

Sergeant Barrigan and Constable Coley were also in attendance.

Mr J Harrison, local resident also attended the meeting.

The Licensing Manager confirmed that all documentation had been sent and received and that Mr Harrison would speak on behalf of local residents. The Licensing Manager confirmed that a further document had been circulated from the applicant and an email from Mr Harrison.

The Licensing Manager advised that further discussions had taken place between the applicant, Mr Harrison and Merseyside Police and that Mr Harrison had provided a further letter from local residents which would be considered.

Mr Williams advised that since the original application, the applicant now wished to withdraw the request to remove the following condition:

Staff must be regularly monitored by the Designated Premises Supervisor to ensure proper use of the refusal button on the till system by all staff.

He advised that the till system would incorporate a refusal button and that the applicant was supportive of this given the problems experienced in the past at the premises with underage drinking.

Mr Williams informed Members that further to consideration of the concerns of local residents, the request to remove the condition that there must be no drinking outside the front of the building at any time had now been amended and a suggested compromise was that the external areas at the front of the premises be used until 8.00 pm. He advised that the applicant had met with local residents and they had agreed that 8.00 pm would be an appropriate time for the external areas to be cleared of customers. He further advised that Sergeant Barrigan was content with the proposal.

Mr Williams and Mr McNulty responded to questions from Members of the Sub-Committee.

Sergeant Barrigan advised that after further discussions and further letters from local residents, Merseyside Police were in agreement with the counter proposal and the modification of the conditions as presented at the hearing.

Mr Harrison advised that an agreement had been reached between the applicant and local residents that the external areas at the front of the premises be used until 8.00 pm and that letters had been provided from local residents which rescinded their original objections

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 of the Licensing Act 2003 Sub-Committee considered representations from residents regarding their concerns in respect of public nuisance that may be caused by people using the outside area to the front of the premises.

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 had particular regard to the fact that the premises would be operating as a food led premises with substantial meals available during the times when alcohol would be sold and that the premises would be family orientated.

Members had regard to the fact that the applicant had amended the application so that customers would not be permitted in the outside area beyond 8.00 pm which had been agreed to by local residents and Merseyside Police.

Members also noted that the applicant was no longer pursuing the variation to remove the condition that staff must be regularly monitored by the Designated Premises Supervisor to ensure proper use of the refusal button on the till system by all staff.

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 Chambers, 1-5 The Mount, Heswall, to vary the Premises Licence under the provisions of the Licensing Act 2003 to remove the following condition be granted:

- **There must be no drinking outside the front of the building at any time.**

(3) That in addition to the existing conditions on the licence, the following condition be applied:

- **The external areas at the front of the premises must not be used by customers beyond 8.00 pm. Signage must be displayed to advise customers that they may not use the areas beyond this time.**