

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 27 August 2014

Present:

Councillors S Niblock
 L Reecejones
 D Roberts

10 **APPOINTMENT OF CHAIR**

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

11 **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.

12 **APPLICATION FOR A PREMISES LICENCE - WESTBOURNE HALL, WESTBOURNE ROAD, WEST KIRBY**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Westbourne Hall Community Trust for a Premises Licence in respect of Westbourne Hall, Westbourne Road, West Kirby, under the provisions of the Licensing Act 2003.

The hours requested were outlined within the report and Members were advised that the application for the mandatory condition requiring a Designated Premises Supervisor had been disappplied as no representations had been received from Merseyside Police. Members were also informed that an alternative mandatory condition would be imposed should the application be granted, stating that every supply of alcohol under the licence must be made or authorised by the Management Committee.

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 twelve local residents. The representations related to noise nuisance and anti-social behaviour which was currently a problem within the vicinity of the premises and residents were concerned that this would increase if the application was granted. Copies of the representations were available.

The applicant's solicitor, Mr Holland attended the meeting together with the Chair and a Committee Member of Westbourne Hall Community Trust.

A local resident was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that apologies had been received from two local residents who had made representations and subsequently sent emails.

All those in attendance at the meeting were made aware that the meeting was being filmed by a member of the public.

Mr Holland addressed the Sub-Committee and outlined the application. He advised Members that the application had not been made as a commercial venture as the premises operated as a community trust. He informed Members that the members of the Trust who were in attendance had been involved with the premises for a number of years and that the application had been made in order that people who wished to rent the premises would be able to sell alcohol at functions. Mr Holland reported that the premises had utilised Temporary Event Notices during the previous year and that no objections from any of the responsible authorities had been received, therefore the functions had been well run. He advised that one of the reasons the application had been made was in order that no bookings would be lost by people seeking to hire alternative venues where they could sell alcohol. He advised that the Trust would not receive any profit from alcohol being sold at functions but that the application had been made in order to create a level playing field with other premises. He informed Members that there was no intention for the premises to be run any differently and that subsequent to being made aware of the concerns of local residents, the applicant wished to withdraw the request to provide late night refreshment at the premises. He also informed Members that no 18th to 25th birthday parties would be held at the premises and that a better community aspect would be offered.

Mr Holland, responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee.

In response to questions, Mr Holland informed the Sub-Committee that the Trust would ensure that the licensing objectives would be upheld should the application be granted.

The local resident in attendance informed Members that he lived adjacent to the hall and had concerns regarding noise emanating from the premises being exacerbated should a Premises Licence be granted. He gave examples of noise nuisance he had previously experienced due to recorded music emanating from the premises and expressed concerns that young children would be disturbed should the application be granted. He believed that there was a distinct lack of communication between the management at the premises and local residents and requested that his concerns be taken into account.

The local resident responded to questions from Members of the Sub-Committee and Mr D K Abraham.

The Licensing Manager referred to the emails that had been sent in by the two residents in support of their representations who could not attend the meeting. The emails were read to all parties present.

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 considered the representations made by local residents and took into account the fact that the premises were situated in a residential area.

In determining the matter, Members gave consideration to the intentions of the Trust as put forward by Mr Holland, their legal representative. Members noted that the Trust did not intend to change the management of the premises or the type of functions that would be held at the premises, for example, musical concerts and wedding functions. Members gave consideration to the fact that there would be no 18th to 25th birthday functions held at the premises. Members also noted what had been said in respect of the number of functions it was intended to take place at the premises.

Members gave consideration to the fact that no representations had been received from Merseyside Police or Environmental Health in respect of the application and also noted that the applicant had withdrawn the request for the provision of Late Night Refreshment at the Premises.

Members also took into account the review mechanism provided by the Licensing Act 2003 when problems associated with the licensing objectives occurred after the grant of a Premises Licence.

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 Westbourne Hall, Westbourne Road, West Kirby, be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 09:00 to 23:00

Hours Open to the Public

Sunday to Saturday 09:00 to 23:30

Regulated Entertainment

Sunday to Saturday 09:00 to 23:00

(3) That the following condition be attached to the Premises Licence

- **All doors and windows must be kept closed when recorded music is provided as regulated entertainment at the premises.**

Members directed that the Management Committee set up a line of communication whereby residents can report any concerns to a Member of the Management Committee.

13 APPLICATION TO VARY A PREMISES LICENCE - KP STORE, 338 OLD CHESTER ROAD, ROCK FERRY

Members were advised that a request had been made by the applicant that this application be deferred to a future date at the convenience of all parties.