

# LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 18 June 2015

Present:

Councillors S Niblock  
J Salter  
M Sullivan

In attendance:  
(Observing)

Councillors D Burgess-Joyce  
B Kenny

1 **APPOINTMENT OF CHAIR**

**Resolved – That Councillor S Niblock 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 FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - HOME MADE FOOD AND DRINK, 58 CHRISTCHURCH ROAD, OXTON**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Home Made Food and Drink Limited for a Premises Licence in respect of Home Made Food and Drink, 58 Christchurch Road, Birkenhead, under the provisions of the Licensing Act 2003.

Following discussions with Merseyside Police, the application had been amended and the amended application was 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. Amendments to the operating schedule were set out within the report. 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 fourteen local residents. The representations referred to the cumulative impact of an additional premises selling alcohol in Oxtton Village. The representations also related to public nuisance and anti-social behaviour which residents considered would be caused by customers of the premises should the application be granted.

A representation had also been received from Councillor Alan Brighthouse, Oxton Ward Councillor. The representation supported the concerns expressed by local residents. Copies of the representations were available.

The applicants and a number of local residents attended the meeting.

The Licensing Manager confirmed that all documentation had been sent and received and that a number of residents had indicated they were unable to attend the meeting but had authorised Mr Hinchcliffe to speak on their behalf.

The Licensing Manager also advised that further to discussions that had taken place immediately prior to the meeting those residents who were in attendance at the meeting had withdrawn their representations due to the applicant having agreed to impose a number of conditions upon the Premises Licence which addressed the concerns of local residents.

The applicants responded to questions from Members of the Sub-Committee and local residents.

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 the representations made by local residents and consideration to the location of the premises close to residential properties and in this regard gave particular consideration to the prevention of public nuisance.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur 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 Home Made Food and Drink, 58 Christchurch Road, Oxton be agreed with the following hours:**

**Sale by Retail of Alcohol**

**Sunday to Saturday 11:00 to 23:00**

**Hours Open to the Public**

**Sunday to Saturday 10:00 to 23:00**

**The application has been granted in accordance with the conditions proposed in the operating schedule with the following amendment:**

**All rubbish must be kept outside the building in a secure storage area within the back yard**

**(3) That the following conditions be attached to the Premises Licence:**

- **Food must be available at all times when the premises are open to the public.**
- **No draught lager/beer must be available at the premises, with the exception of Cask Ales.**
- **Alcohol must not be consumed in the rear yard.**
- **CCTV must be installed at the premises in the form of a recordable system capable of providing pictures of evidential quality and all lighting conditions particularly facial recognition. Cameras must encompass all ingress and egress to the premises and all areas where the sale and supply of alcohol occurs. Equipment must be maintained in good working order and correctly time and date stamped.**
- **CCTV recordings must be kept for a period of 31 days and handed to an Authorised Officer on request.**
- **The CCTV recording equipment must be kept in a secure environment under control of the Premises Licence Holder or other responsible named individual.**
- **Notices must be displayed informing customers that CCTV is in operation.**
- **The rear yard must be clear of customers by 8.00 pm.**
- **No music must be audible to adjoining premises.**
- **The rear yard must not be used for the purposes of smoking.**
- **The premises must ensure that appropriate measures are taken to prevent public nuisance being caused by cooking smells from the premises.**
- **The disposal of waste in the outside area must take place between 9.00 am and 8.00 pm.**