

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 16 October 2015

Present:

Councillors D Burgess-Joyce
 S Niblock
 T Norbury

17 **APPOINTMENT OF CHAIR**

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

18 **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.

19 **APPLICATION TO VARY A CLUB PREMISES CERTIFICATE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - THE WALLASEYANS CLUB, 142 GROVE ROAD, WALLASEY**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from William Chipchase to vary a Club Premises Certificate in respect of The Wallaseyans Club, 142 Grove Road, Wallasey under the provisions of the Licensing Act 2003.

The hours requested within the variation were outlined within the report. The applicant also wished to amend the plan attached to the Club Premises Certificate to extend the licensed area to the boundary of the site.

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.

A representation had been received from a local resident. A petition signed by four residents had also been received. The representation and petition related to concerns of noise by members and guests whilst consuming alcohol close to their residential properties. A copy of the representation and petition were available.

Mr Chipchase, attended the meeting together with his son Mr G Chipchase who represented him and Mr Meadows, Secretary. Ward Councillor, Councillor Leah Fraser attended the meeting together with a local resident who was represented by Mr Bruder, Solicitor.

The Licensing Manager confirmed that all documentation had been sent and received and that one couple of local residents were unable to attend and had submitted a written statement which would be read out during the meeting.

Mr Chipchase addressed the Members of the Sub-Committee and advised that the Club had been on the site since 1954 with a strong membership which included worldwide Members. He informed Members that 75% of the Club's members were aged over 60. He reported that the Club operated within the community and supported local charities. Members were advised that one of the reasons for the application was to clarify the position in respect of the Club Premises Certificate. It was understood by Members that the Club currently has a Club Premises Certificate that permits the supply of alcohol only for consumption on the premises and that one of the purposes of the application was to extend the permitted area where alcohol could be supplied and consumed as well as allowing for consumption of alcohol off the premises supplied in sealed containers.

Mr Chipchase advised Members that the Club wished to use the outside area in the summer and for special occasions. He informed Members that it would be vacated by 10.30 pm and additional signage would be displayed to advise customers to respect neighbours and keep noise to a minimum. Members were also advised that a nominated member of staff would act as a floor manager to ensure anyone in the outside area would be brought inside by 10.30 pm. The procedure for the Club agreeing to a special occasion was outlined to Members.

Mr Chipchase explained that the request to have earlier opening hours was to allow primarily non licensable activities to take place and that a letter from a local resident had been received which requested that the Club consider hosting a mum and baby group.

Mr Chipchase acknowledged that there had been an occasion last year when the outside area had been used in breach of the current Club Premises Certificate. Evidence in support of this was presented by Mr Maynard and it was not contested that since this matter had been resolved, there had been no further complaints and no consumption of alcohol in the outside area since that date.

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

Mr Bruder addressed Members on behalf of Mr Maynard explaining that he would suffer from public nuisance should the application to vary the Licence to include the outside area be granted. Mr Bruder explained to Members the impact of the Live Music Act 2012 and the Deregulation Act 2015 which now permit live and recorded music between 8.00 am and 11.00 pm in all areas under a Club Premises Certificate. Members had sight of photographs illustrating the close proximity of residential properties to the premises.

The Licensing Manager read out a representation that had been made from local residents who were unable to attend the meeting.

Mr Bruder 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.

In determining the matter, Members considered what steps could be taken to prevent public nuisance should the outside area become part of the Club Premises Certificate. Members gave consideration to the effect of the Live Music Act 2012 and the Deregulation Act 2015 which prevented Members from attaching conditions to regulate the performance of live and recorded music between the hours of 8.00 am and 11.00 pm when a Club Premises Certificate is in place.

Members therefore concluded that there would be no steps that could be taken to prevent nuisance being caused by the use of the outside area or from music in the outside area.

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 to vary the Club Premises Certificate in respect of The Wallaseyans Club, 142 Grove Road, Wallasey, be granted with the following hours:

Hours Open to Members and Guests

8.00 to 23:45

(3) That the application to vary the plan be refused.

20 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - THYME, 35-37 EASTHAM VILLAGE ROAD, EASTHAM

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Tea Hospitality Limited for a Premises Licence in respect of Thyme, 35-37 Eastham Village Road, Eastham, under the provisions of the Licensing Act 2003.

Members were advised that the premises do not hold a Premises Licence and were not currently trading. The hours applied for were outlined and it was reported that following discussions with Merseyside Police and Trading Standards, the applicant had agreed to a number of conditions being imposed on the Premises Licence.

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.

A representation had been received from a local resident. The representation related to alcohol related anti-social behaviour within the vicinity of the premises and concerns that this would increase should the application be granted. A copy of the representation was available.

Mr Acton, the applicant's father and representative attended the meeting.

The Licensing Manager confirmed that all documentation had been sent and received and that the written representation from the local resident was available for Members' consideration.

Mr Acton addressed the Sub-Committee and advised that the family had been in the licensing trade for over thirty years and have experience of running hotels, bars and restaurants and that his son had also managed several outlets. He also advised that the family would be taking an active role in running the business. He informed Members that the family knew the area well and that they had received a good response from the local community in respect of the application. He acknowledged that parking was an issue for local residents, however, he believed that this problem would not be exacerbated should the application be granted as the intention was to sell fresh food purchased by himself, which would not involve deliveries being made to the premises and there would be no additional issue for waste.

In response to questions from Members, Mr Acton advised that he intended to play background music at the premises and serve high end food. He informed Members that the premises would have between forty and fifty covers and believed there was a market for a good quality restaurant in the area. He further advised that the smoking area would be situated at the rear of the premises.

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 and the written representation made by a local resident.

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 Thyme, 35-37 Eastham Village Road, Eastham be agreed with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday	11:00 to 23:00
Christmas Eve	11:00 to 01:00
New Years Eve	11:00 to 01:00

Hours Open to the Public

Sunday to Saturday	09:00 to 00:00
Christmas Eve	11:00 to 02:00
New Years Eve	11:00 to 02:00

Recorded Music

Sunday to Saturday	10:00 to 23:00
Sunday	10:30 to 23:00

