

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 12 November 2015

Present:

Councillors S Niblock
 B Kenny
 M Sullivan

30 **APPOINTMENT OF CHAIR**

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

31 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Sub-Committee were asked to declare any disclosable pecuniary or non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

32 **APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - TODAY'S LOCAL, OXTON ROAD, BIRKENHEAD**

This matter was adjourned to a future date prior to the hearing.

33 **APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - THE CHRONICLE, CHURCH ROAD, BEBINGTON**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Barracuda Inns Limited to vary a Premises Licence in respect of The Chronicle, Church Road, Bebington, under the provisions of the Licensing Act 2003.

The variation requested 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.

Representations had been received from 61 local residents. Three separate petitions had also been received from residents of Ormerod Court, The Weind and Heathdale Manor. A representation had also been received from Church Farm Owners Association. The representations and petition related to concerns that the existing problems of anti-social behaviour and public nuisance caused by customers of the premises together with nuisance from loud music would continue until a later hour if the application was granted.

A representation had also been received from Bebington Ward Councillor, Jerry Williams, who supported the concerns expressed by local residents. Copies of the representations and petition were available.

The Designated Premises Supervisor attended the meeting together with the Area Manager of Barracuda Inns Limited and their legal representative, Mr Taylor.

Councillors Jerry Williams and Cherry Povall also made representations at the meeting together with two of the local residents who were present.

The Licensing Manager confirmed that all documentation had been sent and received and confirmed that Councillor Povall had been requested to speak on behalf of one of the local residents who had provided a written representation.

Mr Taylor addressed the Sub-Committee and advised that the application was for an extension of 90 minutes on Fridays and Saturdays. He informed Members that no representations had been received from any of the Responsible Authorities and that discussions had taken place with Merseyside Police prior to the application having been made. He reported that no complaints had been made to the premises during the year it had been owned by Barracuda and that the reason that the application had been made was due to customer demand. He advised that the current Designated Premises Supervisor had 23 years' experience in the licensing trade. Mr Taylor proposed that a Challenge 25 Policy could be implemented, doorstaff could remain at the premises until all customers had dispersed and a condition could be imposed stating that no drinks would be permitted to be taken outside after 10 pm if the application to vary the Premises Licence was granted.

Mr Taylor, the Area Manager and Designated Premises Supervisor responded to questions from Members of the Sub-Committee, Mr A Bayatti, Legal Advisor to the Sub-Committee and local residents.

Councillor Povall addressed the Sub-Committee and advised that she opposed the application on behalf of residents. She referred to the representations made by local residents advising that they suffered from noise and anti-social behaviour in the area and requested that the application be refused.

Councillor Williams raised his concerns in respect of anti-social behaviour and advised Members that local residents were already disturbed by customers leaving the premises. He also expressed concerns in respect of the increased risk to public safety in the car park at the rear of the premises. He supported the concerns of local residents and urged that the application be refused.

Mr Duggan, local resident informed Members that he represented a number of local residents. He advised that he had had cause to make complaints in respect of the premises over the years due to noise and disturbance. He gave examples of incidents of anti-social behaviour that had been endured by local residents and advised that he could not enjoy the use of his garden due to the noise levels emanating from the premises. He also advised that young children had been disturbed on a regular basis.

Mr Barron, local resident advised that a youthful clientele frequented the premises. He informed Members that there was no security at the rear of the premises and

expressed his concerns regarding the likelihood of an increase in street drinking. He also advised that local residents were disturbed by noise emanating from the premises. Mr Barron strongly objected to the application being granted.

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

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 noted that some of the written and oral submissions related to behaviour that could not be linked to customers of the premises, however, after consideration of all the written representations they identified that seven of the representations made by local residents had provided direct evidence of disturbance. Residents had advised that they could hear music from the premises whilst in their own home and both adults and children had been suffering from sleep disturbance due to noise from the premises or disturbance caused by individuals when leaving the premises. Members acknowledged the fact that these experiences had not resulted in complaints to the Responsible Authorities however, they did take into account that separate representations had been provided from different households who had suffered disturbance caused by the premises at a late hour.

Members had particular regard to Paragraphs 4.31, 4.35, 11.1, 11.2 and 11.4 of their Licensing Policy which referred to the consideration of the impact of those who live, work and sleep within the local vicinity of a licensed premises and that the proximity of residential properties would be given particular consideration in determining applications both generally and more specifically when determining the opening hours of premises.

With particular regard to the evidence of nuisance and the proximity of residential property to the premises, Members determined that neither the additional measures proposed by the applicant, nor any other conditions that could be imposed on the Premises Licence, would be sufficient to prevent further public nuisance

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 Premises Licence in respect of The Chronicle, Church Road, Bebington, be refused.