

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 9 June 2016

Present:

Councillors L Reecejones
 D Burgess-Joyce
 S Williams

1 **APPOINTMENT OF CHAIR**

Resolved – That Councillor L Reecejones 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 UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - PARADOX, 1-3 PENSBY ROAD, HESWALL**

The Assistant Chief Executive reported upon an application that had been received from James Demetrios to vary a Premises Licence in respect of Paradox, 1-3 Pensby Road, Heswall, under the provisions of the Licensing Act 2003.

The hours requested were 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. 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 a local resident and from an individual who owns the property adjacent to the premises. The representations related to concerns of noise from entertainment coming from the premises and anti-social behaviour caused by customers of the Paradox which was currently a problem within the vicinity of the premises. Copies of all representations were available.

The applicant attended the meeting together with his representative Ms Hussein.

The Licensing Manager confirmed that all documentation had been sent and received.

Ms Hussein advised Members that Mr Demetrios had 43 years experience in this type of business and explained how the premises would be managed to ensure the promotion of the Licensing Objectives. Details were provided in respect of the number of staff employed at the premises and the capacity figures which had been sought from the Fire Authority. Ms Hussein explained that the applicant had liaised with Merseyside Police to amend a condition currently attached to the Premises Licence in relation to Door Supervisors which would result in an increased level of supervision should the application be granted. Ms Hussein advised that the applicant had invested a lot of money into the premises, that he was a responsible Premises Licence Holder who wanted to operate on a level playing field and requested that the application be granted. Members were further advised that no complaints had been made directly to the premises regarding the operation of the premises.

The applicant and his representative responded to questions from Members of the Sub-Committee and Mr A Bayatti, Legal Advisor to the Sub-Committee.

In response to questions from Members of the Sub-Committee, the applicant refuted claims that customers of the premises cause nuisance to local residents by engaging in disorderly behaviour, littering and urinating in gardens.

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 written representations made by a local resident and from an individual who owns the property adjacent to the premises opposing the application. In coming to their decision Members had regard to the absence of direct evidence that the premises were currently operating in a way that was undermining the licensing objectives.

In determining the application, Members had regard to the fact that Merseyside Police were content with the application subject to the imposition of conditions relating to the provision of door supervisors and the fact that there had been no representations made by any of the Responsible Authorities, in particular Environmental Health.

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 to vary a Premises Licence in respect of Paradox, 1-3 Pensby Road, Heswall, be granted with the following hours:

Sale by Retail of Alcohol

**Sunday to Thursday 10:00 to 01:00
Friday to Saturday 10:00 to 02:00**

Hours Open to the Public

**Sunday to Thursday 08:00 to 01:30
Friday to Saturday 08:00 to 02:30**

Recorded Music

**Sunday to Thursday 10:00 to 01:00
Friday to Saturday 10:00 to 02:00**

Late Night Refreshment

**Sunday to Thursday 23:00 to 01:00
Friday to Saturday 23:00 to 02:00**

Non-Standard Timings

The above Licensable Activities to operate between 10:00 to 01:30 and the hours open to the public between 10:00 to 02:00 on the following days:

Each Sunday preceding a Bank Holiday Monday, Christmas Eve, Christmas Day, Boxing Day.

The above Licensable activities to operate between 10:00 to 02:30 New Year's Eve into New Year's Day and Hours Open to the Public 10:00 on New Year's Eve to 03:00 on New Year's Day.

(3) That the following conditions be placed on the Premises Licence:

- **A minimum of one SIA registered door supervisor must be employed at the premises on a Friday from 21:30 until close of business.**
- **A minimum of two SIA registered door supervisors must be employed at the premises on a Saturday, Sundays preceding a Bank Holiday Monday, Boxing Day and New Year's Eve from 21:30 until close of business.**
- **On all other occasions when the premises are open for the sale of alcohol after midnight a minimum of one SIA registered door supervisor must be employed at the premises from 21:30 until close of business.**
- **Drinks purchased at the premises must not be consumed on the pavement in front of the premises on Pensby Road.**