

# LICENSING ACT 2003 SUB-COMMITTEE

Friday, 15 July 2016

Present:

Councillors    D Mitchell  
                     P Stuart  
                     M Sullivan

## 7    **APPOINTMENT OF CHAIR**

**Resolved – That Councillor M Sullivan be appointed Chair for this meeting.**

## 8    **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.

## 9    **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - GROUNDHOG BOTTLE SHOP AND BAR, 134 WALLASEY ROAD, LISCARD, CH44 2AF**

The Assistant Chief Executive reported upon an application that had been received from Matthew Robinson for a Premises Licence in respect of Groundhog Bottle Shop and Bar, 134 Wallasey Road, Liscard, 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 seven local residents. A petition had also been received signed by 121 local residents. The representations related to public nuisance which they considered may arise due to customers of the premises congregating outside the premises smoking. Concerns were also raised that nuisance and anti-social behaviour may be caused by customers of the premises whilst leaving at a late hour. Copies of all representations were available.

The applicant attended the meeting.

Three local residents who had made representations were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received, however a number of residents, the lead petitioner and Ward Councillor had advised they were unable to attend and referred to an email from the lead petitioner that had been circulated ahead of the meeting. A local resident also confirmed that she had photographs to present to Members of the Sub-Committee.

Mr Robinson advised Members that he was pursuing this as his first business venture due to being an enthusiast of craft beer. He informed Members that he had chosen the location as he had always lived in the area and therefore knew the area well. He explained how he intended to operate the business specialising in the sale of craft beers. Mr Robinson believed that the premises would attract a particular type of clientele who he wanted to educate in the art of the production and drinking of craft beers. He stated that the consumption of craft beers promotes a respect for alcohol which would result in responsible alcohol consumption and that it has no link to anti-social behaviour. He also advised that he wanted the business to be part of the community and that the premises would support social gatherings such as poetry, reading events and book and knitting clubs. Members were informed of how the premises would be staffed appropriately for customer demand. Mr Robinson advised the Sub-Committee that any deliveries to the premises would take place between 9.00am and 5.00pm and that these would be small scale deliveries using a transit van or goods collected by himself.

Mr Robinson addressed concerns regarding smoking at the rear of the premises by advising that this area would be used for his car and the waste bin for the premises and that customers who wished to smoke would do so on the pavement at the front of the premises. Members were also advised that these customers would not be allowed to take alcohol out of the premises and that the such activities would be monitored to prevent public nuisance being caused.

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

The local residents who were in attendance addressed the Sub-Committee and outlined their concerns in respect of the premises being located in a residential area. They advised Members that noise levels late at night when another licensed premises closes are already an issue in the area which they believed would be exacerbated should the application be granted. They also expressed their concerns in respect of increased footfall in the area and an increase in lighting and traffic which could result in health and safety issues.

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 took into account that following discussions with Merseyside Police the applicant had agreed to a number of conditions that would be placed on the Premises Licence should it be granted. These conditions related to CCTV, staff training and managing the premises to prevent public nuisance. Members also had regard to the fact there had been no representations made by any of the Responsible Authorities.

Members noted the specific concerns raised and in respect of these concerns had regard to Section 11 of the Council's Licensing Policy, the measures acknowledged by the applicant that could be put in place to prevent public nuisance as well as the type of business that would be operating from these premises.

In determining the application the Sub-Committee also had regard to the provision within the Licensing Act 2003 that allows a Responsible Authority or any other persons to ask the licensing authority to review the licence and that this provision represents a key protection for the community where problems associated with the licensing objectives occur after the grant or variation 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 Groundhog Bottle Shop and Bar, 134 Wallasey Road, Liscard, be granted with the following hours:**

**Sale by Retail of Alcohol**

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

**Hours Open to the Public**

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

**(3) That the conditions set out in the Operating Schedule and those agreed with Merseyside Police be imposed on the Premises Licence as well as the following condition:**

- **Refuse must not be disposed of into the outside bin for the premises after 8.00 pm or before 9.00 am**