

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 4 August 2016

Present:

Councillors A Hodson
 C Meaden
 M Sullivan

10 **APPOINTMENT OF CHAIR**

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

11 **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 declaration was made.

12 **APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - NANCIE HENRY, 50 GRANGE ROAD, WEST KIRBY**

The Assistant Chief Executive reported upon an application that had been received from Daniel Barnes to vary a Premises Licence in respect of Nancie Henry, 50 Grange Road, West Kirby, under the provisions of the Licensing Act 2003.

The application was to increase the licensed area to include the external area to the rear of the premises until 22:00.

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 application be granted.

Two representations had been received. The representations related to concerns of noise nuisance that may be caused by customers of the premises using the outside area close to their property. Copies of all representations were available.

The applicant attended the meeting.

The Licensing Manager confirmed that all documentation had been sent and received and that the individuals who had made the representations against the application were unable to attend.

The applicant provided details of how the business currently operates advising that the premises provides fine dining for 18 covers. He informed Members that the premises has a balcony that is south facing and that the application to vary the Premises Licence was in order to develop the outside area to include the garden. He advised Members that he acknowledged that recent building works had been disruptive to neighbours and that he had apologised for the noise caused. However, in respect of the premises, he advised that toughened glass had been installed on the balcony which prevented noise emanating from the premises. He believed that the application was reasonable in that the premises were situated in the centre of West Kirby and he had invested a considerable amount of money in redeveloping the premises.

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

In response to questions from Members of the Sub-Committee, the applicant explained how the premises would be managed to ensure the promotion of the Licensing Objectives. He explained how he had taken into account the representations made and gave assurances that the premises would be run in such a way so as not to cause nuisance to neighbours should the variation be granted.

Members considered the written representations made by a local resident and her landlord opposing the application. Members had regard to the absence of direct evidence that the premises would undermine the licensing objectives if the application was granted. Members took into account the close proximity of the premises to residential properties. In considering this matter Members had regard to the measures proposed by the applicant to control noise and took into account the fact that customers using the outside area would be there to consume a meal and that the proposed covers to be served in that area was 12.

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 application, Members had regard to the fact there had been no representations made by any of the Responsible Authorities.

In determining the matter Members took into account Section 11 of the Guidance in respect of the availability of a 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 Nancie Henry, 50 Grange Road, West Kirby be granted to increase the licensed area to include the external area to the rear of the premises as outlined in red on the plan.

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

- **The outside area must not be used later than 22:00.**

(4) That the existing conditions on the Premises Licence be modified as follows:

- **The balcony must be closed by 22:00**
- **No drinks are permitted outside after 22:00**

(5) That the following condition be removed from the Premises Licence:

- **Alcohol must only be consumed within the café area.**

13 13:00 - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - LIDL, OXTON ROAD, BIRKENHEAD

This matter was withdrawn prior to the hearing.