

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 3 August 2017

Present:

Councillors D Burgess-Joyce
AER Jones
P Stuart

57 **APPOINTMENT OF CHAIR**

Resolved – That Councillor P Stuart be appointed Chair for this meeting.

58 **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.

59 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - CLAREMONT FARM SHOP AND CAFE, OLD CLATTERBRIDGE ROAD, CLATTERBRIDGE**

The Managing Director for Delivery reported upon an application that had been received from Claremont Farm Limited for a Premises Licence in respect of Claremont Farm Shop, Old Clatterbridge Road, Clatterbridge, under the provisions of the Licensing Act 2003.

It was reported that these premises currently hold a Premises Licence for the ground floor of the premises. The application was for an extension of hours, an increase of the area to be licensed and a change in the way the premises would be operated. 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 application be granted.

Twelve representations had been received from local residents. The representations related to concerns that noise nuisance would be caused from intoxicated customers of the premises late at night and entertainment coming from the premises should the application be granted. Copies of the representations were available.

The applicant attended the meeting together with Mr Barnard. Mrs Brassey and Mr Baker, local residents, were also in attendance.

Councillor L Rowlands was in attendance at the meeting as an observer.

The Licensing Manager confirmed that all documentation had been sent and received and that the local residents in attendance had also been given permission to speak on behalf of other residents. Ariel photographs of the premises had also been provided to identify locations.

Mr Pimbley addressed Members and outlined how the premises would operate should a Premises Licence be granted. He informed Members about the type of events that would be held on the first floor of the premises. These included Chef Dine and Demo nights, speciality food and drinks nights, movie nights, conferences, and charity dinners. He advised that similar events had been held within the farm shop which is currently licensed and no complaints had been received. The applicant also advised that the ground floor would continue to operate as a shop and café using the current operating hours.

Members were advised that there was no intention to use the premises as a venue for weddings and birthday parties. The applicant also advised that they would use the events to sell local produce which included craft beers and spirits which would be sold at a premium price. The applicant informed Members that the premises would hold approximately 80 seated and 100 standing.

The applicant explained that whilst the application was to allow the sale of alcohol 7 days a week, this was to allow flexibility for the business and would not necessarily result in the venue being used 7 days a week.

Mr Pimbley responded to questions from Members of the Sub-Committee, Mr D K Abraham, Legal Advisor to the Sub-Committee and local residents.

Members heard details from residents of their concerns relating to public nuisance that had been caused during various events within the grounds of the farm. Members also heard concerns regarding the later hours proposed by the applicant with the potential for a wide range of events that could take place at the premises.

Discussions took place relating to the numbers attending events and the hours the premises would operate. Residents expressed their support for the business but highlighted their concerns that the nuisance they experienced from large events would occur on a more regular basis. The applicant advised that this would not be the case as the application was for the farm shop building and not the grounds of the farm where large events had previously taken place. Members also heard concerns from residents that they would suffer from noise nuisance should individuals be drinking outside

and that they would have less concerns regarding functions to be held on the first floor if drinking was not allowed outside. In response to these concerns the applicant advised that no drinks would be taken outside onto the balcony and that staff would monitor this area to ensure this was the case.

Local residents responded to questions from Members of the Sub-Committee and Mr D K Abraham.

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 the fact that there were no representations from any of the Responsible Authorities in respect of the application, in particular from Merseyside Police and Environmental Health.

In determining the application Members had regard to the representations made by local residents both in writing and at the Hearing and gave consideration to the type of operation proposed by the applicant as well as the measures that could be put in place to address the concerns raised.

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.

Members of the Licensing Act 2003 Sub-Committee requested that it be made clear that the granting of the Premises Licence would not override the current restrictions set out in the planning permission relating to these premises and informed the applicant that advice must be sought from the Planning Authority in respect of the existing Planning restrictions on the premises.

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 Claremont Farm Shop and Café, Old Clatterbridge Road, Clatterbridge, be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday

09:00 to 23:00

Hours Open to the Public

Sunday to Saturday

09:00 to 00:00

(3) That in addition to the appropriate conditions proposed in the operating schedule the following conditions be applied to the licence:

- **There must be no drinks taken outside the fabric of the building beyond 19:00.**
- **No drinks may be taken onto the balcony beyond 19:00 and notices must be displayed to advise customers of this.**