

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 15 September 2017

Present:

Councillors C Meaden
 P Stuart
 L Rowlands

67 **APPOINTMENT OF CHAIR**

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

68 **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.

69 **10:00 AM - APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - SLINKY'S, 84 BANKS ROAD, WEST KIRBY**

The Managing Director for Delivery reported upon an application that had been received from a local resident for a Review of the Premises Licence in respect of Slinky's, 84 Banks Road, West Kirby, under the provisions of the Licensing Act 2003.

The Managing Director for Delivery advised that the Sub-Committee may, having regard to the application to review the Premises Licence and any relevant representations, take such of the following steps as it considered appropriate for the promotion of the licensing objectives:

- Modify the Conditions of the Licence.
- Exclude a licensable activity from the scope of the Licence.
- Remove the Designated Premises Supervisor.
- Suspend the Licence for a period not exceeding three months.
- Revoke the Licence.

Members were informed that the Licensing Authority may decide that no action would be appropriate if it found that the review did not require it to take any steps that were appropriate to promote the licensing objectives.

The grounds for review were in relation to noise nuisance caused by customers inside and outside the premises and also in relation to nuisance from entertainment coming from the premises.

Members were informed that the premises currently hold a Premises Licence allowing the licensable activities as set out within the report.

A representation had been received from a local resident in support of the application which related to noise nuisance and anti-social behaviour caused by customers of the premises.

Seven representations had also been received from local residents and a local business who had indicated that the way the premises were operated did not undermine the licensing objectives. Copies of the representations were available.

Mr Bevington, the local resident who had applied for the Review attended the meeting.

Mr Hughes, the owner of the premises attended the meeting together with his solicitor, Ms Maleki and a customer of the premises, Ms Stedman.

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

Mr Bevington addressed the Sub-Committee and advised that there were key issues which he considered needed addressing which were music noise coming from the premises and noise from people using the outside area of the premises and particularly on Friday, Saturday and Sunday.

He informed Members that he had reported his concerns to the premises but had not been satisfied with the recommendation from the owner to contact the Designated Premises Supervisor should any further issues arise regarding noise disturbance. Mr Bevington explained that he considered it was a matter for Licensing and Environmental Health to provide the appropriate guidelines for the premises to operate within the legal framework.

Mr Bevington responded to questions from Ms Maleki, Members of the Sub-Committee and Mr A Bayatti, Legal Advisor to the Sub-Committee.

Ms Maleki reported that since the complaint had been received from Mr Bevington, changes had been made to the type of music that takes place at the premises, also doors and windows are kept closed at certain times to mitigate noise escaping from the premises and noise levels coming from the premises were monitored by staff. Members were informed that the premises is a café/bar type premises which operates both during the day and night. Members were provided with details of the type of clientele that attend the premises and were also informed that there is no provision of music outside the premises. The Premises Licence Holder advised Members that he had tried to engage with Mr Bevington to seek to resolve his concerns but that this had been unsuccessful. It was made clear to the Sub-Committee that whilst the premises were not proposing any conditions to address the issues, they would comply with all legal requirements and any recommendations received from Environmental Health or Licensing.

It was reported to Members that both Licensing and Environmental Health had made contact with the Premises Licence Holder regarding complaints received from Mr Bevington and that in respect of issues relating to noise nuisance, Environmental Health had visited the premises on Tuesday 12 September 2017 and that their investigations remained open.

In determining the review, Members had regard to the licensing objectives, in particular the prevention of public nuisance, the Council's Statement of Licensing Policy and Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Members noted that there were no representations from any of the Responsible Authorities, in particular Environmental Health.

Members also had regard to the representations from local residents who believed that the licensing objectives had not been undermined. They advised that the premises was used by a mixed customer base and was not a place where noisy youths gathered. They also believed the premises would be less likely to attract problems than many other premises.

Members considered that there was insufficient evidence to conclude that noise emanated from the premises at such a level that it required intervention by the Sub-Committee.

Members have had regard to the assurances made by the Premises Licence Holder in connection with his willingness to prevent noise nuisance coming from 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 no action be taken in respect of Slinky's, 84 Banks Road, West Kirby as Members considered it would not be appropriate to take any steps following the Review application.**

70 2.00 PM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - DOMINO'S PIZZA, 2 MARKET STREET, HOYLAKE

The Managing Director for Delivery reported upon an application that had been received from AKS Partners Limited for a Premises Licence in respect of Domino's Pizza, 2 Market Street, Hoylake, under the provisions of the Licensing Act 2003.

It was reported that these premises were currently trading but did not hold a Premises Licence. 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.

A representation had been received from Hoylake Residents Forum. The representation referred to concerns of public nuisance and the safety of children in respect of being encouraged to use the facility late at night. A copy of the representation was available.

The applicant attended the meeting together with his solicitor, Mr Rathore and Mr P Douglas, Licensing Consultant.

The Licensing Manager confirmed that all documentation had been sent and received and confirmed the planning restrictions placed on the premises.

Mr Rathore addressed Members and outlined the business model operated by the brand Dominos. He advised that the application was for late night refreshment which was the softest licensable activity and believed there would be no basis to reject the application. Members were advised that Dominos is a global brand and that in order to have a franchise with Dominos compliance with all internal requirements must be demonstrated.

Members were informed that there are approximately 30 stores in England and Wales employing between 1200 and 1400 people who operate a professional organisation. Members were advised by the applicant that the business operated in a professional manner and implemented effective procedures. It was reported that when the premises are no longer open to the public and are providing deliveries only, the front of the premises would be shut to prevent people congregating outside the premises and that staff were instructed to work in a quiet respectful manner. Mr Rathore reiterated that no representations had been received from Planning and believed significant weight should be attached to this as they are a Responsible Authority.

Mr Rathore responded to questions from Members of the Sub-Committee and Mr A Bayatti, Legal Advisor to the Sub-Committee.

In determining the application Members 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 accepted the submissions made on behalf of the applicant that no evidence had been presented to demonstrate that the granting of the application would undermine the licensing objectives.

Members also took into account the safeguards provided in the Licensing Act 2003 should a problem arise with this particular premises following the grant of the Licence and the fact that there had been no representations from any of the Responsible Authorities, in particular Merseyside Police, Area Child Protection Board, Environmental Health or Planning.

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 Domino's Pizza, 2 Market Street, Hoylake, be granted with the following hours:

Late Night Refreshment

Sunday to Saturday 23:00 to 05:00

Hours Open to the Public

Sunday to Saturday 24 hours