

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 19 October 2017

Present:

Councillors D Burgess-Joyce
 L Rowlands
 S Williams

71 **APPOINTMENT OF CHAIR**

Resolved – That Councillor S Williams be appointed Chair for this meeting.

72 **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.

73 **CONSIDERATION OF AN OBJECTION NOTICE IN RESPECT OF A TEMPORARY EVENT NOTICE UNDER THE PROVISIONS OF THE LICENSING ACT 2003**

The Managing Director for Delivery reported upon an Objection Notice that had been received from Environmental Health in respect of a Temporary Event Notice for premises known as Club LQD, 92 Argyle Street, Birkenhead, under the provisions of the Licensing Act 2003.

It was reported that these premises currently hold a Premises Licence with the hours as set out within the report and that the Temporary Event Notice was for the sale by retail of alcohol and regulated entertainment between the hours of 04:00 to 06:15 to allow for a Charity Night on Saturday 21 October 2017.

An Objection Notice which related to the prevention of public nuisance had been received from Environmental Health.

The proposed Premises User attended the meeting together with the owner of the business, Mr Rodger.

Mr T Zorn, Environmental Health Officer also attended the meeting together with two local residents who attended in support of his Objection Notice.

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

Mr Rodger addressed the Sub-Committee and advised that he had been approached to hold a charity night in aid of Cancer Research and it had been the promoter of the charity night who had requested that the licence be extended. He informed Members that he had originally considered requesting that the licence be extended for four

days, however, after consideration of the complaints that had been received he had submitted the Temporary Event Notice for one night only. He provided details of a number of measures that had been put in place at the premises to attempt to mitigate noise nuisance after having received a Notice from Environmental Health. He also advised that customers were now directed to the rear of the premises should they wish to go outside to smoke.

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

Mr T Zorn, Environmental Health Officer provided the background of complaints received in respect of the premises. He advised that a noise nuisance recorder had been installed in the home of a local resident who had complained about noise nuisance emanating from the premises and that there had been 31 incidents between 17 August and 4 September when there had been a clear statutory noise nuisance. He reported that a Noise Abatement Notice had been served on the Designated Premises Supervisor and owner on 8 September 2017. Mr Zorn also referred to the statements that had been provided by Merseyside Police further to visits they had made to the premises. He therefore advised that he recommended that the Temporary Event Notice not be granted on the grounds of the prevention of public nuisance.

Members heard from local residents who gave evidence that, despite the issue of the Noise Abatement Notice, they had continued to suffer from noise nuisance emanating from the premises and that in the last week residents had been disturbed on several occasions after 1.00 am.

Mr Zorn responded to questions from Members of the Sub-Committee, Mr A Bayatti and Mr Rodger.

Members gave consideration to the Objection Notice and the representations made by the proposed Premises User and the owner of the business, Mr Rodger, in support of the temporary event notice and the details he had provided in respect of the physical improvements which had been carried out to the premises with a view to mitigating the noise nuisance coming from the premises.

Members had regard to the Objection Notice and noted that despite the measures that had been implemented to seek to reduce noise nuisance emanating from the premises, there had been no evidence provided to conclude that the necessary processes were in place to prevent public nuisance.

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 a Counter Notice be issued under Section 105(2)b of the Licensing Act 2003, resulting in the premises not being licensed between the hours of 4 am and 6.15 am on Saturday 21 October 2017.