

# LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 28 February 2019

Present:

Councillors    L Rowlands  
                      A Hodson  
                      P Stuart

25    **APPOINTMENT OF CHAIR**

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

26    **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.

27    **APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - THE WHITE OWL, STATION ROAD, THURSTASTON**

The Corporate Director for Business Management reported upon an application that had been received from Hideaway Lakes (Wirral) Ltd to vary a Premises Licence in respect of The White Owl, Station Road, Thurstaston, under the provisions of the Licensing Act 2003.

The premises currently have a Premises Licence with the hours outlined within the report.

The applicant submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. Members were advised that the proposals set out in the operating schedule may become conditions of the Premises Licence should the application be granted. A copy of the full application was available.

A representation had been received from a local resident. A representation had also been received from the Irby, Thurstaston and Pensby Amenity Society. The representations related to concerns regarding noise nuisance being caused by music coming from the premises and customers leaving the premises. The representations also related to concerns in relation to the potential disturbance to sensitive wildlife. Copies of the representations were available.

The applicants attended the meeting together with their representative.

The Licensing Manager confirmed that all documentation had been sent and received and that apologies had been received from the local resident who had made representations but was unable to attend.

The Licensing Manager outlined the report.

The applicants' legal representative advised Members that the premises currently operated primarily as an eatery and that should a variation be granted to the Licence, this would continue to be the main focus. He advised that alcohol was a very small proportion of the turnover representing a maximum of 5% and provided photographs that illustrated the small volume of alcohol sold and highlighted the fact that there is no bar in the premises. He outlined the type of music played currently at the premises and the applicant provided further details of the type of music and the frequency of when it would be played should the application be granted. He also provided details of how this would be managed to prevent public nuisance.

The applicant's legal representative referred to the current planning permission and advised that the application for the Premises Licence was seeking to reflect the increased hours granted by Planning. Members were provided with the reason why Planning had granted these hours and noted that they had had regard to the importance of the surrounding areas as breeding and foraging habitat for barn owls and other wildlife.

He referred to a number of licensed premises in the vicinity and pointed out that should the application be granted this wouldn't change the hours that customers could purchase alcohol in the vicinity.

In considering the hours granted by planning and the representation made by a local resident in respect of 'drinking up' time, the applicant's representative advised that the applicant was prepared to reduce the hours for alcohol to be permitted by 30 minutes. He advised that CCTV was in place at the premises and that they operated a Challenge 25 Policy.

The applicants and their representative responded to questions from Members of the Sub Committee and Mr D K Abraham, Legal Advisor to the Sub Committee.

Members confirmed that they had read the written representations made by local residents and the Irby, Thurstaston and Pensby Amenity Society and had due regard to those representations in determining the application.

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 the written representations, the submissions made by the applicant and the fact that there were no representations from any of the Responsible Authorities in respect of any of the licensing objectives. Members also had particular regard to the Statutory Guidance of seeking to have mutual acceptable operating hours within the planning and licensing regimes.

Members also had regard to the provision within the Licensing Act 2003 for the Premises Licence to be reviewed 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 be granted as follows:

**Sale by Retail of Alcohol**

<b>Sunday to Tuesday</b>	<b>11:00 to 20:30</b>
<b>Wednesday to Saturday</b>	<b>11:00 to 22:00</b>

**Hours Open to the Public**

<b>Sunday to Tuesday</b>	<b>09:00 to 21:00</b>
<b>Wednesday to Saturday</b>	<b>09:00 to 22:30</b>

(3) That Condition 14 be removed from the current Premises Licence.