



Licensing Act Committee

Date:	Wednesday, 14 October 2020
Time:	5.30 p.m.
Venue:	Virtual

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AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee are 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.

2. MINUTES (Pages 1 - 8)

To approve the accuracy of the minutes of the meeting held on 22 May 2019, the special meeting held on 25 July 2019 and the meeting held on 13 November 2019.

3. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE (Pages 9 - 58)

To approve the accuracy of the minutes of the Licensing Act 2003 Sub-Committees held on 25 April 2019, 8 May 2019, 22 May 2019, 14 June 2019, 22 August 2019, 29 November 2019, 12 June 2020, 15 July 2020, 17 July 2020, 22 July 2020 and 14 August 2020.

4. APPOINTMENT OF LICENSING PANEL

The Committee is requested to appoint the Licensing Panel for the ensuing year.

In 2019/20, each Licensing Act 2003 Sub-Committee (now Licensing Panel) was comprised of three members and one reserve member drawn from the pool of fifteen Committee members. The Chair was appointed on the day of each meeting.

LICENSING ACT 2003 COMMITTEE

Wednesday, 22 May 2019

<u>Present:</u>	Councillor	P Stuart (Chair)	
	Councillors	G Davies T Cottier KJ Williams G Wood M Collins	A Hodson L Rowlands D Mitchell A Corkhill WJ Davies
<u>Apologies</u>	Councillors	J Stapleton D Burgess-Joyce	C Cooke

1 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the 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.

2 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 17 October 2018 be approved.

3 MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE

Resolved – That the accuracy of the minutes of the Licensing Act 2003 Sub-Committee meetings held on 2 November, 22 November and 30 November 2018 and 28 February 2019 be approved.

4 APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee was invited to appoint a Chair and Vice-Chair for the ensuing municipal year.

It was moved by Councillor G Davies and seconded by Councillor A Hodson that –

Councillor P Stuart be appointed Chair until amended or otherwise by this Committee and until such time as a new Chair is appointed.

It was moved by Councillor L Rowlands and seconded by Councillor M Collins that –

Councillor A Hodson be appointed Vice-Chair until amended or otherwise changed by this Committee and until such time as a new Vice-Chair is appointed.

Resolved –

- (1) That Councillor P Stuart be appointed Chair until amended or otherwise changed by this Committee and until such time as a new Chair is appointed.**
- (2) That Councillor A Hodson be appointed Vice-Chair until amended or otherwise changed by this Committee and until such time as a new Vice-Chair is appointed.**

5 APPOINTMENT OF LICENSING ACT 2003 SUB-COMMITTEE

The Committee was requested to appoint the Licensing Act 2003 Sub-Committee with the term of membership to be continued until amended or otherwise changed by this Committee and until such time as a new Licensing Act 2003 Sub-Committee is appointed.

The Chair explained that each Licensing Act 2003 Sub-Committee is to be comprised of three Members drawn from the pool of fifteen Committee Members with the Chair being appointed on the day of each meeting.

Resolved –

- (1) That the Licensing Act 2003 Sub-Committee be appointed with the term of membership to be continued until amended or otherwise changed by this Committee and until such time as a new Licensing Act 2003 Sub-Committee is appointed.**
- (2) That each Licensing Act 2003 Sub-Committee meeting be comprised of three members to be drawn from the following pool of fifteen Committee Members:**

Councillors Tony Cottier, George Davies, Tony Norbury, Jean Stapleton, Paul Stuart, Jerry Williams, Gillian Wood, David Burgess-Joyce, Mike Collins, Andrew Hodson, Les Rowlands, Dave Mitchell, Andy Corkhill, Chris Cooke and Bill Davies.

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LICENSING ACT 2003 COMMITTEE

Thursday, 25 July 2019

<u>Present:</u>	Councillor	P Stuart (Chair)	
	Councillors	M Collins C Cooke WJ Davies G Davies	A Hodson D Mitchell T Norbury L Rowlands
<u>Apologies</u>	Councillors	D Burgess-Joyce A Corkhill T Cottier	J Stapleton KJ Williams G Wood

6 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the 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.

7 DRAFT STATEMENT OF LICENSING POLICY

The Corporate Director for Business Management sought the Committee's approval of the Draft Statement of Licensing Policy attached at Appendix 1 to the report in order that it may be circulated for consultation.

The Licensing Manager reported that there was a statutory requirement under the Licensing Act 2003 to consult on a Statement of Licensing Policy prior to it being published.

The Committee were advised that the Council's Statement of Licensing Policy had first been published in January 2005. The Policy had been subject to three reviews with the most recent having been published in December 2014.

It was reported that there had previously been a request by Merseyside Police for the adoption of a Special Cumulative Impact Policy for an area in Birkenhead and further to a consultation being undertaken and the responses considered, a Special Cumulative Impact Policy in Charing Cross, Grange Road West, Grange Mount, Oxtan Road and the boundary of the Town Centre had been adopted with effect from 10 July 2017 which applied to premises licensed for the sale by retail of alcohol for consumption off the premises only.

Members were informed that as the Licensing Act 2003 required that the Licensing Policy be reviewed at least every five years and that the Cumulative Impact Policy be reviewed within three years of its adoption, it was therefore proposed that the review of the Licensing Policy would also seek views on the cumulative impact policy

included therein. In undertaking this review there is a statutory requirement to consult with the following persons / bodies:

- Chief Officer of Police The
- Fire and Rescue Authority The
- Director of Public Health The
- ns/Bodies representative of local holders of premises licences Perso
- ns/Bodies representative of local holders of club certificates Perso
- ns/Bodies representative of local holders of personal licences Perso
- ns/Bodies representative of businesses and residents in its area Perso

It was reported that the consultation would be discussed with the Council's communication team with a view to details of the consultation being published on the Council's website, Wirral View and the Council's social media platforms. It was proposed that the period of consultation be six weeks closing on 6 September 2019 and that the outcome of the consultation be reported to a meeting of this Committee in October 2019.

Councillor T Norbury made reference to the environmental impact assessment and it was confirmed that this would be commented on in the next report.

On a motion by the Chair and seconded by Councillor A Hodson it was -

Resolved – That the Draft Statement of Licensing Policy be approved as a document to be circulated for consultation.

LICENSING ACT 2003 COMMITTEE

Wednesday, 13 November 2019

<u>Present:</u>	Councillor	A Hodson (Chair)	
	Councillors	C Cooke A Corkhill T Cottier WJ Davies G Davies I Lewis	D Mitchell T Norbury L Rowlands J Stapleton KJ Williams G Wood
<u>Apologies</u>	Councillors	M Collins	P Stuart

8 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the 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.

Councillor J Stapleton declared a personal interest in item 4 – Draft Statement of Licensing Policy by virtue of being a Ward Councillor for Birkenhead and Tranmere ward (minute 11 refers).

9 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 22 May and the special meeting held on 25 July 2019 be approved.

10 MINUTES OF LICENSING ACT 2003 SUB-COMMITTEES

Resolved – That the accuracy of the minutes of the Licensing Act 2003 Sub-Committees held on 25 April, 8 May, 22 May, 14 June and 22 August 2019 be approved.

11 DRAFT STATEMENT OF LICENSING POLICY

The Director of Governance and Assurance submitted a report requesting the Committee to consider whether there should continue to be a Cumulative Impact Assessment applied to the area of Birkenhead which was currently referenced in the Statement of Licensing Policy.

The report also sought the Committee's approval of the Draft Statement of Licensing Policy set out within Appendix 1 to the report in order that it may be presented to Council for approval on 9 December 2019.

The Licensing Manager informed Members that there was a statutory requirement under Section 5 of the Licensing Act 2003 for the Licensing Authority to prepare and

publish a statement of Licensing Policy at least every five years and that since the first publication of the Policy in January 2005 it had been subject to three reviews, the last one being in December 2014.

Members were advised that on 5 January 2017 Merseyside Police had requested that the Licensing Authority consider adopting a Special Cumulative Impact Policy (SCIP), for an area within Birkenhead. The request had been made due to the level of crime and disorder, public nuisance, littering, street drinking, under-age drinking and anti-social behaviour believed to be resulting in part from the number of off-licence premises located in the area and this had been supported by Ward Councillors. Further to a comprehensive consultation the Licensing Authority had been satisfied that there was evidence that the number of premises in Charing Cross, Grange Road West, Grange Mount, Oxtan Road and the boundary of the Town Centre licensed under the Licensing Act 2003 for the sale by retail of alcohol for consumption off the premises were cumulatively giving rise to significant problems of public nuisance and crime and disorder.

The Licensing Authority therefore resolved to introduce a Special Cumulative Impact Policy limited to Charing Cross, Grange Road West, Grange Mount, Oxtan Road and the boundary of the Town Centre with effect from 10 July 2017 to apply to Premises licensed for the sale by retail of alcohol for consumption off the premises only.

The Licensing Manager reported that it was a requirement of the Licensing Act 2003 that the Licensing Policy be reviewed at least every five years and that any Cumulative Impact Assessment included within the Policy be reviewed every three years. Further to consultation four responses had been received and the comments were included within the report.

A report had been submitted by Merseyside Police providing evidence to support the retention of the Special Cumulative Impact Policy contained within the current policy. Inspector Minnery from Merseyside Police attended the meeting and addressed Members. She advised that although the Cumulative Impact Assessment had had a positive effect, street drinking was still a significant problem in Birkenhead.

Members were informed that the cumulative impact of the number of premises selling alcohol for consumption off the premises in the SCIP area supported a high level of street drinking in the area and that street drinking continued to be a major policing issue within the SCIP area. Evidence was provided relating to the impact of street drinking on individuals and businesses, the level of alcohol related violence and alcohol related domestic violence in and directly around the SCIP area.

The statistics within the report provided by Merseyside Police highlighted the level of alcohol related violence in the areas of Birkenhead and Tranmere which immediately surround the SCIP area. The statistics showed an increase in alcohol related domestic violence. Merseyside Police had advised that there had been a drive towards the better and more effective recording of data since 2016 and that this had been a contributing factor to a higher level of recorded incidents since 2016.

A Statement was provided within the report from a Police Officer with 12 years of experience working within Birkenhead Town Centre who advised that the number of off licences in the SCIP area contributed to the opportunities provided for street drinkers to obtain alcohol. A survey undertaken by a local PCSO highlighted the

concerns of local residents, businesses and Ward Councillors relating to the impact of street drinking in the area.

Members expressed their concerns in respect of the problems in Birkenhead Town Centre which included street drinking, fighting, homeless people and drug abuse. They believed that the Cumulative Impact Assessment should remain within the Statement of Licensing Policy.

Members discussed how the problem could be further addressed. The Licensing Manager advised that officers from the Licensing Department would be visiting premises to carry out inspections and subsequent to this would be holding a meeting with premises in the area to reiterate their responsibilities. Members agreed to hold an informal meeting in the new year to investigate any ways these issues may be addressed.

On a motion by Councillor L Rowlands and seconded by Councillor D Mitchell it was -

Resolved -

That:

(1) The Committee recommend to Council that there should continue to be a Cumulative Impact Assessment applied to the area of Birkenhead currently referenced in the Statement of Licensing Policy; and

(2)The Draft Statement of Licensing Policy be recommended to Council for approval.

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LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 25 April 2019

Present:

Councillors L Rowlands
 AER Jones
 C Meaden

28 **APPOINTMENT OF CHAIR**

Resolved – That Councillor L Rowlands be appointed Chair for this meeting.

29 **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.

30 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - MRH GREASBY, GREASBY ROAD, GREASBY**

The Corporate Director for Business Management reported upon an application that had been received from Malthurst Limited for a Premises Licence in respect of MRH Greasby, Greasby Road, Greasby.

It was reported that the premises does not currently hold a Premises Licence and proposed hours of operation 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.

Following discussions with Public Health and Merseyside Police, the applicant had agreed that a number of conditions be placed on the Premises Licence should the application be granted.

In respect of the application, eight representations had been received from local residents. The representations related to concerns of nuisance being caused by customers of the premises at a late hour should alcohol be made available. The representations also related to the cumulative impact of licensed premises in the area where these premises are located. Copies of the representations were available.

The applicant attended the meeting together with his solicitor, Mr Botkai. Ward Councillor Wendy Clements was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that further to discussions with Merseyside Police and Public Health, the applicant had agreed to a number of conditions being placed on the Premises Licence should it be granted.

Mr Botkai advised Members of the Sub-Committee that he wished to amend the application from 24 hours for the Sale by Retail of Alcohol and Late Night Refreshment to the Sale by Retail of Alcohol from 6.00 am to 11.00 pm and also that he wished to withdraw the request for Late Night Refreshment. He advised that the company had over 500 sites with 24 hour licences and that the vast majority of these had been granted without opposition. He referred to the conditions that had been agreed to be placed upon the Premises Licence and requested that a condition be removed that was no longer relevant. He believed that the representations made by local residents had been addressed further to the amended application.

Councillor Clements addressed the Committee and advised that she was speaking on behalf of local residents. Councillor Clements indicated that the local residents welcomed the changes made to the application and the withdrawal of the request for Late Night Refreshment and also the conditions that would be placed on the Premises Licence.

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 of the Licensing Act 2003 Sub-Committee considered the representations made by the applicant and those made by the Ward Councillor on behalf of local residents.

Members had regard to the fact that further to consideration of the representations made, the applicant had reduced the hours applied for the sale of alcohol from 6 am to 11 pm and had withdrawn the application for Late Night Refreshment. This amendment had been discussed with local residents which resulted in there being no representations from local residents at the hearing in respect of the amended application.

Members noted that further to discussions with Merseyside Police and Public Health, the applicant had agreed to a number of conditions being placed on the Premises Licence should it be granted.

In determining the application Members had regard to the fact that there were no representations from local residents in respect of the amended application.

Members also had regard to the fact that there were no representations from the Responsible Authorities, in particular, Merseyside Police.

In coming to their decision, Members also had regard to the Review procedure provided by the Licensing Act 2003 should concerns arise that the licensing objectives are being undermined after the Licence has been granted.

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 MRH Greasby, Greasby Road, Greasby be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 06:00 to 23:00

Hours Open to the Public

Sunday to Saturday 24 Hours

(3) That following the amendments to the application and representations made by the applicant no licensable activities would be provided beyond 23:00.

(4) Members also resolved not to impose the following condition:

- **The entrance door to the shop will be closed to customers between the hours of 23:00 and 05:00. Any sales between these hours will be made through the night pay window.**

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LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 8 May 2019

Present:

Councillors L Rowlands
 AER Jones
 T Norbury

31 **APPOINTMENT OF CHAIR**

Resolved – That Councillor L Rowlands be appointed Chair for this meeting.

32 **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.

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

The Corporate Director for Business Management reported upon an application that had been received from Coretin Limited to vary a Premises Licence in respect of Nancie Henry Café, 50 Grange Road, West Kirby.

It was reported that the premises currently holds a Premises Licence and the proposed hours to vary the Premises Licence 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 and that the applicant had amended the terminal hour for the sale of alcohol.

In respect of the application, thirteen representations had been received from local residents. One representation had also been received from a local business. The representations related to concerns of noise nuisance from entertainment and customers which residents considered was currently a problem at these premises. Copies of the representations were available.

Mr Barnes, Designated Premises Supervisor attended the meeting together with his colleague.

A number of local residents were also in attendance together with Ward Councillor, Councillor Cox.

The Licensing Manager confirmed that all documentation had been sent and received and that notice had been provided for Councillor Cox to speak on behalf of residents.

Councillor Cox queried the accuracy of the map attached to the report.

The Licensing Team Leader confirmed that this had been taken from a national database.

The Chair confirmed that this would be taken into consideration.

Mr Barnes advised Members that he had amended the application to reduce the terminal hour for the sale of alcohol to 12.00 midnight on Friday and Saturday and for the terminal hour for alcohol on all other days to remain at 11.30pm. He also advised that he was not seeking to remove the conditions in Annex 3 of the Premises Licence regarding the restrictions on the use of the outside areas which included the balcony.

Mr Barnes informed Members that he was seeking to change his business operation due to the fact that his current business model was not financially viable. Mr Barnes, on behalf of the applicant, set out the plans of how both the ground floor and first floor would operate as licensed areas. Members were provided with details of the capacity of these areas both seated and standing.

Members heard details of events that had taken place at the premises under Temporary Event Notices and were made aware that four such events had taken place in 2019.

Mr Barnes acknowledged that during an event that took place in June 2018 the volume of the music did cause a nuisance to local residents which had resulted in one resident having to attend the premises to attempt to stop the nuisance that was being caused. Mr Barnes advised that he had only been made aware of one complaint received by the Licensing Authority following the use of a Temporary Event Notice in respect of an event that took place in April 2019.

Mr Barnes reported that he operated a premium bar and that although the premises have a garden area, he advised that it was used infrequently. Mr Barnes acknowledged that he had operated the premises outside of the current planning restrictions that limit the use of the outside area and prohibit the playing of music that is not background music and informed Members that he would liaise with the Planning Authority in respect of these matters.

Members heard from Councillor Cox on behalf of local residents who advised them that there were no concerns regarding the operation of the front of the property but that the real concerns of the residents related to the rear of the premises and the fact that they had operated outside of the current planning restrictions and licensing conditions attached to the premises.

Members heard from individual residents in respect of their personal experiences regarding the way in which the premises had been operated, in particular at times when the outside areas of the premises were being used and Temporary Event Notices were in use. Residents expressed their concerns regarding nuisance that

had also been caused by people being within the vicinity of the premises after closing time.

Members noted that there was no evidence that nuisance that had been caused late at night by people being within the vicinity of these premises could be linked directly to Nancie Henry. Members were made aware of the fact that a licensed premises was situated directly next door which operated later hours and also had a beer garden in close proximity to residential properties.

Councillor Cox advised Members that there were limited transport facilities in the area late at night however the applicant advised upon the measures that could be put in place to address this matter.

Members gave careful consideration to all the submissions made and had regard to the fact that there had been no representations submitted by any of the Responsible Authorities.

In determining the matter, 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 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 to vary a Premises Licence in respect of Nancie Henry Café, 50 Grange Road, West Kirby be granted as follows:**

Sale by Retail of Alcohol

**Sunday to Thursday 08:00 to 23:30
Friday and Saturday 08:00 to 00:00**

Hours Open to the Public

**Sunday to Thursday 07:00 to 00:00
Friday and Saturday 07:00 to 00:30**

Late Night Refreshment

**Sunday to Thursday 23:00 to 00:00
Friday and Saturday 23:00 to 00:30**

Live Music / Recorded Music

The application for live music and recorded music which is required for the playing of such music beyond 11.00pm was refused.

Non-standard timings

From the start of the permitted hours on New Years Eve until the start of the permitted hours on the following day for all of the above Licensable Activities and Hours Open to the Public.

The application for non standard times on Bank Holiday weekends was refused.

Licensed Area

Members resolved to extend the licensed area to include the ground floor.

Members determined that in addition to the appropriate conditions proposed in the operating schedule and those proposed by Merseyside Police, the following condition be applied to the licence:

- **The details of local taxi firms to be promoted within the premises.**

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LICENSING ACT 2003 COMMITTEE

Wednesday, 22 May 2019

<u>Present:</u>	Councillor	P Stuart (Chair)	
	Councillors	G Davies T Cottier KJ Williams G Wood M Collins	A Hodson L Rowlands D Mitchell A Corkhill WJ Davies
<u>Apologies</u>	Councillors	J Stapleton D Burgess-Joyce	C Cooke

1 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the 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.

2 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 17 October 2018 be approved.

3 MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE

Resolved – That the accuracy of the minutes of the Licensing Act 2003 Sub-Committee meetings held on 2 November, 22 November and 30 November 2018 and 28 February 2019 be approved.

4 APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee was invited to appoint a Chair and Vice-Chair for the ensuing municipal year.

It was moved by Councillor G Davies and seconded by Councillor A Hodson that –

Councillor P Stuart be appointed Chair until amended or otherwise by this Committee and until such time as a new Chair is appointed.

It was moved by Councillor L Rowlands and seconded by Councillor M Collins that –

Councillor A Hodson be appointed Vice-Chair until amended or otherwise changed by this Committee and until such time as a new Vice-Chair is appointed.

Resolved –

- (1) That Councillor P Stuart be appointed Chair until amended or otherwise changed by this Committee and until such time as a new Chair is appointed.**
- (2) That Councillor A Hodson be appointed Vice-Chair until amended or otherwise changed by this Committee and until such time as a new Vice-Chair is appointed.**

5 APPOINTMENT OF LICENSING ACT 2003 SUB-COMMITTEE

The Committee was requested to appoint the Licensing Act 2003 Sub-Committee with the term of membership to be continued until amended or otherwise changed by this Committee and until such time as a new Licensing Act 2003 Sub-Committee is appointed.

The Chair explained that each Licensing Act 2003 Sub-Committee is to be comprised of three Members drawn from the pool of fifteen Committee Members with the Chair being appointed on the day of each meeting.

Resolved –

- (1) That the Licensing Act 2003 Sub-Committee be appointed with the term of membership to be continued until amended or otherwise changed by this Committee and until such time as a new Licensing Act 2003 Sub-Committee is appointed.**
- (2) That each Licensing Act 2003 Sub-Committee meeting be comprised of three members to be drawn from the following pool of fifteen Committee Members:**

Councillors Tony Cottier, George Davies, Tony Norbury, Jean Stapleton, Paul Stuart, Jerry Williams, Gillian Wood, David Burgess-Joyce, Mike Collins, Andrew Hodson, Les Rowlands, Dave Mitchell, Andy Corkhill, Chris Cooke and Bill Davies.

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 14 June 2019

Present:

Councillors M Collins
 D Mitchell
 A Corkhill

1 **APPOINTMENT OF CHAIR**

Resolved – That Councillor D Mitchell be appointed Chair for this meeting.

2 **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.

3 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 33-35 OLD CHESTER ROAD, BEBINGTON**

The Corporate Director for Business Management reported upon an application that had been received from Mrs Vanitha Rajakuma for a Premises Licence in respect of 33-35 Old Chester Road.

It was reported that the premises are not currently operating and do not have a Premises Licence.

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.

Following discussions with Merseyside Police, the hours requested for the sale by retail of alcohol had been amended by the applicant to start an hour later from Monday to Thursday.

In respect of the application a representation had been received from the owner of 37 and 37A Old Chester Road. The representation related to concerns due to the hours requested which it was considered would undermine the licensing objective of the prevention of public nuisance. A copy of the representation was available.

The applicant's husband attended the meeting together with the representative of the applicant, Mr Rushton.

The Licensing Manager confirmed that all documentation had been sent and received and that the applicant had given permission for her husband to speak on her behalf.

Mr Rushton addressed the Sub-Committee and advised that the application was for a new shop on Old Chester Road. He informed Members that the applicant had a great deal of experience in operating similar premises selling alcohol. He explained that the premises had been refurbished and would operate as a convenience store selling alcohol.

Mr Rushton outlined the extensive measures that would be put in place to prevent alcohol being sold in such a way that it would cause a nuisance to the community. These measures included a comprehensive CCTV system being installed in the premises, a Challenge 25 Policy, an electronic till prompt to prevent underage sales and staff training. Members also heard that deliveries would be made between 10.00am and 4.00pm so as not to cause a nuisance to neighbours. He referred to the representation that had been made and advised that the tenants who lived in the flat at those premises were content with the application and had signed letters to state this which he submitted to the Sub-Committee. In response to a question from the Licensing Manager in respect of sales of alcohol with an ABV over 6.5%, Mr Rushton advised that the applicant would be willing to sign up to a scheme on a voluntary basis.

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 had regard to the written representation made by a local business owner as well as information provided by the applicant in support of the application.

Members noted that further to discussions with Merseyside Police, the hours requested for the sale of alcohol Monday to Thursday had been amended from 06:00 - 23:00 to 07:00 - 23:00.

In considering the application Members had regard to the representation made by the owner of adjacent property for which he has two tenancies. However, in considering this representation Members noted that the individuals occupying these properties had submitted a signed form which stated that they were content with the application.

In determining the application Members had regard to the fact that there were no representations from any other residents or from any of the Responsible Authorities.

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.

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 33-35 Old Chester Road, Bebington be granted with the following hours:

Sale by Retail of Alcohol

Monday to Thursday 07:00 to 23:00
Friday to Sunday 06:00 to 23:00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

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LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 22 August 2019

Present:

Councillors L Rowlands
 G Davies
 D Mitchell

4 **APPOINTMENT OF CHAIR**

Resolved – That Councillor L Rowlands be appointed Chair for this meeting.

5 **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.

6 **APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - TRANMERE ROVERS FOOTBALL CLUB, PRENTON ROAD WEST, PRENTON, WIRRAL CH42 9PY**

The Director of Governance and Assurance reported upon an application that had been received from Tranmere Rovers Football Club to vary a Premises Licence in respect of Tranmere Rovers Football Club, Prenton Park, Prenton Road West.

It was reported that the premises currently holds a Premises Licence and the details of the variation of the Premises Licence 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 and that following discussions with Merseyside Police the applicant had agreed to include a number of conditions on the Premises Licence.

In respect of the application, eight representations had been received from local residents. The representations related to concerns that granting the application would result in an increase in noise nuisance and anti-social behaviour. Copies of the representations were available.

The applicant attended the meeting together with the Safety Officer and the Managing Director of Tranmere Rovers Football Club.

The Licensing Manager confirmed that all documentation had been sent and received and that no local residents were in attendance.

The applicant addressed the Sub-Committee and informed them that the Fan Zone had been running successfully for four years, had encouraged good relations between football fans and had led to the Club receiving an award. He advised that in view of the concerns raised, he would be content to have a condition attached to the Premises Licence that would restrict the use of the outside area to pre match times. It was considered that this would address the concerns raised regarding the potential use of the area late at night.

In response to questions from Members, Mr D K Abraham, the Legal Advisor to the Sub-Committee and the Licensing Manager, the applicant responded to queries in respect of the policies and procedures that would be in place, staffing levels and waste disposal. The Club explained that in terms of the use of the area, the safety of the public would always overrule the sale of alcohol. It was reported that the area would be managed with an increase of SIA registered stewards and safety stewards and that the area would be monitored to prevent public nuisance to local residents.

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 of the Licensing Act 2003 Sub-Committee gave careful consideration to the submissions made by the applicant at the hearing and the representations made by local residents which had been submitted in writing.

It was noted by Members that the use of the Director's car park as a Fan Zone would be subject to the Club satisfying the Safety Advisory Group that the Club can manage the area without compromising their Sportsground Safety Certificate.

In determining the application, Members took into consideration the representations made by local residents, the conditions put forward by the applicant, the conditions agreed with Merseyside Police and the fact that there were no representations from any of the Responsible Authorities.

Members had particular regard to the compromise made by the applicant in reducing the use of the proposed area to approximately two to three hours prior to kick off on match days.

In coming to their decision 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.

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 Tranmere Rovers Football Club, Prenton Road West, Prenton, Wirral CH42 9PY be granted.**

(3) That the following condition be attached to the Premises Licence:

- **The area outside of the marquee identified as the Director's car park may only be used on match days and must not be used beyond the kick-off time of any game.**

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LICENSING ACT 2003 SUB-COMMITTEE

Friday, 29 November 2019

Present:

Councillors C Cooke
 A Hodson
 D Mitchell

7 **APPOINTMENT OF CHAIR**

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

8 **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.

9 **APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ASDA, SEAVIEW ROAD, LISCARD, CH45 4NZ**

The Director of Governance and Assurance reported upon an application that had been received from Asda Stores Limited to vary a Premises Licence in respect of Asda, Seaview Road, Liscard, CH45 4NZ.

It was reported that the premises currently holds a Premises Licence and the details of the variation of the Premises Licence 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.

In respect of the application, four representations had been received from local residents. The representations related to concerns of an increase of noise nuisance and anti-social behaviour which they stated was currently a problem within the vicinity of the premises. Copies of the representations were available.

The applicant was represented by Gosschalks Solicitors. The General Manager of the store also attended the meeting. Three local residents were also in attendance.

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

The applicant's solicitor addressed the Sub-Committee and informed Members that they were seeking to vary the hours for the sale by retail of alcohol to 24 hours Monday to Sunday and to permit Late Night Refreshment from 11.00 pm to 5.00 am

Monday to Sunday. The applicant's solicitor reported that Asda operated over 600 stores in the country and that hundreds of these stores operated with 24 hours without any of the licensing objectives being undermined, many of which were situated in highly challenging, densely populated areas.

The applicant's representative also advised that Asda had responsible policies and procedures in place which related to the sale of alcohol. These included comprehensive training and refresher training, Challenge 25 policy and independent test purchasing, CCTV and till prompts.

The applicant's solicitor referred to the representations made and requested that Members consider the fact that the application related to the sale of alcohol and Late Night refreshment and not the general operation of the store. She also advised Members that the Store Manager had not been aware of any complaints made.

In response to questions from Members of the Sub-Committee and local residents, the applicant's solicitor confirmed that the application for Late Night refreshment was intended for the sale of hot drinks and that there was no intention for a takeaway at the premises. She also confirmed that the application for 24 hours was in order that everything could be sold at the same time as it was intended to bring the sale of all products under one regime.

Local residents addressed the Sub-Committee and advised that the premises were situated in a residential area. The residents informed Members that they already experienced noise and disruption that occurred with the current opening hours which had been caused by delivery vehicles as well as customers' vehicles which they believed constituted a public nuisance. They also advised Members that car mirrors had been broken by youths visiting the premises at night and that food and litter had been thrown into their gardens. The local residents raised their concerns that there would be an increase in noise and antisocial behaviour should the application be granted as they believed that more youths would be attracted to the area late at night. The local residents also referred to paragraphs 14.8 and 14.9 of the Licensing Policy and the current planning restrictions on the premises. They also referred to Article 8 of the Human Rights Act and their right to a peaceful family life.

The applicant's solicitor referred to the Thwaites case and the fact that decisions should be based on evidence, she also reiterated the fact that no representations had been received from any of the Responsible Authorities.

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 of the Licensing Act 2003 Sub-Committee gave careful consideration to the submissions made by the applicant and the representations submitted both in writing and orally at the hearing.

Members gave careful consideration to all the submissions made and had regard to the fact that there had been no representations submitted by any of the Responsible Authorities. Members had to consider whether there had been any evidence that the sale of alcohol at these premises had currently undermined the licensing objectives and whether there had been any evidence that the granting of the application would

also undermine the licensing objectives. Members found no such evidence within the representations presented to the Sub-Committee.

In coming to their decision Membres 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 occurred 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 Asda, Seaview Road, Liscard be granted with the following hours:**

Sale by Retail of Alcohol

Sunday to Saturday 24 hours

Hours Open to the Public

Sunday to Saturday 24 hours

Late Night Refreshment

Sunday to Saturday 23:00 to 05:00

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LICENSING ACT 2003 SUB-COMMITTEE

Friday, 12 June 2020

Present:

Councillors A Hodson
 P Stuart
 D Mitchell

10 **APPOINTMENT OF CHAIR**

Resolved – That Councillor P Stuart 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 declarations were made.

12 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 9 THE ROW, 70 TO 76 MARKET STREET, HOYLAKE**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Law and Governance reported upon an application that had been received from L1 Brewer Limited for a Premises Licence in respect of 9 The Row, 70 to 76 Market Street, Hoylake.

It was reported that the premises are not currently operating and do not have a Premises Licence.

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.

Following discussions with Merseyside Police, the applicant agreed that a number of conditions be included on the Premises Licence relating to CCTV to be placed on the Premises Licence should the application be granted. Details of these conditions were outlined within the report.

In respect of the application three representations had been received from local residents. A petition signed by 39 local residents had also been received. The representations related to concerns of noise nuisance and anti-social behaviour which may be caused by customers should the application be granted.

A representation had also been received from Ward Councillor, Alison Wright, who supported the views expressed by local residents. Copies of the representations were available.

The applicant attended the meeting by way of video conference.

A local resident also attended the meeting together with Ward Councillor Alison Wright also by way of video conference.

The Licensing Manager confirmed that all documentation had been sent and received and that Ward Councillor Alison Wright would be speaking on behalf of local residents and had been given permission to do so specifically by two residents who were unable to attend. It was also confirmed that the planning permission document in respect of the premises would be referred to and displayed for information and google images of the premises were available if required. All parties confirmed they were content for these to be referred to and displayed.

The Licensing Manager outlined the report.

The applicant addressed the Sub-Committee and advised that he was a Director and partner for L1 Brewer Limited. He informed Members that he is a retired Police Sergeant and as such had many years' experience of licensed premises and his partners also had many years' experience operating licensed premises therefore he believed they were well aware of any problems that may arise and would be keen to put measures in place to prevent such problems occurring.

He addressed the four licensing objectives and how they would be upheld should the Premises Licence be granted. He reported upon the measures that had already been put in place including the installation of CCTV cameras inside and outside the premises that would comply with conditions proposed by Merseyside Police. He further advised that in accordance with these conditions staff would be trained in the use of CCTV and that it would be accessible 24 hours a day by any of the management. He referred to the concerns of youths gathering in the alleyway situated at the side of the premises and whilst this could not currently be attributed to the premises, he advised that outside lighting had been installed and that regular monitoring of the area would be carried out by staff. Staff would also be trained in the responsible sale of alcohol and a Challenge 25 Policy would be implemented. The applicant provided details of the work that had been undertaken in respect of limiting noise nuisance emanating from the premises which included a lowered ceiling and acoustic panels and insulation being fitted. He advised that music would be background music only, for example jazz, blues, ratpack style and gave an undertaking that no live music would be played in the premises. In respect of the area outside the premises, this would be table service only and smoking would only be permitted away from the front of the building, also that this area would be closed and cleared by 9.00 pm and notices would be displayed requesting customers to respect neighbours.

The applicant referred to waste collections and advised that a contract was in place with a local refuse company in respect of the bins at the rear of the premises and that there would be strict governance of the delivery of stock and emptying bottles. Members were also advised that a fire assessment had been carried out and all electric work had been examined.

The applicant expected the profile of customers to be age 40 plus. He advised that he had offered to meet with local residents to allay any fears and attempted to limit any disturbance that may potentially be caused to local residents but his offer to meet the local residents had not been accepted. He referred to the number of emails he had received in support of the application and the welcome received from other residents and licensed premises in the area. He advised that the premises would be using local suppliers wherever possible and that they would not be selling cheap beer. He also referred to measures that would be put in place to open with outside service only in respect of Government guidance due to Covid-19.

The applicant responded to questions from the local resident, Councillor Wright, Members of the Sub-Committee and Mr D K Abraham, legal advisor to the Sub-Committee.

In response to questions raised, the applicant advised that the outside area would be cleared by 9.00 pm, chairs and tables would be brought in quietly after 11.00 pm. The applicant further advised that he would be willing to fit carpet inside the premises to prevent noise being caused by the movement of tables and chairs. He then informed Members there would probably be a maximum of 20-30 customers outside. He also gave an undertaking that no live music would be played at the premises. He would be willing to install further soundproofing and would seek advice regarding this and would be prepared to undertake sound checks. In response to concerns in respect of noise in the morning the applicant advised he would be content to open the premises at 9.00 am instead of 8.00 am.

The Licensing Manager referred to the planning restrictions placed upon the premises and these were displayed in order that the applicant was made aware of time restrictions already placed upon the premises. In response the applicant reported that he would be content to limit the sale of alcohol until 10.30 pm and close the premises at 11.00 pm.

The local resident addressed the Sub-Committee. He advised that most of his objections were based on noise and disturbance that may be caused should the Premises Licence be granted. He expressed concerns that there may be up to 40 people sitting outside the premises causing persistent noise. He advised Members that he is a key worker and works shifts therefore it was important he was not disturbed when trying to sleep after shifts. He informed Members that his goddaughter visited him regularly and expressed concerns that she would be disturbed when she stayed with him overnight. He advised that his quality of life had been impacted upon by the ongoing disturbances during the last 18 months and was very concerned that noise nuisance could not be prevented.

In response to questions the local resident advised that he felt he would have to move should the Premises Licence be granted and expressed concerns regarding difficulties in being able to sell his premises as people may not want to live above a licensed premises. He was of the view that his premises should have been protected by the terms of his lease.

Councillor Wright addressed the Sub-Committee and reported that she was also representing local residents who were unable to attend. Members were referred to the petition that had been submitted with over 30 signatures objecting to the

application. Councillor Wright expressed concerns of the detrimental impact on the lives of local residents and the wider community should the Premises Licence be granted. Councillor Wright reiterated the comments of the local resident in respect of concerns of the use of the outdoor space with having a large group of people and for this to be cleared by 9.00 pm which she felt would be difficult to implement. Councillor Wright provided some background information in respect of the premises, regarding the type of build, numbers of windows and doors, the area where it is situated and previous use of the premises. She referred to the licensing objectives and the fact that they exist in order to protect the public. The lease was also referred to in that the premises should only be used as a high-class retail unit and concerns were expressed in respect of breaches of the lease. Members were advised that the managers of the other licensed premises at the end of the row lived above their premises. Councillor Wright referred to the licensing objective in respect of the prevention of public nuisance and referred to areas of the premises that had not been insulated; referred to the variety of sources of noise evidenced by the local resident and also informed Members that alcohol had been delivered to the premises prior to a decision being made as to whether to grant the Premises Licence. Further concerns were also raised in respect of noise emanating from music and noise caused by food cooking and the use of ventilators also customers arriving and leaving the premises and empty bottles being collected. Councillor Wright believed that there would be limited bathroom facilities which would further impact on the use of the alleyway at the side of the premises resulting on more pressure on the Police as they had previously been called due to anti-social behaviour in the car park at the rear of the premises. Councillor Wright believed that the licensing objectives would be unlikely to be upheld and maintained and therefore requested that the application be refused.

Councillor Wright responded to questions from Members of the Sub-Committee and Mr D K Abraham, legal advisor to the Sub-Committee.

The Licensing Manager reported that should the Premises Licence be granted Live Music would be allowed at the premises and requested the applicant to confirm he would be content to give an undertaking that he would not permit Live Music.

The applicant gave an undertaking that no Live Music would be played at the premises and that he would also be content to install carpet within the premises to limit any noise from tables and chairs being moved inside the premises and in and out of the premises.

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 had regard to all representations made in respect of the application.

Members noted that further to discussions with Merseyside Police, the applicant had agreed to a number of conditions in respect of CCTV being placed on the premises and also that he had provided an undertaking in respect of no Live Music to be played at the premises, the indoor area to be carpeted and the hours applied for to be amended.

In determining the application Members had regard to the fact that there were no representations from any other residents or from any of the Responsible Authorities.

Members of the Sub-Committee did not take into consideration matters relating to the lease associated with the premises and noted that a significant number of signatures on the petition were from individuals not living within the vicinity of the premises.

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.

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 9 The Row, 70 to 76 Market Street, Hoylake be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 12:00 to 22:30

Hours Open to the Public

Sunday to Saturday 08:00 to 23:00

(3) That the following conditions be attached to the Premises Licence:

- **The maximum number of people to be seated in the outside area in front of the premises at any one time is 16.**
- **No patrons are allowed to consume food or drink in the outside area in front of the premises unless they are seated at a table.**
- **The premises must provide a table service to all patrons seated in the outside area in front of the premises.**
- **The last order for hot food for patrons seated in the outside area in front of the premises can be no later than 20.00.**
- **The outside area in front of the premises must be clear of patrons eating or drinking by 21.00.**
- **Notices must be displayed in the outside area in front of the premises advising customers that the tables must be vacated by 21.00.**

- **All tables and chairs in the outside area in front of the premises must be stacked up outside the premises no later than 21.30 ready to be taken inside following the departure of customers.**
- **The noise level in the outside area in front of the premises must be monitored on a regular basis by staff and appropriate action taken to reduce the level of noise should it be identified that it may cause a nuisance to local residents. A log of these checks must be maintained and made available to an Authorised Officer on request.**
- **The inside customer area of the premises must be fitted with carpet.**
- **All external windows and doors shall be kept closed except for the purposes of access and egress.**

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 15 July 2020

Present:

Councillors	A Hodson	G Davies
	T Norbury	K Greaney

13 **APPOINTMENT OF CHAIR**

Resolved –

- (1) That Councillor A Hodson be appointed Chair to consider the application in respect of One Stop News and Booze together with Councillors G Davies and T Norbury.
- (2) That Councillor T Norbury be appointed Chair to consider the application in respect of Fit Grill together with Councillors G Davies and K Greaney.

14 **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.

15 **10.00 AM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ONE STOP NEWS AND BOOZE, VITTORIA STREET, BIRKENHEAD**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Governance and Assurance reported upon an application that had been received from Bakhtawar Singh Sahota for a Premises Licence in respect of One Stop News and Booze, Vittoria Street, Birkenhead.

It was reported that the premises are currently operating as a convenience store and that the previous Premises Licence had been revoked by the Licensing Act 2003 Sub-Committee on 17 May 2017.

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.

Following discussions with Merseyside Police, the applicant agreed that a number of conditions be included on the Premises Licence relating to CCTV, staff training,

spirits to be kept behind the counter and a refusals policy to be kept on display to be placed on the Premises Licence should the application be granted. Details of these conditions were outlined within the report.

In respect of the application a representation had been received from Councillor Julie McManus, Ward Councillor. The representation related to concerns of anti-social behaviour which Councillor McManus advised was currently a problem within the vicinity of the premises and which she considered would be exacerbated should the application be granted. The representation was supported by Councillor Brian Kenny and Magenta Living. Copies of the representation were available.

The applicant attended the meeting by way of video conference with his daughter. His representative, Mr Craig and the proposed Designated Premises Supervisor were also in attendance.

Ward Councillor Julie McManus also attended by way of video conference.

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

The Licensing Manager outlined the report.

The applicant's representative addressed the Sub-Committee. He set out the application and referred to the hours applied for as modest. He informed Members of the Sub-Committee that the Premises Licence Holder would have no day to day running or involvement with the premises and that this responsibility would rest with the proposed Designated Premises Supervisor. The applicant's representative provided an overview of the conditions that the applicant would be content to have included on the Premises Licence should it be granted. He advised that the applicant had agreed a number of conditions with Merseyside Police, which included CCTV, staff training and spirits to be kept behind the counter and that the applicant would be content for further conditions to be placed on the Premises Licence should Members consider it appropriate to do so.

The proposed Designated Premises Supervisor who lives in the locality and currently works in the premises informed the Sub-Committee that she had not witnessed any anti-social behaviour in the area. She explained that whilst she had managed a local café she had no experience working in a licensed premises selling alcohol, however, Members were advised that she had obtained the Personal Licence qualification.

The applicant's representative and the proposed Designated Premises Supervisor responded to questions from Members of the Sub-Committee and Mr A Bayatti, legal advisor to the Sub-Committee.

Councillor McManus addressed the Sub-Committee and advised Members of the Sub-Committee of her concerns regarding anti-social behaviour in the area, in particular the impact of such behaviour on elderly residents within the locality. Councillor McManus informed Members of the Sub-Committee that it was her view that another premises selling alcohol in the area would result in an increase in anti-social behaviour. Councillor McManus reported that she had attended a number of residents meetings where residents had raised concerns regarding the level of anti-social behaviour in the area.

In response to the representations made by Councillor McManus, it was submitted by the applicant's representative that the concerns expressed by Councillor McManus were speculative and were not supported by evidence.

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 of the Licensing Act 2003 Sub-Committee had regard to the submissions made by the applicant's representative, on behalf of the applicant together with supporting documentation that had been submitted in advance of the hearing and also the representations made by Councillor Julie McManus, Ward Councillor.

Members had particular regard to the fact that no evidence had been submitted to support the representations that anti-social behaviour existed in the area and that such behaviour was linked to the consumption of alcohol or the current operation of these premises. Members took into consideration the measures set out by the applicant to uphold the licensing objectives and the willingness of the applicant to accept any appropriate conditions to be applied to the Premises Licence.

In determining the application Members also had regard to the fact that there were no representations from any residents or from any of the Responsible Authorities, in particular Merseyside Police.

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.

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 One Stop News and Booze, Vittoria Street, Birkenhead be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 21:00

Hours Open to the Public

Sunday to Saturday 07:00 to 21:00

(3) That the following conditions be attached to the Premises Licence:

- **The Designated Premises Supervisor must hold a minimum Level 2 Award for Designated Premises Supervisors.**

- **A written recruitment procedure must be in place which includes the steps that will be taken by the Premises Licence Holder to check the immigration status and the eligibility of an individual to work in the UK in accordance with the Home Office Guidance applicable at the time of the recruitment. The recruitment procedure must be available for inspection by the Police or other Authorised Officers upon request and must include an Appendix providing details of staff employed at the premises.**

16 **2:00PM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - FIT GRILL, 1A VILLAGE ROAD, OXTON**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Governance and Assurance reported upon an application that had been received from Fit Foods Wirral Limited for a Premises Licence in respect of Fit Grill, 1a Village Road, Oxtan.

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.

Following discussions with Merseyside Police, the applicant agreed that a number of conditions be included on the Premises Licence relating to no open vessels, glasses, bottles to be allowed to be taken beyond the Licensed Area, CCTV, the primary use being as a café/restaurant and alcohol will only be sold as an ancillary to the provision of food and staff training. Details of these conditions were outlined within the report.

In respect of the application a representation had been received from a local resident. The representation related to concerns that noise nuisance would be caused by customers smoking outside the premises as well as customers and staff leaving the premises late at night. Concern had also been raised regarding an increase in anti-social behaviour should the application be granted. A copy of the representation was available.

The applicant attended the meeting by way of video conference.

The Licensing Manager confirmed that all documentation had been sent and received and that attempts had been made to contact the local resident who had submitted the representation, however, no response had been received in respect of his attendance at the hearing.

The Licensing Manager outlined the report.

Members of the Licensing Act 2003 Sub-Committee had regard to the submissions made by the applicant, Mr Robinson and the written representation made by a local resident.

Members heard from the applicant, Mr Robinson, who set out the application and referred to the hours applied for. It was explained to the Sub-Committee that the applicant intended the premises to be operated as a restaurant promoting healthy food and drink and not as a bar for customers to consume alcohol without a meal.

In response to the representations made by a local resident, Mr Robinson submitted that the premises would not cause a nuisance to local residents. He advised the Sub-Committee that he had experience in operating licensed premises, the premises was limited to holding a maximum of 30 covers and there would be procedures in place to manage customers leaving the premises. The applicant confirmed that he would be implementing a strict no smoking and no vaping policy outside of the premises and would display signs advising customers that this was the case and also that the storage of refuse would take place at the rear of the premises. In addition, Mr Robinson agreed to amend the application to reduce the terminal hour for alcohol sales to 9.30 pm.

Members of the Sub-Committee were made aware that the applicant had agreed a number of conditions with Merseyside Police, one of which stated that the primary use of the premises shall be that of a café/restaurant and alcohol would only be sold as an ancillary to the provision of food.

The applicant responded to questions from Members of the Sub-Committee and Mr A Bayatti, legal advisor to the Sub-Committee.

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 had regard to the measures that the applicant advised would be put in place to prevent public nuisance and to promote the licensing objectives as well as the conditions proposed by Merseyside Police. Members also took into account the fact that there were no representations from any of the Responsible Authorities.

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.

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 Fit Grill, 1a Village Road, Oxtun be granted with the following hours:**

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 21:30

Hours Open to the Public

Sunday to Saturday 08:00 to 22:00

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 17 July 2020

Present:

Councillors T Norbury
 D Mitchell
 K Greaney

17 **APPOINTMENT OF CHAIR**

Resolved – That Councillor T Norbury be appointed Chair for this meeting.

18 **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.

19 **10.00 AM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 78 WESTBOURNE ROAD, BIRKENHEAD**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Governance and Assurance reported upon an application that had been received from Sekander Ahmed for a Premises Licence in respect of 78 Westbourne Road, Birkenhead.

It was reported that the premises were not currently operating.

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.

In respect of the application two representations had been received from local residents who were objecting to the application. The representations stated that alcohol related anti-social behaviour was currently a problem within the vicinity of the premises and that this problem would be exacerbated should the application be granted. A petition containing 130 signatures had also been received which stated that the premises was situated within a Cumulative Impact area. It was reported that the premises were situated in a road close to, but outside of the Cumulative Impact area.

The Agent acting on behalf of the applicant had written to individuals who had submitted representations setting out the proposed conditions that they considered appropriate for the promotion of the licensing objectives and addressed the concerns raised in the representations. The Agent had also set out how the premises would operate should the application be granted and had offered to discuss details of the application with the individuals concerned.

The Agent had also submitted 12 representations signed by local residents who considered that the licensing objections would not be undermined should the application be granted. Copies of all the representations and letters were available.

The applicant attended the meeting by way of video conference together with his agent.

A local resident also attended the meeting together with Councillor P Cleary, Ward Councillor by way of video conference.

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

The Licensing Manager outlined the report, advised that the application had been amended to reduce the hours for the sale by retail of alcohol and reported that the applicant's agent had provided supporting documentation adding further conditions should the application be granted.

The applicant's agent, Mr Rushton, addressed the Sub-Committee. He set out the application and referred to the hours applied for. He advised that further to the representations made these hours had now been reduced. It was explained to Members of the Sub-Committee that the Premises Licence Holder would be responsible for the day to day running of the premises and that he would employ two to three members of staff depending upon the success of the business. Members were informed that the applicant had experience of running licensed premises previously, that he lives in the locality and owns a number of local businesses and therefore knows the community.

Mr Rushton provided an overview of the conditions which he believed were comprehensive and that the applicant would be content to have included on the Premises Licence should it be granted. These conditions included CCTV at the premises, staff training and a Challenge 25 Policy. He advised that alcohol would not be sold in single cans, the premises would not sell beers or ciders which have an ABV above 6.5% and that spirits would be kept behind the counter.

Mr Rushton outlined how the premises would be operated and informed Members of the Sub-Committee that it would be a general convenience store with anticipated alcohol sales to be 10-15% of the overall sales. He advised that the applicant wished to work with local residents and referred to the petition which had been submitted which he believed had been done for commercial reasons and therefore asked that Members attach little weight to this.

The Sub-Committee were advised by Mr Rushton that he had contacted Merseyside Police Licensing to discuss the application who had raised no concerns and that

consequently Merseyside Police had made no representations in respect of the application.

Mr Rushton responded to questions from the local resident, Councillor Cleary, Members of the Sub-Committee and Mr A Bayatti, legal advisor to the Sub-Committee.

The local resident in attendance at the hearing provided the Sub-Committee with statistics that he had obtained from Merseyside Police in respect of the number of drug and alcohol related incidents that had occurred in the locality. Members were advised that for the 12 month period ending March 2020 there had been 24 drug and alcohol related incidents in Westbourne Road logged by the Police and 78 drug and alcohol related incidents in Grange Road West and Grange Mount logged by the Police. The local resident provided Members of the Sub-Committee with details of his personal experiences of anti-social behaviour in the area and explained that he had been a resident in the locality for a period of 35 years and that his family had been resident there for two previous generations. He provided details of activities that had been undertaken in the area to address the level of anti-social behaviour which included the development of Westbourne Gardens. He advised Members of the Sub-Committee that he had personally spoken to a number of residents who lived within the immediate vicinity of the premises and that they shared his objection to the application and also his concerns that the granting of the application would lead to an increase in alcohol related anti-social behaviour in the area. He referred to the number of premises within the vicinity already selling alcohol and submitted that there was no need for another outlet.

The local resident responded to questions from the applicant's agent, Mr A Bayatti, legal advisor to the Sub-Committee and Councillor Cleary.

Councillor Cleary addressed the Sub-Committee and informed Members that he supported the concerns of the local resident which he was representing regarding the number of outlets in the area that sold alcohol and the fact that the premises are situated in close proximity to a Cumulative Impact Area. He referred to the number of residents who had signed a petition objecting to the application and the concerns in the local community due to issues that related to alcohol. It was his view that another premises selling alcohol in the area would result in an increase in anti-social behaviour.

The Licensing Manager displayed a map of the area which clarified where the Cumulative Impact area was in place.

Councillor Cleary responded to questions from Mr Rushton.

The local resident in attendance at the meeting advised that he had also submitted a petition objecting to the application. A short adjournment took place subsequent to which Mr A Bayatti confirmed that this petition had not been received by the Licensing Officers.

In response to the representations made by the local resident and Councillor Cleary, Mr Rushton stated that the concerns expressed were speculative and were not supported by evidence. He advised Members of the Sub-Committee that should the level of anti-social behaviour be a cause for concern and linked to the sale of alcohol

in the area, Merseyside Police would have submitted a representation objecting to the grant of the application. Mr Rushton informed Members that the applicant would be willing to liaise with local residents should the application be granted.

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 of the Licensing Act 2003 Sub-Committee had regard to the submissions made by Mr Rushton, the applicant's agent, on behalf of the applicant along with supporting documentation submitted in advance of the hearing and the representations made by local residents both written and orally at the hearing along with representations made on behalf of a local resident by a Ward Councillor.

In determining the matter, Members of the Sub-Committee accepted the statistical evidence presented by the local resident, however, Members noted there was no clear evidence which linked the level of anti-social behaviour to the supply of alcohol or the number of licensed premises in the area.

Members took into consideration the measures set out by the applicant to uphold the licensing objectives, in particular, the comprehensive conditions set out in the operating schedule and additional documentation as well as the fact that the applicant had reduced the hours for the sale of alcohol further to the original application that had been submitted.

In determining the application Members also had regard to the fact that there were no representations from any residents or from any of the Responsible Authorities, in particular Merseyside Police.

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.

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 78 Westbourne Road, Birkenhead be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 09:00 to 22:00

Hours Open to the Public

Sunday to Saturday 06:00 to 22:30

2.00 PM - APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - MISSISSIPPI'S, 4 LANCELYN COURT PRECINCT, SPITAL ROAD, BEBINGTON

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Governance and Assurance reported upon an application that had been received from Neil Quinn to vary a Premises Licence in respect of Mississippi's, 4 Lancelyn Court Precinct, Spital Road, Bebington.

It was reported that the premises currently have a Premises Licence and the permitted hours were set out within the report. The application to vary the Premises Licence was to allow the sale of alcohol for consumption both 'on' and 'off' the premises and to increase the licensed area to include the front outside area of the premises.

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.

In respect of the application three representations had been received from local residents. The representations related to noise nuisance and anti-social behaviour which they stated was currently caused by customers standing outside the Premises. The representations made considered that this would be exacerbated should customers be permitted to also consume alcohol in the area immediately outside the premises. Copies of the representations were available.

The applicant attended the meeting by way of video conference together with a co-owner of the business.

A local resident also attended the meeting by way of video conference.

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

The Licensing Manager outlined the report.

Mr Houghton, co-owner of the business addressed the Sub-Committee and advised that he and his partner had taken over the business five years ago. He suggested that there may have been some issues in respect of the management of the premises by previous owners, however, he informed the Sub-Committee that the premises was currently run responsibly and that no issues had been raised in respect of the management of the premises from any regulatory authority.

Mr Houghton reported that the application to vary the Premises Licence had been made in order to sustain the business in response to the current restrictions placed upon the operation of the business that had been brought about by the Covid-19 pandemic. He advised that the owners of the business live locally and that there was no intention to cause any conflict with other residents in the locality. He informed

Members of the Sub-Committee that he estimated the area proposed within the application would allow approximately two or three tables to be placed directly outside the front of the premises. He also advised that a barrier could be put in place to cordon off the area which could take the form of roping or planters.

In response to questions from the local resident and Members of the Sub-Committee, Mr Houghton advised that he wished the outside area to be used up to approximately 10.00 pm and that there was no intention for this area to be used until midnight. He also advised that only the immediate vicinity at the front of the premises would be used.

The Licensing Officer displayed a map of the area to clarify where the premises was situated and the proposed area that was intended to be used.

The local resident in attendance at the hearing informed Members of the Sub-Committee that he had submitted his representation on practical grounds. He believed the area intended to be used at the front of the premises was impractical and already busy due to smokers using this area. He expressed concerns that other premises in the locality could be affected by potential disorderly behaviour caused by people drinking in a small space outside the premises, however, he advised that he had no issues with the current operation of the premises.

In response to the representations made by the local resident, Mr Houghton advised that the premises were part of a community hub and although he appreciated the concerns in respect of possible disruption or nuisance to local residents there was no evidence to suggest that this would occur in the way which the premises was currently being managed. He advised that members of the public who were not his customers do stand near to his premises to smoke due to the location of a bin where individuals disposed of their used cigarettes. He further advised that he actively cleaned the outside area. Mr Houghton further submitted that there had been no representations from the residents who lived closest to the premises.

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 of the Licensing Act 2003 Sub-Committee had regard to the submissions made by Mr Houghton, co-owner of the business, along with supporting documentation submitted in advance of the hearing and the representations made by local residents both written and orally at the hearing.

Members gave consideration to the way in which the premises was currently managed and the fact that this had not given rise to a cause for concern to any of the Responsible Authorities, in particular Merseyside Police or the Licensing Authority. Further, it was noted by the Sub-Committee that the local resident stated that the premises was currently being managed responsibly.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police and had particular regard to the fact that no evidence had been submitted to support the representations that anti-social behaviour would be caused should the application to vary the Premises Licence be granted.

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.

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 Mississippi's, 4 Lancelyn Court Precinct, Spital Road, Bebington be granted to allow the sale of alcohol for consumption both 'on' and 'off' the premises and to increase the licensed area as set out in the plan attached to the application.**
- (3) That in addition to the conditions set out in the operating schedule, the following conditions be placed on the Premises Licence:**
 - The maximum number of people permitted in the outside area at the front of the premises at any one time is twelve.**
 - The maximum number of tables permitted in the outside area at the front of the premises at any one time is three.**
 - No patrons are allowed to consume food or drink in the outside area at the front of the premises unless they are seated at a table.**
 - The outside area at the front of the premises must be demarcated with the use of a physical barrier.**
 - The outside area at the front of the premises must be clear of patrons and tables and chairs by 10.00 pm.**
 - Notices must be displayed advising customers that the outside area at the front of the premises must be closed and cleared by 10.00 pm.**
 - Drinks for consumption in the outside area at the front of the premises must be served in plastic vessels.**

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LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 22 July 2020

Present:

Councillors A Hodson
 L Rowlands
 K Greaney

21 **APPOINTMENT OF CHAIR**

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

22 **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.

23 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ANSELMIANS RUGBY UNION FOOTBALL CLUB, EASTHAM VILLAGE ROAD, EASTHAM**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Governance and Assurance reported upon an application that had been received from Anselmians Rugby Union Football Club Limited for a Premises Licence in respect of Anselmians Rugby Union Football Club, Eastham Village Road, Eastham

It was reported that the premises previously held a Club Premises Certificate with the hours permitted as set out within the report and that due to the relocation of the Club to a newly constructed building within the same site, the Club had submitted an application for a Premises Licence.

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.

Following discussions with Merseyside Police, the applicant had agreed for conditions to be placed on the Premises Licence should the application be granted which included staff training and a zero drugs policy.

In respect of the application two representations had been received from local residents. A representation had also been submitted on behalf of the Eastham

Village Preservation Association. The representations related to concerns that noise nuisance would be caused by entertainment from the premises as well as from customers leaving the premises at a late hour. Copies of the representations were available.

The Director of Anselmians Rugby Union Football Club Limited attended the meeting by way of video conference together with another Director of the Club.

A local resident who was also the Chair of Eastham Village Preservation Association also attended the meeting by way of video conference.

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

The Licensing Manager outlined the report.

The applicant addressed the Sub-Committee. He advised that the rugby club had been located on the site since 1953. He reported that the club had provided sporting and social activities at that site since that time. He informed Members of the Sub-Committee that he was not seeking any extension of hours from those that had previously been operated under the previous Club Premises Certificate. He explained that the site has been redeveloped and the club house was now situated in a new building in a different part of the site which was surrounded by pitches on three sides. He informed Members of the Sub-Committee that there are community facilities on site which are separate and distinct from the club house. He reported that the club house was now situated 100 metres from its original location which meant that it was further away from established residential properties with increased car parking facilities for people attending the club. He reported that the club house had been well managed so as not to cause a public nuisance to local residents and that no complaints had been received during the operation of the previous premises. He also advised that the licensing objectives had always been upheld by the club and believed that the new facilities would make compliance even stronger.

The applicant responded to questions from Members of the Sub-Committee and Mr A Bayatti, legal advisor to the Sub-Committee.

The Licensing Manager displayed a map of the area which clarified where the premises had been relocated to.

The local resident in attendance at the hearing informed the Sub-Committee of his concern that the development had taken place within the greenbelt and within a conservation area and that the new club house was considerably larger than the previous one allowing for more events to take place which he believed would cause more noise and nuisance to local residents. He felt the new premises would be a lot nearer to old houses in Eastham Village Road and the car park was immediately adjacent to those old properties. He advised the Sub-Committee that he considered a club house providing a bar facility to be incompatible with the operation of a youth club as he believed this would result in young persons under the age of 18 years being able to access alcohol. He informed Members of the Sub-Committee that he would be content for a Premises Licence to be granted up until 8.00 pm and for the club to apply separately for permissions that would allow functions to take place at the premises.

The local resident responded to questions from the applicant and Members of the Sub-Committee and advised that the previous club house had been well managed and he had had not had any reason to complain in respect of the operation of the club. He did reiterate that his concern was that the new development with enhanced facilities included a youth club.

In response to the representations made by the local resident the applicant reported that there would be measures in place to prevent the sale of alcohol to persons under the age of 18 years, that the location of the new club house would not cause a nuisance to local residents and that the club intended to operate as it had done previously with no extended hours. He also advised that he would be willing to meet regularly with local residents.

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 of the Sub-Committee gave consideration to the fact that there had been no reported complaints regarding the operation of the previous club house, the submissions made by both the applicant and local resident that the premises had been well managed and that the concerns regarding youths being able to access alcohol had been addressed by the fact that the entrance to the youth club facilities would be separate and distinct from the entrance to the club house. Members also noted the willingness of the applicant to meet regularly with local residents.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities and had particular regard to the fact that no evidence had been submitted to support the contention that the licensing objectives would be undermined should the application be granted.

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.

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 Anselmians Rugby Union Football Club, Eastham Village Road, Eastham, be granted with the following hours:**

Sale by Retail of Alcohol

Sunday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 00:00
New Years Eve	11:00 to 01:00

Hours Open to the Public

Sunday to Thursday	09:00 to 23:30
Friday and Saturday	09:00 to 00:30
New Years Eve	09:00 to 01:30

Live Music and Recorded Music

Sunday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 00:00
New Years Eve	11:00 to 01:00

Late Night Refreshment

Friday and Saturday	23:00 to 00:00
New Years Eve	23:00 to 01:00

LICENSING ACT 2003 SUB-COMMITTEE

Friday, 14 August 2020

Present:

Councillors G Davies
D Mitchell
K Greaney

24 **APPOINTMENT OF CHAIR**

Resolved – That Councillor D Mitchell be appointed Chair for this meeting.

25 **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.

26 **10.00 AM - APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - MARINE STREET SOCIAL, MARINE POINT, KINGS PARADE, NEW BRIGHTON**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

Further to consideration of a request to adjourn this matter, it was -

Resolved – That, in accordance with Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005, Members of the Sub-Committee considered it necessary to adjourn the item to 18 September 2020 in order hear the application and to consider the representations made by the applicant and all parties.

27 **2.00 PM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ROCK POINT RECORDS, 92 VICTORIA ROAD, WALLASEY**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Law and Governance reported upon an application that had been received from Rock Point Leisure Limited for a Premises Licence in respect of Rock Point Records, 92 Victoria Road, Wallasey.

It was reported that the premises do not currently hold a Premises Licence.

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.

Following discussions with Merseyside Police, the applicant had agreed that a condition be placed on the Premises Licence stating that 'all off sales of alcohol will be sold in sealed containers and must be consumed away from the premises' should the application be granted.

In respect of the application three representations had been received from local residents. The representations related to concerns of anti-social behaviour and noise nuisance which local residents considered would be caused by customers of the premises should the application be granted. Copies of the representations were available.

The applicant attended the meeting by way of video conference together with his colleague.

A local resident also attended the meeting by way of video conference.

The Licensing Manager confirmed that all documentation had been sent and received and that plans of the premises were available to view during the hearing.

The Licensing Manager outlined the report.

The applicant addressed the Sub-Committee. He advised that the premises was a diverse multi-use premises which offered a coffee shop/café, tattoo parlour, barber shop and vinyl record store. He advised Members of his experience running licensed premises over many years. He further advised that he had spearheaded a regeneration project in the area and had invested £4.5m into the regeneration of New Brighton over the last couple of years.

The applicant informed Members of the Sub-Committee that the application had been made in order to complement an existing eatery by adding the sale of premium and craft beers, ciders and wines and also to exhibit classic films in the premises. He explained to Members that he wished to attract the right footfall to the premises by having a diverse offer available and also stated that there would be no vertical drinking in the premises.

The applicant advised Members of the Sub-Committee that he had lived in New Brighton all his life and that he would operate the premises in a professional manner so as not to cause a nuisance to neighbours. He set out a number of measures that would be put in place to uphold the licensing objectives which included staff training, Challenge 25 Policy, extensive CCTV and advised Members that both the inside and outside of the premises would be managed appropriately and that any necessary steps would be taken to prevent public nuisance being caused to local residents which could include closing the outside area should noise levels be heightened to such an extent that they could cause a nuisance. Members of the Sub-Committee were further advised that in taking into account the representations made he would also be content to reduce the use of the outside area to 9.30 pm.

The applicant emphasised to Members of the Sub-Committee that he wanted to operate as a good and responsible neighbour and that he had encouraged the local residents to meet with him. He stated that he would have an open door policy for residents to contact him at any time. He referred to the lack of evidence in relation to the concerns expressed by local residents.

The applicant responded to questions from Members of the Sub-Committee, Mr D K Abraham, legal advisor to the Sub-Committee and the local resident in attendance.

The local resident in attendance at the hearing informed Members of the Sub-Committee that he supported the development that had taken place in the area and he often visited two of the premises operated by the applicant. He stated that whilst he supported the regeneration of the area, he had submitted his representation as he considered that operating a licensed premises until 11.00 pm would be unreasonable due to the close proximity of residential properties. He expressed particular concern in relation to the operation of the outside area as he considered that this would interfere with his quality of life. He was concerned that the premises would not employ door supervisors to monitor this area.

He informed Members of the Sub-Committee that anti-social behaviour already existed in the area and he believed this would be exacerbated should the licence be granted. He expressed his dissatisfaction of the lack of communication from the premises and stated that local residents had been unaware of the application.

The local resident reported that he had lived in the area for a period of two years following investing his savings into purchasing his property and he therefore requested Members to consider providing a balance between the commercial development of the area and the quality of life for people living in the area.

The local resident responded to questions from the applicant.

In response to the representations made by the local resident, the applicant advised that the outside area would be monitored by staff and that all staff authorised to sell alcohol would be trained to a high level in respect of their responsibilities and those of the premises to uphold the licensing objectives. Members of the Sub-Committee were informed that in respect of the application all statutory procedures and notices had been followed and displayed in accordance with the Licensing Act 2003.

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 of the Sub-Committee gave consideration to the business model proposed by the applicant and the fact that this had not given rise to a cause for concern to any of the Responsible Authorities, in particular Merseyside Police, Environmental Health or the Licensing Authority. Members had regard to the concerns expressed by local residents, however, they considered that the applicant had provided evidence to demonstrate that these concerns would be addressed through the effective management of the premises and the measures that would be put in place to uphold the licensing objectives. Members of the Sub-Committee were content that the premises would be managed without the

