

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 20 August 2020

Present: Councillors A Hodson (Chair)
C Cooke
K Greaney

28 APPOINTMENT OF CHAIR

Resolved – That Councillor A Hodson 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 - THIRTY SIX (BEER GARDEN), 30-32 CONWAY STREET, BIRKENHEAD

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

The Director of Law and Governance reported upon an application that had been received from Norman Baker for a Premises Licence in respect of Thirty Six, Conway Street, Birkenhead.

The application for a Premises Licence had been made in order to extend the use of the premises at Thirty Six Conway Street.

It was reported that following discussions with Merseyside Police, the applicant had agreed to a number of conditions to be included on the Premises Licence relating to CCTV, staff training, noise pollution reduction, door staff, polycarbonate vessels and opening hours. Details of these conditions were outlined in the report.

The applicant attended the meeting by way of video conference with his business partner Mr Doyle.

The Licensing Manager outlined the report.

The applicant addressed the Sub-Committee. He advised that the application had been made to extend the use of the premises at Thirty Six Conway Street. He expressed to the Sub-Committee that he was representing himself due to a loss of earnings due to Covid 19. In respect of the conditions set by Merseyside Police, the

applicant set out how he would implement and comply with these conditions. He advised that a further 16 CCTV channels were to be installed at the premises which would be kept under review and added to if necessary. He further advised that the CCTV coverage would be provided on a recordable system, a record would be kept for 31 days and handed to Merseyside Police upon request. The Sub-Committee were informed that music would be reduced to a background level after midnight, with periodical checks of music levels also being conducted. Risk assessments would be carried out in order to determine the amount of door staff needed each night. A minimum of two SIA registered staff would be present at all times and on occasions such as Bank Holiday weekends this number would be doubled. A register of these staff members would be kept on the premises and a record of all incidents. He set out the measures that would be implemented including all bar staff would be trained in responsible alcohol retailing after four weeks of being employed. Plastic or polycarbonate drinkware would be used. Staff would be trained in Challenge 21. A written drugs policy is to be kept on the premises, regular toilet checks would be made, suspicious activity would be reported, as well as signage displayed around the premises making customers aware of the drugs policy. All drugs would be stored in a locked box and handed over to Merseyside Police. All incidents of crime would be reported to Merseyside Police as well as a log book being kept and provided to Merseyside Police upon request. Staff training records would be made available to Merseyside Police. All entertainment beyond background music would cease at 12 midnight with the exception of New Years' Eve.

The Environmental Health Operations Manager addressed the Sub-Committee. He raised concerns due to the fact that the area that was seeking to be licensed was without a roof or walls which would allow sound to travel and cause a nuisance for residents in the vicinity of the premises. He referred to the Noise Council's Code of Practice.

The Responsible Authority Officer for Licensing addressed the Sub-Committee. He advised the Sub-Committee of the following concerns relating to the application: details of the written policy or practical terms of the drugs policy were not included in the application; there was a lack of detail relating to the training for staff; a Challenge 21 Scheme was referred to whereas the Licensing Authority would expect a Challenge 25 Policy to be in place. The officer advised the Sub-Committee that there are a number of appropriate courses that could be undertaken by staff in relation to the sale of alcohol. It was his view that training should be undertaken by staff and that refresher training should be undertaken every 6 months. He expressed concern in relation to the close proximity of residential property within the vicinity of the premises that would experience public nuisance at a late hour 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 the applicants together with supporting documentation that had been submitted in advance of the hearing and the representations made by the Licensing Authority, Environmental Health and Trading Standards.

Members also had particular regard to the fact that the applicants had agreed with Merseyside Police to include a number of conditions on the Premises Licence should it be granted.

In coming to their decision Members of the Sub-Committee had regard to the willingness of the applicants to work with Environmental Health to prevent public nuisance however they did have concerns as to the lack of detail provided by the applicants in respect of the measures that would be put in place at the premises. The Sub-Committee considered that whilst the Noise Council's Code of Practice relates to specific music events and as a result has little direct application in this application, it was considered that the guidance relating to noise between the hours of 11.00pm and 9.00am was useful in helping to inform the Sub-Committee as to any restrictions or conditions that might be imposed should a licence be granted.

Members also took into account Section 11 of the Guidance in respect 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 Thirty Six (Beer Garden), 30-32 Conway Street, Birkenhead be granted with the following hours:**

Sale by Retail of Alcohol

Sunday to Saturday 10:00 to 23:00

Hours Open to the Public

Sunday to Saturday 10:00 to 23:30

- (3) That in addition to the conditions set out in the operating schedule the conditions agreed with Merseyside Police and Trading Standards must be placed on the Premises Licence.**