

LICENSING PANEL

Tuesday, 17 August 2021

Present: Councillors A Hodson (Chair)
D Burgess-Joyce
D Mitchell

5 APPOINTMENT OF CHAIR

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

6 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel 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 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - NO NAME BAR, 222 LISCARD ROAD, WALLASEY

The Director of Law and Governance reported upon an application that had been received from No Name Bar Limited for a Premises Licence in respect of No Name Bar, 222 Liscard Road, Wallasey.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out 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 a representation had been received from local residents. The representation related to concerns of public nuisance being caused to local residents should the application be granted. A copy of the representation was available.

The applicant attended the meeting together with a friend. Members were advised that a local resident who had made the representation had intended

to attend the meeting however no reason had been provided as to why they were not in attendance.

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

The Licensing Manager outlined the report.

The Chair advised that whilst the local resident who had made a representation was not in attendance at the meeting, Members of the Licensing Panel would consider their written representation when determining the application.

The Chair highlighted to the applicant that the terminal hour applied for the sale of alcohol was the same as the hours applied for the premises to be open to the public. The applicant then advised that they were content to amend the application to request that the premises be permitted to open from 9.00 am to 11.00 pm Monday to Saturday and from 10.00 am to 10.30 pm on Sunday with the sale of alcohol being permitted from 9.00 am to 10.30 pm Monday to Saturday and 10.00 am to 10.00 pm on Sunday.

The applicant advised Members of the Licensing Panel that they intended to operate a Vietnamese restaurant to provide a family atmosphere which would include the provision of outdoor seating in the garden area at the rear of the premises. The applicant informed the Panel that the music played at the premises would be background music only and that no music would be played in the outside area of the premises and provided details of the number of covers they intend to have in the restaurant.

In response to the concerns raised by a local resident regarding the premises being located in a residential area and the potential to cause a nuisance to local residents, the applicant provided details in respect of the use of the outside area and emphasised that they did not want to cause a nuisance to local residents.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager and Mr D K Abraham, Legal Advisor to the Panel.

In determining the application Members of the Licensing Panel 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, the Licensing Panel took into account that the current planning permission relating to these premises is that its primary use must be as a restaurant/café and not as a bar.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. The Panel had regard to the conditions put forward in the operating schedule which set out how the premises will be managed to uphold the licensing objectives. Members also noted the close proximity of local residents to the premises.

In determining the matter, Members of the Licensing Panel had regard to Section 15 of their Licensing Policy which refers to premises situated in close proximity to residential accommodation and in this regard gave particular consideration to the use of the outside area of the premises and deemed it appropriate to restrict the use of this area by imposing a condition.

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.

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 No Name Bar, 222 Liscard Road, Wallasey be granted with the following hours:

Sale by Retail of Alcohol

Monday to Saturday	09:00 to 22.30
Sunday	10:00 to 22:00

Hours Open to the Public

Monday to Saturday	09:00 to 23:00
Sunday	10:00 to 22:30

(3) That in addition to the conditions set out in the operating schedule, the following condition be placed on the Premises Licence:

- **The outside garden area must be cleared of customers consuming food and drink by 9.30 pm.**

