

# LICENSING PANEL

Friday, 12 November 2021

Present:

Councillors D Burgess-Joyce  
D Mitchell  
C O'Hagan

24 **APPOINTMENT OF CHAIR**

**Resolved – That Councillor D Burgess-Joyce be appointed Chair for this meeting.**

25 **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.

26 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 92 BANKS ROAD, WEST KIRBY**

The Director of Law and Governance reported upon an application that had been received from Michael Rice for a Premises Licence in respect of 92 Banks Road, West Kirby.

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. Following discussions with Merseyside Police the applicant had agreed to include a number of conditions on the Premises Licence should the application be granted. Details of these conditions were set out within the report.

In respect of the application, six representations had been received from local residents. The representation related to concerns that anti-social behaviour occurring within the vicinity of the premises and public nuisance being caused to local residents should the application be granted.

A representation had also been received from Ward Councillor Alison Wright who supported the representations submitted by local residents who were against the application. Councillor Wright also submitted a petition signed by 47 local residents.

Six representations had also been received from local residents/businesses who considered that the granting of the application would not undermine the licensing objectives. Copies of all the representations and the petition were available.

The applicant attended the meeting together with his legal representative. A number of witnesses in support of the application were in attendance. Ward Councillor Alison Wright also attended the meeting.

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

The Licensing Manager outlined the report.

The applicant's legal representative reported that the premises had previously had a number of uses and that negotiations were ongoing with the Planning Department in respect of the change of use further to the recent planning application having been refused. Members were advised that the aim of the application was to provide something different, to provide an old fashioned traditional pub serving only bar snacks and that there would be no intention to offer meals. The applicant's legal representative informed Members that the applicant hoped to attract older clientele and as such he believed the perceived concerns of local residents would not apply. He reported that the applicant had many years' experience of running licensed premises with no complaints as due to his experience he is able to run premises in a controlled manner. He advised that deliveries would be made to the front therefore residents of Victoria Avenue would not be affected by this. The applicant wished to encourage local residents to become regulars of the premises. He referred to the town as being a hospitality venue with over 30 licensed premises. He advised that the applicant would uphold the licensing objectives and that there was no application for live music also the applicant would be willing to have conditions placed on the Premises should the application be granted in respect of bin collections and deliveries. He also believed that some concerns expressed by Ward Councillor Alison Wright had been met by the conditions agreed with Merseyside Police, in particular for the premises not to operate as a vertical drinking establishment. He believed there was no evidence provided for Members not to grant the application as the concerns expressed by local residents were perceptions of what may happen and referred to the fact that no residents were in attendance at the meeting, however a number of residents in support of the application had attended.

The applicant and his legal representative responded to questions from Ward Councillor Alison Wright, the Legal Advisor to the Panel and Members of the Licensing Panel.

Further to the general concerns raised, the applicant emphasised that they did not want to cause a nuisance to local residents and provided details in respect of how the premises would be managed in order to prevent this which included details of the staff to be employed at the premises, the capacity inside and outside the premises, the type of clientele he hoped to attract to the premises and the operational hours of the premises.

Ward Councillor Alison Wright addressed the Panel and expressed her concerns in respect of the number of licensed premises in the area and the need to balance the impact on local residents. Councillor Wright informed Members that local residents were concerned about the noise nuisance that may be caused from the premises and also from customers outside the premises and the potential for disorder. Councillor Wright referred to the reasons that the planning department had referred to when they had refused the change of use of the premises as she believed this did have a bearing on the application, however some concerns had been allayed by the fact there would be no vertical drinking.

The applicant's legal representative reported that planning consideration was not a consideration for this Panel and referred to the fact that no representations had been made by any of the Responsible Authorities. He requested that the applicant be given the opportunity to operate the premises and that Members of the Panel grant the application.

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 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 and those that had been agreed with Merseyside Police which set out how the premises would be managed to uphold the licensing objectives.

**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 had regard to Section 15 of their Licensing Policy which refers to premises situated in close proximity to residential accommodation and 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 92 Banks Road, West Kirby, be granted with the following hours:**

**Sale by Retail of Alcohol**

**Sunday to Saturday 09:00 to 22.30**

**Hours Open to the Public**

**Sunday to Saturday 09:00 to 23:00**

**(3) That the following additional conditions be placed on the Premises Licence:**

- Outside area to be cleared and closed by 21.00 – only smoking permitted outside after 21:00**
- All bin collections must take place between 09:00 and 09:00**
- Deliveries must only take place at the front of the premises.**

**(4) That the Licensing Authority be directed to write the conditions put forward by Merseyside Police in an enforceable way.**