

# LICENSING PANEL

Friday, 12 November 2021

Present:

Councillors D Burgess-Joyce  
D Mitchell  
C O'Hagan

27 **APPOINTMENT OF CHAIR**

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

28 **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.

29 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 172 TELEGRAPH ROAD, HESWALL**

The Director of Law and Governance reported upon an application that had been received from Shucos Limited for a Premises Licence in respect of 172 Telegraph Road, Heswall.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report. Following discussions with Merseyside Police, the hours requested for the sale of alcohol and hours open to the public had been reduced by one hour on Friday and Saturday. The applicant had originally requested that these activities be ceased at 02:00 on Friday and Saturday.

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, two representations had been received from local residents. The representation related to concerns of 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 Andrew Hodson who supported the representation submitted by a local resident. Copies of all the representations were available.

The applicant attended the meeting. Two local residents who had made representations were also in attendance.

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

The Licensing Manager outlined the report. It was highlighted to Members that following discussions with Merseyside Police, the hours had been reduced by one hour and that a number of conditions had been proposed to be attached to the Premises Licence should it be granted. The written representation was referred to that had been submitted by Ward Councillor Andrew Hodson who supported local residents.

The applicant informed Members of the Panel that he was a director of a business three doors down from these premises and had owned that premises for four years with no issues. He advised that his existing business was purely a restaurant and that this offer could not be extended. He had therefore made this application in order that a café/bar could be operated on the ground floor of the premises with comfortable seating and background music and upstairs would be operated as a bar for customers to attend for a drink during the evening and also to operate as a function room for events/private parties. He advised that he was hoping to attract a demographic for people over the age of 30 and that the upstairs area would not be operated as a disco.

The applicant responded to questions from the local residents in attendance, the Legal Advisor to the Panel and Members of the Licensing Panel.

In response to questions, the applicant emphasised that that the premises would not be operated as a disco but that the business model would be to have solo artists or background music and not big bands, however prior to opening acoustic tests would be carried out and doors would be triple glazed. He also gave an undertaking that any measures necessary would be put in place so as not to cause a nuisance to local residents. He advised that the capacity of the premises was for 60 people downstairs, 50 upstairs and 30 in the outside patio area at the rear of the premises which he advised he would be content to be closed at the same time as neighbouring licensed premises in the vicinity and only background music would be played during the daytime.

The local residents referred to their concerns that the noise nuisance they currently experienced from other premises would be exacerbated and that the hours applied for may vary should the business model be changed. They reported upon the nuisance they had experienced from customers of other licenced premises in the area. They requested that the hours applied for be restricted, the outside area be closed at 10.00 pm and that bins would not be emptied beyond 10.00 pm, however they felt that some of their concerns had been addressed by the proposals put forward by the applicant.

The local residents responded to questions from Members of 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 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 and Environmental Health.**

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 172 Telegraph Road, Heswall, be granted with the following hours:**

**Sale by Retail of Alcohol**

<b>Sunday to Thursday</b>	<b>09:00 to 23.30</b>
<b>Friday and Saturday</b>	<b>09:00 to 00:30</b>

**Live Music**

**Monday to Saturday 23:00 to 23:30**

**Hours Open to the Public**

**Sunday to Thursday 08:00 to 00:00**

**Friday and Saturday 08:00 to 01:00**

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

- **The outside area must be cleared of customers consuming food and drink by 21:00**
- **The collection of external waste bins from the premises must only take place between 09:00 and 21:00.**