

LICENSING PANEL

Thursday, 21 April 2022

Present:

Councillors A Hodson
D Mitchell
S Williams

44 **APPOINTMENT OF CHAIR**

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

45 **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.

46 **10.00 AM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 45 THINGWALL ROAD, IRBY CH61 3UE**

The Director of Law and Governance reported upon an application that had been received from Kaizen Consultancy and Training Services Limited for a Premises Licence in respect of 45 Thingwall Road, Irby, CH61 3UE.

It was reported that the premises do not currently have a Premises Licence. The hours applied for the Premises Licence 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 also that following discussions with Merseyside Police the applicant had agreed that in addition to the proposed conditions set out in the operating schedule, they would be content to have a number of conditions as outlined within the report placed on the Premises Licence should the application be granted.

In respect of the application two representations had been received from local residents. The representations related to concerns of public nuisance that

may be caused by customers of the premises should the application be granted. Copies of the representations were available.

The applicant attended the meeting. There were also two local residents in attendance at the meeting.

The Licensing Manager confirmed that all documentation had been sent and received and clarified that there had been a typographical error in the report and advised that the requested the Hours Open to the Public were Sunday to Saturday and not Sunday to Thursday.

The Licensing Manager outlined the report.

The applicant informed Members of the Panel that the primary focus of the business would be to operate as a coffee shop providing wholesome food in the form of bagels, pumpkin bread and American style burgers. The applicant advised that this would be the dominant operation of the business between 07:00 and 17:00 and that they would continue into the evening with what they described as an up market offer of food, coffee and alcohol. The Panel were informed that the food offer would be available until 21:00 and that last orders for alcohol would be at 22:30. The applicant emphasised that there would be no vertical drinking permitted in the premises and that they could accommodate approximately 30 covers and that the application for alcohol was to allow flexibility throughout the day.

The applicant advised that they wanted to work together with local residents in order for their business to be a good experience for the community. The Panel were informed of the extensive conditions that the applicant had agreed with Merseyside Police which included CCTV, training of staff, Challenge 25 and that no children would be allowed on the premises after 21:00.

The applicant provided details in respect of arrangements for deliveries and the collection of refuse as well as plans for a designated smoking area at the back of the property. The applicant informed Members that they had liaised with the resident living above the property who advised that they were comfortable with the proposed plans of how the business would operate.

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

The local residents reported upon their concerns living in close proximity to the premises. They provided a detailed description regarding the space to the rear of the premises where the proposed smoking area would be located and expressed strong concerns regarding the use of this area as a smoking area, which included the emission of smoke and noise from the area, which they considered would cause a nuisance to residents and their children.

The local residents also advised that concerns had also been expressed by the resident living immediately above the premises, however Members noted that no representation had been received from this individual.

The local residents informed Members of their concerns regarding nuisance that may be caused by deliveries to the premises and the removal of waste from the premises and also the frequency as well as the location as to where these activities would take place.

The local residents provided background information in respect of parking spaces to the rear of the premises and how the use of these spaces would impact on local residents. Members of the Panel noted that local residents welcomed the fact that the external extractor had now been located inside the premises and that residents hoped this would address their concerns in respect of the smell of food escaping from the premises.

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 had regard to the business model presented by the applicant to provide primarily a coffee shop with the provision of food throughout the day into the evening with the aim of offering a pleasant experience for approximately 30 customers.

In coming to their decision, the Licensing Panel noted the willingness of the applicant to arrange deliveries and the removal of waste so as not to cause a nuisance to local residents and also to liaise with local residents in respect of any concerns that may arise.

The Panel noted the amended hours for the sale of alcohol from 23:00 to 22:30 to ensure that all customers have left the premises by 23:00. The Panel also had regard to the willingness of the applicant to allow customers to remain on the premises whilst waiting for taxis.

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 45 Thingwall Road, Irby, CH61 3UE, 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 07:00 to 23:00

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

- **Customers of the premises must not be permitted to use the area at the rear of the premises for smoking**
- **Bin collections must only take place between 09:00 and 17:00**
- **Deliveries must only take place between 09:00 and 17:00**
- **The emptying of bottles into the outside bin must not take place between 21:00 and 09:00**

47 2.00 PM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - CIBO, 90 BANKS ROAD, WEST KIRBY CH48 ORE

The Director of Law and Governance reported upon an application that had been received from Welsh's Pharmacy Limited for a Premises Licence in respect of Cibo, 90 Banks Road, West Kirby, CH48 ORE.

It was reported that the premises do not currently have a Premises Licence. The hours applied for the Premises Licence 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 also that following discussions with Merseyside Police the applicant had agreed to have a number of conditions as outlined within the report, in addition to those proposed in the operating schedule, placed on the Premises 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 anti-social behaviour and public nuisance that may be caused by customers of the premises as well as parking related issues should the application be granted. Copies of the representations were available.

The applicant attended the meeting together. There were also two local residents in attendance at the meeting.

The Chair advised that one of the residents was known to some of the Members of the Licensing Panel as she was a former Councillor but had had no contact with Members of the Panel for over 20 years. The applicant advised that they were content for the hearing to take place.

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

The Licensing Manager outlined the report.

The applicant informed Members of the Panel that they lived in the area and had experience working in licensed premises. The applicant provided details of the business model for the premises which was to operate as a café/restaurant and not as a bar, this included a menu offering pizza, pasta and paninis. The applicant advised that the alcohol offer would be glasses of Peroni, red or white wine, prosecco, soft drinks and coffee and that no spirits would be sold.

The applicant informed Members that there would be 24 covers inside the premises and people would also be able to come and collect food for consumption off the premises. Members were made aware that through the provision of a pavement licence tables and chairs may be permitted to be used outside of the premises but that alcohol would not be served in this area as the application was for the consumption of alcohol on the premises only. The applicant submitted that he had taken into consideration the location of the premises being in a residential area when submitting the application and had subsequently limited the operating hours to 21:00 during the week and 22:00 on a Friday and Saturday. The applicant emphasised that he was not seeking to attract late night trade and that he had liaised with some local residents and advised them of how the business would operate and that there had been no objections from these residents.

The applicant referred to an incident that occurred on Monday 18 April 2022 outside of the premises. The applicant advised that an unprovoked altercation took place whilst he was sitting outside of his premises. The applicant informed Members that the business had not been operating at that time although the premises had been used earlier for purposes of staff training and he advised that there had been no sale of alcohol at this time. Members were

informed that the altercation resulted in the glass window of another premises being broken.

In response to concerns relating to customers smoking outside of the premises, the applicant informed the Panel that customers would not be permitted to smoke outside of the premises.

The applicant advised that alcohol would not be served beyond 20:30 Sunday to Thursday and 21:30 Friday and Saturday in order to ensure that the premises are cleared of all customers by 21:00 and 22:00 respectively.

In response to questions about his knowledge of concerns relating to other licensed premises in the area, the applicant emphasised that his business was not going to be a late venue. He acknowledged that it could be the case that when premises have a closing time of 23:00 it can be midnight before the area is cleared of people and he stated that he did not want to be a part of that type of operation and considered his application had been made being mindful of residents in the area.

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

The local residents advised the Panel that they had experienced disturbance from other licensed premises in the vicinity and that they had particular concerns in respect of public nuisance and crime and disorder being caused by customers attending the premises. They highlighted their concerns regarding the number of licensed premises in a condensed area which were also in close proximity to residential properties. They expressed concern that the area was becoming a drinking quarter. They informed Members of the Panel of their concerns relating to music emanating from premises, parking issues in the area and anti-social behaviour resulting from people consuming alcohol.

The local residents informed Members of the Panel about the impact of these type of premises in respect of refuse collection and deliveries taking place at unsociable hours causing disturbance to local residents.

The local residents expressed strong concerns in respect of the impact of licensed premises on the health and wellbeing of residents living in the vicinity of the premises.

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 the Licensing Panel gave consideration to the business model provided by the applicant in that the business was to operate

as a café/restaurant with an Italian food and drink offer. The Panel also took into account the hours applied for which had taken into consideration the location of the premises. The Panel also had regard to the conditions put forward both in the operating schedule and agreed with Merseyside Police and could find no evidence that the applicant would operate the premises in a way that would undermine 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 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 Cibo, 90 Banks Road, West Kirby, CH48 0RE, be granted with the following hours:

Sale by Retail of Alcohol (consumption ‘on’ the premises)

Sunday to Thursday	12:00 to 20:30
Friday and Saturday	12:00 to 21:30

Hours open to the Public

Sunday to Thursday	09:00 to 21:00
Friday and Saturday	09:00 to 22:00