



Licensing Act Committee

Date:	Tuesday, 7 June 2022
Time:	5.30 p.m.
Venue:	Committee Room 1 - Wallasey Town Hall

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AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES**
- 3. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee are 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.

- 4. MINUTES (Pages 1 - 4)**

To approve the accuracy of the minutes of the meeting of the Licensing Act Committee held on 24 November 2021.

5. MINUTES OF THE LICENSING PANEL (Pages 5 - 60)

To approve the accuracy of the minutes of the Licensing Panel meetings held on 22 October, 5 November, 12 November, 12 November and 26 November 2021 and 20 January, 6 April, 7 April and 21 April 2022.

6. APPOINTMENT OF THE LICENSING PANEL (Pages 61 - 64)

The Committee is requested to appoint the Licensing Panel for the ensuing year.

In 2020/21, each Licensing Panel was comprised of three members and one reserve member drawn from the pool of fifteen Committee members. The Chair was appointed on the day of each meeting.

LICENSING ACT COMMITTEE

Wednesday, 24 November 2021

<u>Present:</u>	Councillor	A Hodson (Chair)	
	Councillors	M Booth	C O'Hagan
		D Burgess-Joyce	I Williams
		M Collins	KJ Williams
		C Jones	S Williams
		D Kenny	A Wright
		D Mitchell	
<u>Apologies</u>	Councillors	E Gleaves	C Spriggs

5 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the 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.

6 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 17 June 2021 be approved.

7 MINUTES OF THE LICENSING PANEL

Councillor S Williams requested that the minutes of the meeting of the Licensing Panel held on 24 September be amended to remove him from the attendance list.

Resolved –

- (1) That the accuracy of the minutes of the meetings of the Licensing Panel held 30 June, 17 August, 27 August and 22 September be approved.
- (2) That the accuracy of the minutes of the meeting of the Licensing Panel held on 24 September 2021 be approved as amended with the removal of S Williams from the attendance list and Councillor A Wright being shown as being in attendance.

8 DRAFT STATEMENT OF POLICY UNDER THE GAMBLING ACT 2005

The Director of Law and Governance sought Members' approval of the draft Statement of Policy under the Gambling Act 2005 so that it may be presented to Council for approval on 6 December 2021 in compliance with the statutory requirement that it must be reviewed every three years.

The Licensing Manager reported that the Council's Statement of Policy had first been published in December 2006 and had been reviewed in accordance with the requirements every three years. Each review had been consulted upon and subsequently recommended to Council for approval by this Committee.

The Licensing Manager informed Members of the Committee that following a review of the current Statement of Policy, proposed amendments had been made which had been highlighted in red in the revised draft Statement of Policy attached in Appendix 1 to the report. The amendments were summarised as follows:

- Updates to contact details, committee and panel
- Reference to the withholding of personal details
- Additional section on test purchasing and age verification
- The Licensing Authority's role in remote gambling
- Further information in respect of who can apply for a licence and the information required
- Additional information relating to the protection of children and vulnerable adults
- The meaning of 'available for use'

The draft Statement of Policy had been circulated for consultation to a number of consultees as stated within Appendix 2 attached to the report and had been publicised on the Council's website. The consultation period commenced on 1 October 2021 and closed on 18 November 2021.

Members were advised that at the time of writing the report no comments had been received in response to the consultation, however, the Licensing Manager advised that a letter had subsequently been received on behalf of the Betting and Gaming Council who had made a number of observations.

The Licensing Manager outlined the feedback received from the Betting and Gaming Council which included making the following amendments to the draft Statement of Policy:

- That paragraphs 15.3 and 15.4 be amended to remove reference to having a specific policy with regard to areas where gambling premises should not be located.

- To have it clarified within the Policy that applicants are not expected to offer conditions within their application but that the expectation is for them to outline their policies, procedures and mitigation measures in their risk assessment.
- To include reference within the Policy that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives which is not adequately addressed by the policies, procedures and mitigation measures described in an applicant's risk assessment.

Members considered the feedback provided by the Betting and Gaming Council which had been outlined by the Licensing Manager and agreed that the suggested amendments in respect of risk assessments be made to the Statement of Policy but that paragraphs 15.3 and 15.4 should remain without the amendments suggested by the Betting and Gaming Council.

It was highlighted to the Licensing Manager that it should be made clear in paragraph 20.2 that where a person is employed as a door supervisor they are required to hold a licence issued by the Security Industry Authority. The Licensing Manager agreed to make this amendment.

On a motion by Councillor M Collins and seconded by Councillor C Jones it was –

RECOMMENDED – That the draft Statement of Policy attached in Appendix 1 to the report be recommended for approval by Council on 6 December 2021 subject to the following amendments:

- **To have it clarified within the Policy that applicants are not expected to offer conditions within their application but that the expectation is for them to outline their policies, procedures and mitigation measures in their risk assessment.**
- **To include reference within the Policy that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives which is not adequately addressed by the policies, procedures and mitigation measures described in an applicant's risk assessment.**
- **To amend paragraph 20.2 to make it clear that where a person is employed as a door supervisor they are required to hold a licence issued by the Security Industry Authority.**

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LICENSING PANEL

Friday, 22 October 2021

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

18 APPOINTMENT OF CHAIR

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

19 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.

20 APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - FREDDIES, 36 STANLEY ROAD, NEW FERRY

The Director of Law and Governance reported upon an application that had been received from local residents for a Review of a Premises Licence in respect of Freddie's, 36 Stanley Road, New Ferry, under the provisions of the Licensing Act 2003.

The Director of Law and Governance advised that the Panel may, having regard to the application for a Review and any relevant representations, take such of the following steps as it considered appropriate for the promotion of the licensing objectives:

- Modify the Conditions of the Licence.
- Exclude a licensable activity from the scope of the Licence.
- Remove the Designated Premises Supervisor.
- Suspend the Licence for a period not exceeding three months.
- Revoke the Licence.

Members were informed that the Licensing Authority may decide that no action would be appropriate if it found that the review did not require it to take any steps that were appropriate to promote the licensing objectives.

The grounds for review were in relation to anti-social behaviour being caused by customers of the premises, public nuisance being caused to local residents and concern in respect of public safety, in particular the safety of children.

It was reported that the premises held a Premises Licence allowing the licensable activities as set out within the report.

In respect of the review application, twelve representations had been received from local residents who supported the application.

A representation had been received from a local resident who considered that the way in which the premises operates does not undermine the licensing objectives.

A representation had been received from the Licensing Authority who had reported that complaints had been received from local residents in respect of the operation of the premises. The complaints related to a number of issues which residents advised were linked to the premises, these included anti-social behaviour, noise nuisance and drug use. As a result of these complaints the premises had been visited a number of times by a Licensing Enforcement Officer.

A representation had been received from Environmental Health who advised that complaints had been received from local residents regarding potential statutory nuisances from the premises relating to odours from cooking, light nuisance and noise nuisance. Environmental Health had been liaising with the premises regarding these matters.

A representation had been received from the Planning Authority who had reported that in accordance with the planning permission the premises were permitted to operate as a restaurant. The Planning Authority had received complaints from local residents who had indicated that the premises were not operating as a restaurant. These allegations were currently being investigated by the Planning Authority. The Planning Authority also advised that a number of physical alterations had been made to the premises, some of which had been carried out in breach of planning control and the premises had submitted a retrospective planning application in relation to these physical changes.

Copies of all representations were available.

The Premises Licence Holder attended the meeting together with her legal representative.

A number of local residents were also in attendance. A Licensing Officer, Environmental Health Officer and Planning Enforcement Officer also attended the meeting.

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

The local residents in attendance advised that the current operation of the premises had caused crime and disorder and public nuisance to the neighbourhood. Local residents informed Members of the Panel that the premises was located amongst a diverse community which included vulnerable adults and young people who were being adversely affected by the operation of the premises due to anti-social behaviour which they considered was caused by customers of the premises.

It was felt strongly by local residents that this was the wrong location for this type of premises which they considered should be on a high street in New Ferry.

Local residents reported that since the premises had opened in June 2021 they had been subjected to incidents of anti-social behaviour, which included but was not limited to individuals urinating in the street, shouting and swearing and using sexually explicit language, drunkenness and community drug use. It was further reported that customers had been permitted to leave the site of the premises with glasses in their hands to smoke drugs and return gaining access to the premises unchallenged. Local residents also expressed concerns regarding posts on social media by the premises which they considered undermined valid concerns of residents in respect of how the business was operating.

Local residents informed Members that they had suffered intimidation from individuals parking their cars in the vicinity of the premises. They provided pictorial evidence of cars parked on pavements, on the bend of the road leading to the premises and in a way that made it difficult for other vehicles to pass, putting the safety of the public at risk.

Local residents referred to the licensing objective of public safety and raised concerns in respect of fire safety prevention measures, which it was considered may not be adequate within the premises, glasses and bottles being discarded in the street by customers, the children's play area and the behaviour of the owner which it was claimed was threatening to local residents.

Local residents advised that since the premises had been operating they had suffered public nuisance in the form of noise, light and noxious smells. It was reported that residents had been disturbed by general noise from customers shouting and screaming as well as noise emanating from music from the premises, light pollution through light shining into resident's property and smells from food being cooked at the premises. The nuisance caused by

vehicles parking in the vicinity of the premises was highlighted as it was considered this had led to trespassing on people's property.

Local residents believed that the protection of children from harm had been undermined by the operation of the premises due to alcohol being served to individuals under the age of 18 years, children supervised by parents who had consumed alcohol, children no longer having the freedom to play in the street and children having their sleep disturbed which was all having a negative impact due to the operation of the premises.

The local residents responded to questions from the Premises Licence Holder's legal representative, Members of the Licensing Panel and the legal advisor to the Panel.

In response to questions local residents provided further details regarding the location of the premises and the surrounding area and explained that it was surrounded by residential properties some of which were open plan with no boundary fences or walls leaving them exposed and subject to trespassing.

Local residents informed Members of the Panel that there had been no productive engagement with the operators of the business prior to the opening of the premises or since the business had been operating. The Panel were informed of the contrast between the impact of the current premises and the type of venues that had previously operated on the site. It was highlighted that one of the most significant impacts had been the lack of parking which was due to the removal of parking spaces to allow for the development of the area immediately outside the building. Members of the Panel were made aware that wooden huts had been constructed on the site, that a cocktail bar had also been located in this area as well as a children's play area. Local residents submitted that this had resulted in the removal of 17 car parking spaces and had caused them much distress due to the displacement of car parking into the surrounding area and noise nuisance emanating from the playing of music as well as general noise generated from customers using the outside area and that following the opening of the premises the volume of traffic had massively changed in the area.

The Licensing Officer addressed the Panel and provided details of the complaints received by the Licensing Authority in respect of how the premises had been operating. These included but were not limited to problems relating to parking, noise, underage drinking at the premises, drug use in and around the premises and customers urinating in public, customers being served alcohol when intoxicated and general anti-social behaviour associated with the premises. Members of the Panel were informed that this had resulted in a number of unannounced visits being made to the premises by a Licensing Enforcement Officer. The observations made by the Licensing Enforcement Officer during these visits did not substantiate the reports made by the local residents. It was reported that on one of the visits it was found that a DJ had

been operating in the outside area and was subsequently advised that such activity should not take place in the outside area of the premises. As a consequence this activity had been moved inside the premises. It was further reported that when the officer visited the premises they observed families either eating food or waiting for food and that no customers were seen to be rowdy or drunk. Members of the Panel were made aware that these visits took place on either a Friday, Saturday or Sunday.

The Licensing Officer advised the Panel that the Licensing Authority had been informed by Merseyside Police that they had also undertaken visits to the premises following complaints they had received but had not identified any issues of concern that resulted in them having to take any action in respect of how the premises were operating.

The Licensing Authority advised that whilst the issues reported by local residents had not been substantiated by independent evidence from either the Licensing Authority or Merseyside Police for the purpose of promoting the Licensing Objectives, the Licensing Authority believed that it would be appropriate for conditions to be added to the Premises Licences. These proposed conditions were viewed and considered by the premises during a short adjournment and later submitted to the hearing in the presence of all parties.

The Licensing Officer responded to questions from the Premises Licence Holder's legal representative and Members of the Panel. In response to questions a Licensing Enforcement Officer who was present at the meeting clarified responses to questions from Members of the Panel.

The Environmental Health Officer reported that since the premises had opened local residents had reported concerns regarding potential statutory nuisance from the premises relating to cooking odours, light and noise pollution. In response to these reports Environmental Health officers had liaised with local residents and the premises and had made a number of visits for monitoring and advice purposes. Members of the Panel were advised that as part of the investigations by Environmental Health noise monitoring equipment had been offered to a number of local residents but these offers had not been taken up by the residents concerned. It was further reported that following a complaint of light nuisance caused to a local resident Environmental Health had liaised with the premises and that the premises had taken measures to reduce the impact of their lighting on local residents, however it was unknown whether these measures had been effective as the local resident who had reported the concerns had not made any recent contact with Environmental Health and therefore this matter had remained open for further investigation if necessary.

Members of the Licensing Panel were informed of the visits made by Environmental Health to investigate the reports of noxious smells being

caused by the premises and that during these visits to date evidence had not been found to identify a statutory nuisance in this regard.

Environmental Health submitted that whilst no statutory nuisances had currently been substantiated, Members of the Licensing Panel may wish to take into consideration the concerns raised by local residents and attach appropriate conditions to the Premises Licence for example a condition to restrict the emptying and filling of external bottle bins.

The Environmental Health Officer responded to questions from local residents, the Premises Licence Holder's legal representative, Members of the Panel and the legal advisor to the Panel.

The Planning Enforcement Officer reported on the Planning history of the premises. This included the most recent Planning Application which had been submitted retrospectively to extend the existing property to include an outdoor covered terrace, the installation of seating pods, a children's play equipment area and a boundary fence and gate. The Planning Officer advised that it was this development that had caused much concern to the residents as it had displaced the parking of cars onto the highway. Members of the Licensing Panel were advised that this Planning Application had been refused due to the impact of the development on the highway.

Members of the Licensing Panel were informed that the type of business that could operate from this site included a restaurant. Members of the Panel were advised that reports had been received from local residents that the premises had not been operating as a restaurant, but as a bar with an element of food provision. The Planning Officer advised that a number of unannounced visits had been made to the premises to investigate whether the current use of the premises has resulted in an unauthorised material change of use of the land, however, it was reported that to date no evidence had been identified for them to consider that there had been an unauthorised material change of use of the land.

The Planning Enforcement Officer responded to questions from local residents, the Premises Licence Holder's legal representative, Members of the Panel and the legal advisor to the Panel.

In response to the application and the representations made, the Legal Advisor representing the premises advised Members of the Panel of the experience of the Premises Licence Holder in respect of licensed premises and their investment into these premises which employed 25 staff. Members of the Panel were informed that the business model for the premises was to attract respectable local families and operate as a family friendly venue offering food and drink. It was highlighted that the complaints reported by local residents had not been substantiated by the Responsible Authorities that had made representations in respect of the application and that it was

therefore not appropriate to determine that conditions should be attached to the licence. It was submitted that there had been a concerted campaign on the part of residents who did not want the premises in this location and that the owner of the business and staff had been subject to abuse and harassment from local residents which on one occasion had been witnessed by a Licensing Enforcement Officer.

The Premises Licence Holder's legal representative referred to paragraph 9.12 of the Statutory Guidance under the Licensing Act 2003 which provides guidance in respect of representations made by Responsible Authorities. It was submitted that whilst residents had logged concerns with Merseyside Police no representation had been made by this authority and therefore the Members of the Licensing Panel should conclude that Merseyside Police have no issues with the operation of these premises in relation to the licensing objectives. It was reaffirmed on behalf of the Premises Licence Holder that investigations carried out by the Responsible Authorities, in particular Environmental Health, did not identify any matters that had required enforcement action to be taken and it was submitted that the premises had co-operated at all times with officers.

The Premises Licence Holder's legal representative stated that conditions on a Premises Licence should not replicate offences set out in the Licensing Act 2003 or the duties of regulatory officers. He requested that Members of the Panel consider that the police have powers in respect of anti-social behaviour and informed that whilst parking is not a matter to be considered by the Licensing Authority the premises had taken steps to discourage both staff and customers from using their own vehicles when going to the premises. He advised that as a consequence of the refusal of the Planning Permission for the development of the outside area of the premises, the relevant structures would be removed to create parking spaces in this area. He further advised that whilst the premises refute that alcohol had been sold to any person under the age of 18 years they had taken the decision not to take bookings for 18th birthday parties.

The legal representative of the Premises Licence Holder reported that the premises go above and beyond to comply with any requirements in respect of their licence and referred the Panel to paragraphs 9.3, 9.5, 11.5 and 11.10 of the Statutory Guidance issued under the Licensing Act 2003. In addition he advised that the premises had sought to address the concerns raised in respect of light shining into the property of a resident. He therefore believed that no steps were necessary to be taken to promote the licensing objectives as the premises had put measures in place to promote these objectives and that the Premises Licence Holder wanted to work with the local community.

The Premises Licence Holder addressed the Members of the Licensing Panel and advised that they wanted to invest in the area and provide employment for people living in the area. It was explained that the development in the

outside area had resulted from the restrictions that had been placed on licensed premises to prevent the spread of the COVID 19 virus and the encouragement to make use of outside areas. The Premises Licence Holder advised that they want to engage with local residents, welcome them to the venue and for them to be happy with the operation of the premises. Details of the measures in place to uphold the licensing objectives were provided, which included staff training, a Challenge 25 policy and undertaking perimeter walks of the premises.

In response to questions regarding the number of car parking spaces that could be accommodated in the outside area the Premises Licence Holder advised that as many spaces that could be put there following the removal of the structures would be put in place.

The Members of the Licensing Panel were advised that whilst it was not considered necessary to have conditions imposed on the Premises Licence, having viewed the conditions proposed by the Licensing Authority the premises were content for all of these conditions to be attached to the Premises Licence with the exception of a limit being imposed on the use of the outside area which was being reduced considerably following the refusal of the Planning application.

The Premises Licence Holder and her legal representative responded to questions from local residents, the Licensing Officer, Members of the Licensing Panel and the legal advisor to the Panel.

In determining the Review application the Members of the Licensing Panel gave serious consideration to the submissions made by the local residents as well as the representations made by and on behalf of the Premises Licence Holder, the Licensing Officer, Environmental Health Officer and Planning Enforcement Officer.

Members of the Licensing Panel considered the reports made by local residents in respect of how they considered that the premises had not been operating in accordance with the licensing objectives and the impact that the premises was having upon them. In considering these reports the Licensing Panel had regard to the representations made by the Responsible Authorities who had made numerous unannounced visits to the premises but had not identified any matters that caused them to take any enforcement action against the premises. The Members of the Licensing Panel were made aware that the premises had been co-operative with officers during these visits. Also in respect of these reports, Members considered the willingness of the Premises Licence Holder to meet with local residents to discuss their concerns and to engage in network meetings organised or promoted by the Licensing Authority. It was also noted that the Premises Licence Holder was agreeable to having conditions attached to the Premises Licence that would reaffirm measures to ensure that the premises operated in accordance with

the licensing objectives. Members also took into consideration the actions taken by the Premises Licence Holder to address the concerns raised in respect of light pollution.

In determining the review application the Licensing Panel gave consideration to the business model as described by the Premises Licence Holder being that of a family orientated venue providing food and drink to customers.

Whilst the Licensing Panel noted the concerns of local residents in respect of the manner in which vehicles had been parking within the vicinity of the premises they considered that this was not a relevant matter for them to take into account when determining the review application as this matter had been dealt with by the Planning Authority who had refused a recent retrospective application to approve alterations to the site. Members were advised by the Premises Licence Holder that the effect of this would be to restore parking spaces on site.

In determining the review application Members also had regard to the fact that there were no representations from Merseyside Police in respect of crime and disorder associated with these premises or from Merseyside Fire Service in respect of any fire safety concerns.

In coming to their decision in respect of determining the most appropriate step to take in response to the review application the Licensing Panel had regard to the Statutory Guidance which directs them to give consideration to the circumstances giving rise to the review application and to consider evidence provided by all parties. The Panel had particular regard to their responsibility to reach a conclusion that was appropriate and proportionate having considered all the submissions and representations made.

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 Conditions of the Premises Licence in respect of Freddie's, 36 Stanley Road, New Ferry be modified as follows:**
 - CCTV must be installed at the premises in the form of a recordable system which is capable of providing clear, good quality images in all lighting conditions.**
 - CCTV cameras must encompass all entrances and exits to the premises, any external seating or smoking areas, all areas where the sale, supply or consumption of alcohol occurs and all other areas where licensable activity takes place.**

- **The CCTV equipment must be maintained in good working order and checked on a regular basis to ensure it displays the correct time and date.**
- **The CCTV system must record in real time and operate at all times whilst the premises are open to the public.**
- **CCTV recordings must be retained for a minimum period of 31 days and made available to an Authorised Officer on request in accordance with data protection legislation.**
- **There must be sufficient members of trained staff available to be able to view and download CCTV footage with the minimum of delay at the request of an Authorised Officer.**
- **An incident log book must be kept and maintained at the premises which must be used to record any incidents of crime and disorder. The incident log book must be made available to an Authorised Officer upon request.**
- **The premises must operate a Zero Tolerance Drug Policy. This must be a written policy and must include details of actions to be taken upon suspicion or discovery of drug use on the premises. All staff must be trained on the policy, with written evidence that the training has been conducted.**
- **All staff engaged in the sale of alcohol must undertake training in their responsibilities under the Licensing Act 2003 prior to selling alcohol at the premises. A written record of this training must be kept on the premises and made available to Authorised Officers upon request.**
- **Notices must be clearly displayed in the outside areas of the premises advising customers they are close to residential properties and to respect the neighbours whilst at the premises and when coming to, or going from the premises.**
- **Regular noise assessments must be carried out. This must involve listening outside the premises to ascertain whether the noise being emitted is at a level which may disturb neighbours and then taking any required remedial action. A written record of the noise assessments must be maintained by the premises and made available to an Authorised Officer upon request.**

- **A written record of any noise complaints received by the premises must be kept and must include details of the complaint and any remedial action taken.**
- **All windows and doors must be closed by 22:00 except to permit ingress and egress**
- **The outside garden area must be cleared of customers consuming food and drink by 22:00.**
- **The children's play area must not be used beyond 21:00.**
- **The disposal of bottles or broken glasses into bins outside the premises must not take place between 21:00 and 09:00.**
- **Bottles or broken glasses must not be collected from the premises between the hours of 21:00 and 09:00.**
- **Notices must be placed at all exits of the premises requesting customers leave the premises quietly and have consideration for local residents.**
- **The premises must operate a Challenge 25 Policy to ensure that only persons over 18 years of age are sold alcohol. A written copy of the Policy must be kept at the premises and made available to an Authorised Officer upon request.**
- **Notices must be clearly displayed within the premises advising customers of the Challenge 25 Policy.**
- **A record of all occasions where a person has been refused alcohol must be maintained on the premises, and made available to an Authorised Officer upon request.**
- **All staff involved in the sale of alcohol must receive training in relation to the Challenge 25 Policy and responsible alcohol retailing, including the requirement not to serve alcohol to under 18s, or people who are drunk or appear to be drunk. A written record of this training must be made, kept at the premises, and made available to an Authorised Officer upon request.**
- **Regular refresher training must be carried out with all staff involved in the sale of alcohol, at least every 6 months. Refresher training must incorporate the Challenge 25 Policy, including the requirement not to serve alcohol to persons under the age of 18, or people who are drunk or appear to be drunk. A written record of this training must be made, kept at the premises, and made available to an Authorised Officer upon request.**

In determining these conditions the Panel considered that whilst it was noted that the premises would be reducing capacity in the outside area of the premises, Members took into account the reports from residents in respect of the general noise created from customers in the outside area and the proximity of residents' houses and considered it was appropriate to limit the use of this area to 22:00.

Public Document Pack

LICENSING PANEL

Friday, 5 November 2021

Present: Councillors A Hodson
D Mitchell
C O'Hagan

21 APPOINTMENT OF CHAIR

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

22 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.

23 SUMMARY REVIEW: PLATINUM BAR, CONWAY STREET, BIRKENHEAD

The Licensing Manager reported upon an application for a Summary Review of a Premises Licence in respect of Platinum Bar, Conway Street, Birkenhead, under the provisions of the Licensing Act 2003.

In accordance with the Licensing Act 2003, Merseyside Police had applied for a Summary Review of the Premises Licence for the Platinum Bar following a serious violent incident that had taken place at the premises in the early hours of Sunday 31 October 2021. Merseyside Police were represented at the Hearing.

The Designated Premises Supervisor attended the meeting together with a member of staff from the security company of the premises, his legal representative and expert witness.

The Licensing Sergeant requested that the meeting take place in private under Regulation 14 of the Licensing Act 2003, Hearing Regulations 2005 due to ongoing investigations in the matter and evidence that would be provided during representations made and viewing of CCTV footage.

Members of the Licensing Panel considered Regulation 14 of the Licensing Act 2003, Hearings Regulations 2005 and following the representations made by Merseyside Police decided that the matter be heard in private.

Merseyside Police outlined the reasons they had submitted the Summary Review and presented CCTV evidence to Members in support of their application. Members also viewed footage from a body worn camera of a Police Officer who had attended the premises on the evening after the incident had occurred. Merseyside Police submitted that there was no lesser step other than the suspension of the Premises Licence that could be taken to prevent serious crime and disorder occurring at these premises.

The Premises Licence Holder and his legal representative made representations to Members. They believed it would not be necessary to suspend the Premises Licence and proposed that a number of measures be implemented at the premises to prevent such incidents reoccurring.

In considering the application, Members took account of the Senior Police Officer's Certificate that accompanied the application as well as evidence and representations received from Merseyside Police and the representations made by and on behalf of the Premises Licence Holder. Members also had regard to the Summary Review Guidance issued by the Home Office.

In determining whether the interim step proposed by Merseyside Police was appropriate and proportionate, Members had regard to the measures proposed on behalf of the Premises Licence Holder. Members also took into account the Police's submission that the only appropriate measure would be to suspend the Premises Licence pending a full review hearing.

Members concluded that they were not satisfied that the measures proposed by the Premises Licence Holder would be sufficient to prevent any further incidents of crime and disorder taking place in connection with the premises.

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 Premises Licence in respect of the Platinum Bar, Conway Street, Birkenhead, be suspended with immediate effect pending the determination of the expedited review by the Licensing Panel.

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.

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

Sunday to Thursday	09:00 to 23.30
Friday and Saturday	09:00 to 00:30

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.**

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LICENSING PANEL

Friday, 26 November 2021

Present: Councillor A Hodson (Chair)
D Mitchell
C O'Hagan

30 APPOINTMENT OF CHAIR

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

31 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.

32 SUMMARY REVIEW APPLICATION UNDER THE PROVISIONS OF THE LICENSING ACT 2003

The Director of Law and Governance reported upon an application that had been received from Merseyside Police for a Summary Review of a Premises Licence in respect of Platinum Bar, Conway Street, Birkenhead, under the provisions of the Licensing Act 2003. Members were also requested to review the interim step that had been taken on 5 November 2021 which had resulted in the suspension of the Premises Licence.

The Licensing Sergeant requested that the meeting take place in private under Regulation 14 of the Licensing Act 2003, Hearing Regulations 2005 due to ongoing investigations in the matter and evidence that would be provided during representations made and viewing of CCTV footage.

Members of the Licensing Panel considered Regulation 14 of the Licensing Act 2003, Hearings Regulations 2005 and following the representations made by Merseyside Police decided that the matter be heard in private.

The Licensing Manager outlined the report and advised that the Licensing Panel may, having regard to the application for the Summary Review and any relevant representations, take such of the following steps as it considered appropriate for the promotion of the licensing objectives:

- To modify the Conditions of the Licence

- Exclude a licensable activity from the scope of the Licence
- Remove the Designated Premises Supervisor
- Suspend the Licence for a period not exceeding three months; or
- Revoke the Licence

Members were informed that the premises currently hold a Premises Licence allowing the licensable activities as set out within the report and that the Premises Licence had been suspended on 5 November 2021 when Members of the Licensing Panel had considered whether interim steps should be taken following receipt of the application from Merseyside Police for the Summary Review of the Premises Licence. It was reported that at this time Members of the Licensing Panel had deemed this step necessary and appropriate due to the premises being associated with serious violent disorder.

Merseyside Police were represented at the Hearing.

The Designated Premises Supervisor attended the meeting together with his legal representative, expert witness and a representative of the security company.

Merseyside Police referred to the reasons they had submitted the Summary Review and presented CCTV evidence to Members. Members also viewed footage from a body worn camera of a Police Officer who had attended the premises on the evening after the incident had occurred. Merseyside Police provided an overview of the history of the premises and details of what had taken place since the Panel meeting on 5 November 2021.

Merseyside Police advised the Panel that they now considered an appropriate step to take would be to modify the conditions of the licence.

The Premises Licence Holder and his legal representative made representations to Members. The proposed conditions and undertakings were outlined to Members of the Licensing Panel.

In coming to their decision, the Licensing Panel had regard to the Statutory Guidance, in particular, paragraphs referred to by Merseyside Police, the application and evidence presented by Merseyside Police and the submissions made on behalf of the Premises Licence Holder, in particular the undertakings and conditions put forward.

Resolved –

(1) That the conditions of the Premises Licence in respect of the Platinum Bar, Conway Street, Birkenhead, be modified as follows:

- **The terminal hour for the conduct of licensable activities shall be 04:00 for Friday, Saturday and Sunday nights, with the premises closing at 04:30.**
- **Monday to Thursday the terminal hour for licensable activities shall be 3.30 am, with the premises closing at 4.00 am.**
- **No person will be admitted to the premises wearing tracksuits or sports shorts.**
- **During trading times, the Designated Premises Supervisor will not substitute any job role for that of supervising the premises.**
- **On occasions when the Designated Premises Supervisor will not be present at the premises, they must provide written authorisation to an individual with a Personal Licence to undertake responsibility for operating the premises in their absence.**
- **Knife wands must be used by door staff on a random and frequent basis in order to deter people entering the premises with a knife or other bladed weapon.**
- **Searches will be carried out by door staff on a random and frequent basis in order to detect and prevent drugs or weapons being brought into the premises.**
- **Door staff must be employed at the premises at all times when the premises is open and trading.**
- **All door staff must wear body cameras which must be used to record any incidents of disorder.**
- **All door staff must be equipped with hand held radio equipment to communicate with each other and staff inside the premises.**
- **All door staff must wear hi vis fluorescent jackets when working at the premises.**

The Licensing Panel welcomed the following undertakings to be taken by the Premises Licence Holder:

- **A new door-team with a new Head Doorman will be recruited before the premises reopens.**
- **Tony Rainford (proprietor of RS Security) will be in attendance every Friday and Saturday night for at least**

the first month to ensure the new door-team are fully appraised of the local situation and will lead by example. Undertakings 1 & 2 will help promote the Prevention of Crime and Disorder objective of the Licensing Act 2003.

- The manager of the premises will be redeployed as head of the bar-team; will work behind the bar, but also to act, when needed, as an ECA Emergency Care Assistant (a role for which he is fully qualified). This will promote the Public Safety objective of the Licensing Act 2003.**
- The Designated Premises Supervisor will undertake further training (Level 3 Award for Designated Premises Supervisors).**
- The premises will implement an 'Ask Angela' scheme to enhance the safety of female customers, also promoting the Public Safety objective of the Licensing Act 2003.**

Members reviewed the Interim Step imposed by the Licensing Panel on 5 November 2021 to suspend the Licence and determine whether this step should remain in place until the decision of this Licensing Panel would become effective. Merseyside Police reported that it was no longer necessary for the suspension of the Premises Licence to remain in place and that they would be content for this interim step to be modified to the placing of conditions on the Premises Licence. It was further submitted that such conditions should be those determined by the Licensing Panel at the Review Hearing. The Licensing Panel heard from the Premises Licence Holder that they would be content for such Interim Steps to be put in place.

In conducting the review of the Interim Step, the Licensing Panel had regard to the submissions made by Merseyside Police and the Premises Licence Holder.

Resolved –

- (1) That the suspension of the Premises Licence be lifted.**
- (2) That the appropriate Interim Step to be taken at this time is for the conditions determined at the above review hearing to be applied with immediate effect and remain in place until the end of the period provided for appealing against the decision or if the decision is appealed against, the time the appeal is disposed of.**

LICENSING PANEL

Thursday, 20 January 2022

Present: Councillors A Hodson (Chair)
D Mitchell
A Wright

33 APPOINTMENT OF CHAIR

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

34 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.

35 9.30 AM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - PARK VIEW CONVENIENCE STORE, 1 LINGHAM LANE, MORETON

The Director of Law and Governance reported upon an application that had been received from Hidhayadul Nooria Mohammed Hasan for a Premises Licence in respect of Park View Convenience Store, 1 Lingham Lane, Moreton.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report and following discussions with Merseyside Police, the hours requested for the sale of alcohol had been reduced by the applicant. The applicant had originally requested that the sale of alcohol commence from 06:00.

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 a local resident. The representation related to anti-social behaviour occurring within the vicinity of the premises and public nuisance being caused to local

residents which they believed would be exacerbated should the application be granted. A copy of the representation was available.

The applicant attended the meeting together with his agent. A local resident was also in attendance.

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

The applicant's agent reported that the application had been made as the premises had been refurbished from a former hairdressers into a local convenience store selling household goods and groceries and that alcohol would not be the focus of the business and only sold as part of the convenience offering which would form about 15% of the total goods available to customers.

The applicant's agent outlined how the business would be operated and the measures that would be put in place to promote the four licensing objectives. She reported that the applicant had invested £75,000 into the property and that all equipment and security systems had been installed which included external shutters, an alarm and new CCTV system.

Members of the Panel were advised that the applicant has had over 12 years' experience of alcohol sales and he had put forward comprehensive conditions to promote the licensing objectives. These included a Challenge 25 Policy, training of staff before they would be allowed to sell alcohol, CCTV and other measures to prevent the sale of alcohol to persons under the age of 18. The applicant's agent also referred to the reduction in the application for the hours applied for the sale of alcohol further to discussions with Merseyside Police and that no representations had been received from any of the Responsible Authorities.

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

The local resident addressed the Panel and raised his concerns in respect of another premises being allowed to sell alcohol in the area. He reported upon his experience living next door to these premises which had operated as a number of different types of business and provided a detailed account of the anti-social behaviour that he had witnessed in the area as well as criminal activity. The local resident expressed his particular concern in relation to youths in the area gaining access to alcohol which they then consumed in the local park. He described how youths in the area intimidate adults to purchase alcohol on their behalf and gave a particular example of a relative being physically attacked. He advised Members that he believed that should the application be granted, this would result in additional crime, anti-social behaviour in the area.

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

The applicant's agent accepted the concerns of the local resident, however she referred to the fact that no representations had been received from Merseyside Police and requested that the application be granted.

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 Members gave consideration to the representations made by the local resident and also had regard to the statutory guidance issued under the Licensing Act 2003 which states that their decision should be evidenced based and appropriate for the promotion of the licensing objectives. In this regard, Members had taken into consideration the fact that there had been no representation from Merseyside Police or any of the relevant Responsible Authorities. Members also took into consideration the fact that no evidence had been provided that the applicant would be likely to sell alcohol to persons under the age of 18 and that conditions placed on a Premises Licence, should it be granted, would be effective in preventing these type of sales.

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 also took into account the conditions set out in the operating schedule.

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 Park View Convenience Store, 1 Lingham Lane, Moreton be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 07:00 to 23.00

Hours Open to the Public

Sunday to Saturday 06:00 to 23:00

36 **11.00 AM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - BYRNE AVENUE BATHS, BYRNE AVENUE, ROCK FERRY**

The Director of Law and Governance reported upon an application that had been received from Byrne Avenue Trust for a Premises Licence in respect of Byrne Avenue Baths, Byrne Avenue, Rock Ferry.

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 have a number of conditions, in addition to those proposed in the operating schedule, placed on the Premises Licence should the application be granted. Details of those conditions were set out within the report.

In respect of the application, four representations had been received from local residents. A petition signed by 35 local residents had also been received. 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.

A representation had also been received from Ward Councillor Moira McLaughlin who supported the representations submitted by local residents. A copy of the representation was available.

The applicant attended the meeting together with the Chair of Byrne Avenue Trust and the proposed Designated Premises Supervisor. Two local residents were also in attendance.

The Licensing Manager outlined the report, confirmed that all documentation had been sent and received and advised that one local resident had given permission for one of the local residents in attendance to speak on her behalf and that she had submitted a statement which the Licensing Manager would read to all parties at the appropriate time.

The applicant reported that the premises had been closed for the past 12 years and that the Byrne Avenue Trust had acquired the building in 2017 by way of a community asset transfer. The applicant informed Members of the Panel that they intended to open the sports hall next week. Members were advised that the operation of Byrne Avenue baths was dependent upon the provision of grants and fundraising and that the application for the Premises Licence had been made in order to facilitate fundraising events that would be necessary to upkeep the operation of the building.

The Chief Executive of the Trust reported that the ethos of the Trust was related to community, health and heritage which involved protecting the building and heritage of the area. She advised that the sports hall would be hired out and the community room would be used for activities such as yoga and children's birthday parties but that it would not be the intention to have 18th or 21st birthday parties.

The applicant also stated that there was no intention to operate the café as a bar, there would be no TVs in this area and that they would be content to limit the purchase of alcohol in this area to 8.00 pm.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager, the Legal Advisor to the Panel and a local resident who was in attendance at the meeting.

The local residents in attendance outlined their concerns in respect of alcohol being sold from these premises and advised that there were houses within close proximity to these premises. The local residents reported upon anti-social behaviour within the vicinity of the premises which had been witnessed by local residents and included drug dealing in the area. The local residents expressed concern regarding the nuisance that they believed would be caused by customers of the premises should an alcohol licence be granted. This included concerns relating to people standing outside smoking and customers leaving the premises at a late hour in a disorderly manner.

The local residents informed Members that parking had been an issue when the premises had previously operated but that they were prepared to tolerate this up to 10.00 pm however they were concerned that the provision of alcohol until midnight would cause great disturbance to local residents.

The Licensing Manager read out a statement that had been submitted by a local resident who had submitted a petition however was unable to attend the meeting and expressed concerns that the premises were located within a residential area and that should the application be granted, local residents would suffer noise and disturbance, there would be parking issues, unsociable hours, alcohol related incidents, litter and disruption.

Members of the Panel also had regard the written representation received from Councillor Moira McLaughlin, Ward Councillor who supported the concerns raised by local residents.

In response to the representations made by local residents, the applicant advised that they would be prepared to limit the number of events at the premises to no more than 20 and reduce the time when alcohol would be available in the café from 12.00 pm to 8.00 pm.

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 considered the operating schedule which formed part of the application and states that all events involving alcohol would be held during the daytime or would be ticketed events and that the purchase of alcohol could only be made by customers attending activities at the venue and there would be no 'walk up' customers solely to purchase alcohol.

In determining the application, Members gave consideration to the representations made by local residents and also had regard to the statutory guidance issued under the Licensing Act 2003 which states that the decision should be evidenced based and appropriate for the promotion of the licensing objectives. In this regard, Members took into consideration the fact that there had been no representation from Merseyside Police or any of the relevant Responsible Authorities and no evidence had been provided that the granting of the licence would directly undermine the licensing objectives.

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 Byrne Avenue Baths, Byrne Avenue, Rock Ferry, be granted with the following hours:

Hours open to the Public

Sunday to Thursday 09:00 to 22:00

Friday to Saturday 09:00 to 00:00

Sale by Retail of Alcohol (on and off the premises) in the café area is permitted during the following hours:

Sunday to Saturday 12:00 to 20:00

In respect of the remainder of the licensed area the use of which is limited to 20 occasions in any one calendar year the hours are as follows:

Sale by Retail of Alcohol (on and off the premises)

Sunday to Thursday 12:00 to 21:30

Friday and Saturday 12:00 to 23:30

Provision of Play, Provision of film, Indoor sporting events, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance

Sunday to Thursday 09:00 to 22:00

Friday and Saturday 09:00 to 23:30

Late Night Refreshment

Friday and Saturday 23:00 to 23:30

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LICENSING PANEL

Wednesday, 6 April 2022

Present:

Councillors C Jones
D Mitchell
C O'Hagan

37 **APPOINTMENT OF CHAIR**

Resolved – That Councillor D Mitchell be appointed Chair for this meeting.

38 **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.

39 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - UNIT 4, THE CURVE, TELEGRAPH ROAD, HESWALL, CH60 7SE**

The Director of Law and Governance reported upon an application that had been received from Tahona Projects Limited for a Premises Licence in respect of Unit 4, The Curve, 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.

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, twenty-one 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. The representations also related to strong concerns regarding the operating hours due to the close proximity of the premises to residential properties.

A representation had also been received from Ward Councillor Andrew Hodson who supported the representations submitted by local residents. Copies of all the representations were available.

The applicant attended the meeting together with a colleague. Two local residents who had made representations were also in attendance together with Ward Councillor Andrew Hodson.

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

The Licensing Officer outlined the report.

The applicant informed Members of the Panel that he had resided in Heswall all his life and had experience working in licensed premises. He advised that the application for a Premises Licence had been made in order to provide a Mexican restaurant which would operate primarily as a restaurant with background music or live music and for last orders for food to be available until 10.00 pm with a capacity of about 70 seats for the restaurant and 20 people at the bar area and to allow the provision of alcohol until 1.00 am for staff from other hospitality establishments and the community to be able to attend these premises for a drink after they had finished work.

The applicant advised Members that he wanted to provide a safe, relaxed drinking environment and not a night club and that he intended to provide 10% discount cards for staff from other hospitality establishments in the area.

The applicant also advised that he wished to operate a delivery service for takeaways from the rear of the premises and that customers would not be encouraged to congregate outside the premises as there would be no drinking outside, no glasses would be permitted to be taken outside and there would be no seating or heaters in the outside area to encourage individuals to congregate there.

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 from Ward Councillor Hodson, the local residents, Members of the Licensing Panel and the legal advisor to the Panel, the applicant advised that last orders for food would be taken at 10.00 pm for customers to finish eating at 11.00 pm and although the intention was to have a bar after the restaurant the premises would not be a nightclub. He also advised that if customers were intoxicated or disruptive he had experience in

dealing with this. He further advised that the takeaways would be operated as a delivery service until 9.30 pm. The applicant informed Members that in respect of a dispersal policy he could keep customers inside the premises until their taxi arrived by way of using a call back facility.

The applicant informed Members of the Licensing Panel that the live music would be played on a stage situated at the front of the premises which would be furthest away from local residents and that although no testing in respect of noise nuisance had been carried out he would be willing to do this. He advised that the provision of food would be operated along the lines of 'scoop and go' where food would be prepared and made fresh on the day.

The applicant further advised that the clientele he was hoping to attract for the latter part of the night would be mature clientele and staff from other hospitality establishments in the vicinity for a quality drink and as he had previously worked at another premises in the area he believed there was a market for this. He reported that the live music he intended to provide was acoustic music maybe with a guitar or keyboard and he had no plans for bands.

The applicant explained that doorstaff would be employed should they be required and that the maximum capacity would be 85-90 which would include members of staff. He also advised that should the takeaway service operating at the rear of the premises cause a nuisance to local residents he would move this to the front of the premises. He informed Members that there was currently gym operating 24 hours from the first floor of the premises which played music and he therefore believed noise would not be an issue.

In response to a question from the legal advisor to the Panel in respect of the premises being represented as a bar, the applicant believed that should the premises serve food for 12 hours and alcohol for 2 hours the premises would be primarily a restaurant. It was highlighted that the planning permission stated that the premises must be cleared by 11.30 pm.

Ward Councillor Andrew Hodson and the local residents in attendance at the hearing informed the Panel that although they welcomed a restaurant in the area, they had concerns in respect of alcohol being sold until 1.30 am which they believed would encourage anti-social behaviour and public nuisance that may be caused by customers of the premises congregating outside as well as parking related issues should the application be granted. They also had strong concerns in respect of the operation of the premises as a bar rather than a restaurant and the operating hours due to the close proximity of the premises to residential properties. Councillor Hodson referred to the operating hours of other premises in the vicinity and believed that the hours permitted for these premises should be in line in order to prevent customers migrating at a late hour and causing nuisance to local residents beyond 1.30 am. Councillor Hodson also expressed concerns in respect of the provision of

takeaways and the disturbance that would be caused by the use of a delivery vehicle late at night in a residential area.

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 responses made by the applicant and his wish to provide the sale of alcohol for 2 hours after the last serving of food.

The Panel noted the willingness of the applicant to liaise with local residents in respect of any concerns that may arise.

Members also noted the concerns of local residents in respect of the close proximity of residents and the hours of operation applied for and took into consideration the opening hours of other licensed premises in the vicinity.

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 (2:1) –

(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 Unit 4, The Curve, Telegraph Road, Heswall, 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 09:00 to 23:30

Recorded Music

Sunday to Saturday 09:00 to 23:00

Live Music

Friday and Saturday 18:00 to 23:00

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

- **There must be no takeaway deliveries after 21.30**

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LICENSING PANEL

Thursday, 7 April 2022

Present:

Councillors D Burgess-Joyce
M Collins
C O'Hagan

40 **APPOINTMENT OF CHAIR**

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

41 **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.

42 **10:00 AM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WALLASEY CRICKET CLUB, ROSCLARE DRIVE, WALLASEY**

The Director of Law and Governance reported upon an application that had been received from Wallasey Cricket Club for a Premises Licence in respect of Wallasey Cricket Club, Rosclare Drive, Wallasey.

It was reported that the premises currently have a Club Premises Certificate with the permitted hours as set out within the report. The hours applied for the Premises Licence were also 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 a local resident. The representation related to noise nuisance caused to local residents when outdoor music is played during events at the Cricket Club. A copy of the representation was available.

The applicant attended the meeting together with the Club Treasurer.

The Licensing Manager confirmed that all documentation had been sent and received and that the local resident who had made a representation was unable to attend the meeting and had requested that their written representation be taken into consideration.

The Licensing Manager outlined the report.

The applicant informed Members of the Panel that the premises currently have a Club Premises Certificate which limits the use of the club to members and their guests. The Panel were informed that should a Premises Licence be granted it would be intended for access to the club to continue to be restricted for the use of members and their guests but that non-members would be allowed access during cricket activity and the premises would also have occasional events which would be open to the public, for example during the August Bank Holiday weekend.

The Panel were made aware that the club do provide outdoor live music events on a limited number of occasions during the year. It was accepted by the applicant that an event which took place during the August Bank Holiday in 2021 did cause a disturbance to local residents and they acknowledged that the provision of continuous music was inappropriate and they would not allow this to happen in the future. The applicant advised the Panel that they communicate via email to local residents regarding such events and would continue to do so in the future. The Panel were further informed that the playing of live music outdoors would cease at 10.00pm

The applicant was challenged in respect of their policy to ensure that no excessive noise from music could be heard outside of the perimeter of the premises. It was acknowledged that further work was required to produce a written policy following advice from Environmental Health. It was highlighted to the Licensing Panel that the applicant had agreed with Merseyside Police that should the Premises Licence be granted there would also be a condition on the Premises Licence requiring the applicant to submit an Event Notification to the council in advance of any outdoor event. This notification would be shared with Environmental Health who could have additional input at that stage should it be required.

The Licensing Panel were made aware of proposed conditions set out in the operating schedule which included: staff training, an incident book, CCTV, a functions book, alcohol for consumption outside to be dispensed into plastic drinking vessels, a Challenge 25 Policy and measures to limit noise nuisance.

The applicant responded to questions from the Legal Advisor to the Panel and Members of the Licensing 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 considered the written representation from the local resident who had expressed concern in respect of noise nuisance caused to local residents when outdoor music is played during events at the Cricket Club. Members of the Licensing Panel noted that the applicant was willing to work with Environmental Health and produce a written policy to address the concerns expressed.

In coming to their decision the Licensing Panel gave consideration to the fact that the applicant had liaised with Merseyside Police and had agreed to accept a number of conditions should the application be granted. The Panel also took into consideration the submission made by the applicant that the club would primarily continue to operate as a club facility for members and their guests.

In determining the application the Licensing Panel had regard to the fact that there were no representations from any of the relevant Responsible Authorities, in particular Environmental Health. The Panel took into account the willingness of the applicant to accept conditions to prevent public nuisance and concluded that there was no evidence that the granting of the licence would directly undermine the licensing objectives.

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 Wallasey Cricket Club, Rosclare Drive, Wallasey, be granted with the following hours:

Sale by Retail of Alcohol

Monday to Wednesday	11:00 to 23:00
Thursday to Saturday	11:00 to 00:00
Sunday	11:30 to 23:00

Hours Open to the Public

Monday to Wednesday	11:00 to 23:30
Thursday to Saturday	11:00 to 00:30
Sunday	11:00 to 23:30
Christmas Eve and New Years Eve	11:00 to 01:00

Indoor Sporting Events

Monday to Wednesday	20:00 to 23:30
Thursday to Saturday	20:00 to 00:00
Sunday	20:00 to 23:30

Recorded Music and Live Music

Sunday to Thursday	12:00 to 23:00
Friday and Saturday	12:00 to 23:30

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

- **The playing of music outside the fabric of the building must cease at 22:00**
- **The Premises Licence Holder must liaise with Environmental Health and produce a written noise policy to minimise the impact of noise from the premises having particular regard to outdoor events when there is music.**
- **Local residents must be informed in advance of outdoor events taking place at the premises.**

43 1:00 PM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - POULTON VICTORIA SPORTS AND SOCIAL CLUB SPORTS GROUND, OFF CLAYTON LANE, WALLASEY

The Director of Law and Governance reported upon an application that had been received from Poulton Victoria Sports and Social Club for a Premises Licence in respect of Poulton Victoria Sports and Social Club Sports Ground, Off Clayton Lane, 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 petition signed by 102 local residents had been received. The concerns of local residents related to anti-social behaviour occurring within the vicinity of the premises and public nuisance being caused to local residents. It was submitted that this was currently a problem that would be exacerbated should the application be granted.

The applicant attended the meeting together with the Club Treasurer and their Licensing Consultant. Local residents were also in attendance together with Councillor Daisy Kenny.

The Licensing Manager confirmed that all documentation had been sent and received and that there were a number of local residents in attendance who had signed the petition and had agreed that Councillor Kenny would speak on their behalf.

The Licensing Manager outlined the report.

The applicant and their representative informed Members of the Panel that the premises is an established football club with a small clubhouse situated in an enclosed area with high metal railings. The clubhouse has a ground floor with a small bar and a first floor viewing balcony as well as outdoor seating.

The Licensing Panel were informed that the facilities of the clubhouse are intended to be used on match days, practice matches, training and similar events for football players, their families and friends. However, it was submitted by the applicant's representative that the applicant was content to accept a condition limiting the use of the clubhouse to football matches.

The Licensing Panel were made aware of the measures that would be in place to promote the licensing objectives which included CCTV, staff training, an incident log, a refusals register, a Challenge 25 Policy, and signage requesting the public to respect local residents. It was submitted to the Licensing Panel that there were no concerns from any of the Responsible Authorities regarding the application.

The Licensing Panel were advised that the clubhouse would be for the use of individuals watching matches or those wishing to have a drink after a match. In response to concerns that alcohol may be taken off site, the applicant stated that individuals would not be allowed to take alcohol off site and that the provision for off sales was to allow people to drink alcohol at the edge of the pitch and that they would be content for a condition that these drinks must be served in polycarbonate vessels.

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

The Licensing Panel heard from Councillor Kenny and a local resident on behalf of residents in attendance, who outlined their concerns in respect of anti-social behaviour occurring within the vicinity of the premises which they advised was currently a problem and which they believed would be exacerbated should the application be granted. Members of the Licensing Panel were provided with statistics in respect of criminal activity in the area, however it was acknowledged that there was no evidence to link these premises to the statistics and that there was no reference as to whether these incidents were associated with alcohol. It was submitted that there were already 5 premises within the vicinity of the clubhouse selling alcohol and that allowing a further premises to sell alcohol would add to the problems experienced in the area. Residents had concerns regarding the staffing of the premises, the number of hours it would operate and the impact it would have upon the families living within the vicinity of the premises.

In response to the representations made by local residents the Licensing Panel heard from the applicant that they were prepared to add a number of additional conditions to the Premises Licence to uphold the licensing objectives. It was emphasised to the Licensing Panel that the use of the clubhouse would be limited to football matches and that no alcohol would be taken beyond the perimeter of the site.

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 considered the operating schedule which forms part of the application and took into account the willingness of the applicant to have additional conditions placed on the Premises Licence in order to uphold the licensing objectives. Members had regard to the proposal for the Premises Licence Holder to undertake risk assessments for 'big matches' and considered that it was appropriate for such risk assessments to be carried out in advance of every match to determine any relevant control measures.

In determining the application the Licensing Panel gave consideration to the representations made by the local residents and also had regard to the fact that there was no evidence that the antisocial behaviour in this area was linked to these premises. The Licensing Panel had particular regard to the statutory guidance issued under the Licensing Act 2003 that their decision should be evidenced based and appropriate for the promotion of the licensing objectives. In this regard, the Licensing Panel took into consideration that there were no representations from Merseyside Police or any of the relevant

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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

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LICENSING ACT COMMITTEE

Tuesday, 7 June 2022

REPORT TITLE:	APPOINTMENT OF MEMBERS TO THE LICENSING PANEL (LICENSING ACT)
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Licensing Act Committee to:

- i) note the process for appointing Members to the Licensing Panel (Licensing Act), the Terms of Reference of which have been approved by Council; and
- ii) agree that the Director of Law and Governance (Monitoring Officer) be given delegated authority to convene Licensing Panels (Licensing Act) for the purposes of carrying out the Council's functions to deal with applications, determinations and reviews of licences permissions and any related matter in respect of the Licensing Act 2003 or the Gambling Act 2005. Up to two (2) further members of the Licensing Act Committee may also attend with the Licensing Panel as observers.

This matter affects all Wards within the Borough.

RECOMMENDATIONS

It is recommended that:

- (1) the Terms of Reference of the Licensing Panel (Licensing Act), as referred to in paragraphs 1.1 and 1.2 of this report be noted and that each Licensing Panel be comprised of three Members drawn from the fifteen Members of the Licensing Act Committee with the Chair appointed on the day of each meeting.
- (2) the Director of Law and Governance (Monitoring Officer) be given delegated authority, in consultation with the Chair and Spokespersons to convene Licensing Panels (Licensing Act) as and when required for the purposes of carrying out the Council's functions to deal with applications, determinations and reviews of licences permissions and any related matter in respect of the Licensing Act 2003 or the Gambling Act 2005. Up to two (2) further members of the Licensing Act Committee may also attend with the Licensing Panel as observers.

- (3) the term of membership to be continued until such time as a new Licensing Act Committee is appointed.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATIONS

- 1.1 The Terms of Reference of the Licensing Committee as contained in the Constitution (approved by Council on 25 May 2022), requires the Committee to act as the administrative committee, acting under statutory delegation pursuant to the Licensing Act 2003, and responsible for making decisions as licensing authority under the Licensing Act 2003 and Gambling Act 2005.
- 1.2 The Terms of Reference allow for the convening of Sub-Committees (Licensing Panels – Licensing Act) of three (3) members of the Licensing Act Committee, with responsibility for the Council's functions to deal with applications, determinations and reviews of licences, permissions and any related matter in respect of the Licensing Act 2003 or the Gambling Act 2005.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The terms of reference of Licensing Panels (Licensing Act), and the relevant rules of procedure are set out within the Constitution of the Council. As such no other options can be considered.

3.0 BACKGROUND INFORMATION

- 3.1 Licensing Panels (Licensing Act) are convened to act as the administrative committee, acting under statutory delegation pursuant to the Licensing Act 2003, and responsible for making decisions as licensing authority under the Licensing Act 2003 and Gambling Act 2005.
- 3.2 The setting up and running of Panels is an administrative function managed by the Council's Committee Services and it is proposed to Members that they delegate authority to the Director of Law and Governance (Monitoring Officer) to convene such Panels as and when required in consultation with the Chair and Spokespersons.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising directly from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The provision to establish a Licensing Act Committee and Sub-Committee (Licensing Panel) are set out in the Licensing Act 2003, which states that each Licensing Authority must have a Licensing Act Committee of at least ten but not more than fifteen Members. There is no provision for the appointment of deputies. Each Sub-Committee (Licensing Panel) appointed to deal with

specific applications under the Licensing Act 2003 and the Gambling Act 2005 must be made up of no more than three Members drawn from the pool of Members appointed to the Licensing Act Committee.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising directly from this report.

7.0 RELEVANT RISKS

7.1 There is a requirement under the Council's Constitution that the appointed fifteen (15) Members of the Council to the Licensing Act Committee, will be those same Members as are appointed to the Regulatory and General Purposes Committee (whose appointments must be in accordance with the proportionality rules). There shall be no power to co-opt.

8.0 ENGAGEMENT/CONSULTATION

8.1 It is for the political groups to decide who they wish to nominate to the Licensing Act Committee.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. This report has no impact on equalities.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none arising directly from the content of this report.

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APPENDICES

None

BACKGROUND PAPERS

The Council's Constitution: Part 3B Committee Terms of Reference .

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council AGM Meeting	28 September 2020
Council AGM Meeting	26 May 2021
Council	6 September 2021
Council AGM Meeting	25 May 2022