

# LICENSING PANEL

Friday, 27 May 2022

Present:

Councillors D Burgess-Joyce  
D Mitchell  
C O'Hagan

48 **APPOINTMENT OF CHAIR**

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

49 **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.

50 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 140-144 TELEGRAPH ROAD, HESWALL**

The Director of Law and Governance reported upon an application that had been received from Hydes Brewery Limited for a Premises Licence in respect of 140-144 Telegraph Road, Heswall.

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. They were also advised 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, five representations had been received from local residents. The representations related to concerns of public nuisance that may be caused by customers of the premises using the outside area of

the premises and leaving the premises at a later hour should the application be granted. Residents also had concerns regarding the potential for noise nuisance from entertainment.

A representation had also been received from Ward Councillor, Andrew Hodson, which supported the representations made by local residents. Copies of the representations were available.

The applicant attended the meeting together with their agent. A local resident was also in attendance at the meeting together with Ward Councillor, Andrew Hodson.

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 Hours Open to the Public were Sunday to Saturday and not Sunday to Thursday as stated within the report.

The Licensing Manager advised that apologies had been received from two residents who were unable to attend, however Members were advised that the local resident in attendance would speak on behalf of their representations. The Licensing Manager outlined the report.

The applicant's agent informed Members of the Panel that Hydes is a Manchester family business with 40 pubs in the North West and that they supply beer nationally. It was reported that there have been no problems in any of these premises and that they are operated responsibly. Examples of the businesses currently operated by them were provided and Members were advised that a significant investment was to be made in these premises to create a modern and environment offering premium dining and that approximately 70% of the sales would relate to food.

The applicant's agent informed Members of the Panel that the reason for the hours applied for was to provide flexibility to allow for occasional events at the premises, however Members were advised that it would be likely that the premises would close before 1.00 am.

The applicant and their agent advised that the business would operate to uphold the licensing objectives. The Licensing Panel were advised that the measures would include the provision of high specification CCTV, comprehensive training for staff and a Challenge 25 Policy and that deliveries and disposal of bottles from the premises would be done so as not to cause a disturbance to local residents. Members were informed that the business would be respectful to residents. The applicant's agent referred to the fact that there were no representations from any of the Responsible Authorities and this was an indication that they were content that the operation of the premises would not undermine the licensing objectives.

The applicant and their agent responded to questions from Ward Councillor Andrew Hodson, the local resident, Members of the Licensing Panel and the Legal Advisor to the Panel.

In response to questions, the applicant advised that they would amend the hours for the supply of alcohol on a Friday and Saturday from 1.00 am to 12 midnight and that the applicant would be willing to meet with residents.

Councillor Andrew Hodson addressed Members of the Licensing Panel on behalf of local residents. He advised that the main concern of local residents was the hours applied for and not the premises itself. He highlighted their concerns which related to public nuisance being caused due to the premises operating at a late hour in close proximity to residential properties. He informed Members of the Licensing Panel that the local resident had particular concerns regarding the use of the car park at the rear of the premises at a late hour.

Ward Councillor, Andrew Hodson responded to questions from Members of the Licensing Panel and the Legal Advisor to the Panel.

In response to questions, Councillor Hodson advised that the majority of local residents would be content for the premises to close at 11.30 pm, however it was pointed out by Members of the Licensing Panel that the majority of the written representations from local residents indicated they would be content for the premises to close at 12 midnight.

The local resident advised that he had lived there for a number of years in a quiet area and that this premises had been closed for seven years. He therefore expressed concerns that noise nuisance would occur from the car park and customers leaving the premises late at night.

The applicant and their agent responded to the concerns raised by the local resident and assured them that this would be a high quality premises with a homely atmosphere and that the applicant would work together with the local community.

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 considering the representations made, Members of the Licensing Panel had regard to the willingness of the applicant to work with local residents so as not to cause them to be disturbed by the operation of the business.

In coming to their decision, Members had regard to their Licensing Policy which refers to the proximity of residential properties when determining the hours that licensed premises should operate.

Members also had regard to the conditions put forward both in the operating schedule and agreed with Merseyside Police.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular 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 140-144 Telegraph Road, Heswall, be granted with the following hours:**

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

**Sunday to Thursday 11:00 to 11:30**  
**Friday and Saturday 11:00 to 00:00**

**Live and Recorded Music**

**Sunday to Thursday 11:00 to 11:30**  
**Friday and Saturday 11:00 to 00:00**

**Hours open to the Public**

**Sunday to Thursday 11:00 to 00:00**  
**Friday and Saturday 11:00 to 00:30**

**Non-Standard Timings**

**Sale by Retail of Alcohol**

**Christmas Eve 11:00 to 01:00**  
**Boxing Day 11:00 to 01:00**  
**New Years Eve 11:00 to 01:00**

**Live music and Recorded Music**

<b>Christmas Eve</b>	<b>11:00 to 01:00</b>
<b>Boxing Day</b>	<b>11:00 to 01:00</b>
<b>New Years Eve</b>	<b>11:00 to 01:00</b>

**Hours Open to the Public**

<b>Christmas Eve</b>	<b>11:00 to 02:00</b>
<b>Boxing Day</b>	<b>11:00 to 02:00</b>
<b>New Years Eve</b>	<b>11:00 to 02:00</b>