

LICENSING PANEL

Wednesday, 22 June 2022

Present: Councillors A Hodson (Chair)
C Jones
S Williams

4 APPOINTMENT OF CHAIR

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

5 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.

6 APPLICATION TO REVIEW A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WILD INN, BANKS ROAD, WEST KIRBY

The Director of Law and Governance reported upon an application that had been received from Environmental Health for a Review of a Premises Licence in respect of Wild Inn, Banks Road, West Kirby, 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 music emanating from the premises and causing public nuisance to local residents.

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, six representations had been received from local residents who supported the application to review the Premises Licence.

A representation had been received from Ward Councillor, Alison Wright who supported the application made by Environmental Health and the representations made by local residents.

A representation had been received from the Licensing Authority who had reported that complaints had been received from local residents relating to noise emanating from the premises and as a result of these complaints a number of visits had been made to the premises by a Licensing Enforcement Officer who deemed that the noise coming from the premises undermined the prevention of public nuisance licensing objective.

Copies of all representations were available.

The Premises Licence Holder attended the meeting together with their business partner and their legal representative.

Ward Councillor, Alison Wright attended the meeting. The Licensing Operations Manager, a Licensing Enforcement Officer and an Environmental Health Officer also attended the meeting.

The Licensing Manager confirmed that all documentation had been sent and received. It was reported that a number of representations received from were from local residents who wished to remain anonymous and therefore would not attend the Hearing.

The Environmental Health Officer reported that a considerable number of complaints had been received from local residents relating to nuisance caused by live music emanating from the premises. He advised that further to the complaints received, visits had been made to the premises by Environmental Health and it had been identified that music could be heard from the premises when the doors were closed and became even louder when the doors were open, however further to bringing these matters to the attention of the Designated Premises Supervisor on a number of occasions, he had failed to manage the premises in such a way to prevent public nuisance being caused by the premises.

The Environmental Health Officer responded to questions from Members of the Licensing Panel and the legal advisor to the Panel.

The Licensing Operations Manager reported that the Licensing Authority had also received a number of complaints relating to loud music emanating from the premises and had sought to engage with the premises to address the issues raised. He further reported that the premises had failed to take appropriate action to prevent nuisance being caused by music escaping from the premises and customers congregating outside the premises. He therefore advised that the Licensing Authority fully supported the application for a review of the Premises Licence. The Licensing Enforcement Officer in attendance reported that nuisance had continued to be caused to local residents subsequent to the application for the review.

The Licensing Operations Manager responded to questions from Members of the Licensing Panel and the legal advisor to the Panel.

Councillor Wright addressed the Panel and advised Members that she supported the information provided by Environmental Health and the Licensing Authority. Councillor Wright informed Members that the premises is situated in a densely populated area and that she had received numerous complaints in respect of noise nuisance caused by both live and recorded music. Councillor Wright reported that the outside area was often in use beyond 9.30 pm despite a condition of the licence requiring this area not to be used beyond this time. Councillor Wright informed Members that windows were very often left open and that her own monitoring outside the premises had identified that music could be heard in neighbouring roads, she therefore believed that the premises were not being managed in such a way to prevent public nuisance.

Councillor Wright responded to questions from Members of the Licensing Panel and the legal advisor to the Panel.

The legal representative of the Premises Licence Holder addressed the Panel and apologised on behalf of the Premises Licence Holder that the issues raised by Environmental Health and the Licensing Authority had not been dealt with as they should have been. He acknowledged that changes in the management of the premises would have to take place to address the concerns raised through the review and proposed the following measures:

- The provision of music to cease at 10.30 pm
- Double or secondary glazing be installed in the bi fold doors
- A noise limiter to be in operation at the premises set at a limit to be agreed with Environmental Health
- An air lock porch to be installed inside the entrance to the premises

He informed Members of the Licensing Panel that the premises had voluntarily employed 2 SIA registered door staff to manage the outside area and also to manage customers leaving the premises on Fridays and Saturdays and that the premises would be content for this to become a condition of their licence.

He further informed Members that there would be no objection to the conditions relating to Regulated Entertainment that were currently on the Premises Licence having effect.

The legal representative of the Premises Licence Holder provided strong assurances that the Premises Licence Holder had recognised the seriousness of the reason the premises had been brought into review and informed Members that there would be significant improvement in the management of the premises in the future.

The Premises Licence Holder and his legal representative responded to questions from Members of the Licensing Panel and the legal advisor to the Panel.

In determining the review application, Members of the Licensing Panel had regard to the licensing objectives, the Council's Statement of Licensing Policy and relevant guidance issued under Section 182 of the Licensing Act 2003.

Members of the Licensing Panel gave careful consideration to the representations made by Environmental Health, officers from the Licensing Authority and Ward Councillor, Alison Wright.

In coming to their decision, Members of the Licensing Panel gave consideration to the representations made on behalf of the Premises Licence Holder by their legal representative and gave serious consideration to the fact that the premises had put forward measures which had been accepted by Environmental Health and the Licensing Authority and Ward Councillor Alison Wright, that would have an impact on preventing public nuisance being caused by music emanating from 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 Conditions of the Premises Licence in respect of Wild Inn, Banks Road, West Kirby that relate to Regulated Entertainment shall become effective and that the conditions be modified as follows:**

- **Live and recorded music to cease no later than 10.30 pm**
 - **2 SIA registered door supervisors must be employed on Fridays, Saturdays and Bank Holidays from 9.00 pm until half an hour after the premises closes.**
 - **A noise limiter must be installed at the premises with the level set in agreement with Environmental Health.**
 - **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 if required take any necessary remedial action. A written record of the noise assessments must be maintained by the premises and made available to an Authorised Officer upon request.**
 - **Customers must not be permitted to take drinks into the outside area at the front of the premises beyond 9.30 pm**
 - **Double or secondary glazing must be fitted in the bi fold doors at the front of the premises.**
 - **A vestibule must be installed inside the front door entrance to the premises**
- (3) That the undertaking given by the Premises Licence Holder that there would be no live music at the premises until the work to install double/secondary glazing and create a vestibule was completed be noted and that this work must be completed no later than 31 July 2022.**