

LICENSING PANEL

Thursday, 23 June 2022

Present:

Councillors D Burgess-Joyce
C O'Hagan
S Williams

7 **APPOINTMENT OF CHAIR**

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

8 **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.

9 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - HESWALL ROYAL BRITISH LEGION, 78 PENSBY ROAD, HESWALL**

The Director of Law and Governance reported upon an application that had been received from Heswall Royal British Legion Club Limited for a Premises Licence in respect of Heswall Royal British Legion, 78 Pensby Road, Heswall.

It was reported that the premises currently have a Club Premises Certificate which permitted the hours outlined within the report. 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 and 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 ten representations had been received from local residents. The representations related to noise nuisance from entertainment

coming from the premises and nuisance caused by customers leaving the premises at a late hour which residents advised was currently a problem. Copies of the representations were available.

The applicant attended the meeting together with the Chairman of the Heswall Royal British Legion Club.

Ward Councillor Andrew Hodson attended the meeting together with two local residents.

The Licensing Manager confirmed that all documentation had been sent and received and that authorisation had been received for Councillor A Hodson to speak on behalf of local residents.

The Licensing Manager outlined the report.

The Chairman of the Heswall Royal British Legion advised Members of the Licensing Panel that the purpose of the application was to enable the Club to survive by being open to the public and the reason for the request for the change in hours was not to increase the availability of alcohol but to allow more time for the premises to manage people leaving at the end of the night. He explained that he believed a later hour would allow customers to leave gradually and remain on the premises whilst waiting for taxis which it was considered would prevent them from causing disturbance to local residents.

Members were informed that the premises currently has a Club Premises Certificate that restricts the use of the premises to members of the club and their guests. The Chairman of the Club advised that he had recently been appointed as the new Chairman and he provided details of how the premises intended to operate under the new chairmanship.

The Chairman reported that there was a noise limiter installed both inside the building and in the outside area of the premises, however he acknowledged that it was necessary to review the operation of the limiter in the outside area. He informed Members that the premises intended to invest £2,600 to replace doors at the premises which would operate effectively to prevent noise escaping from the building. He further informed the Panel that the premises had been carrying out regular checks in respect of noise emanating from the premises and emphasised that the Club have a strict no drugs policy in place. The Chairman and the applicant advised the Panel that the Club wished to be a good neighbour and would be willing to implement appropriate measures to mitigate the impact of the Club on local residents. It was made clear that the Club would be willing to meet with local residents on a regular basis.

The Chairman of the Club and the applicant responded to questions from Ward Councillor, Andrew Hodson, local residents and the Members of the Licensing Panel and the Legal Advisor to the Panel.

The Licensing Manager confirmed the current conditions on the Club Premises Certificate.

Ward Councillor, Andrew Hodson addressed the Licensing Panel and advised that he was representing a number of residents who had made representations in respect of the application. Councillor Hodson advised that the representations related specifically to the prevention of public nuisance and the protection of children from harm. He informed the Members of the Licensing Panel that residents were not opposed to the British Legion operating, however, they wanted it to do so in a way that did not cause a disturbance to local neighbours.

Councillor Hodson informed the Panel that he had been approached by a number of residents last year regarding the disturbance that was being caused at that time by the way in which the premises were being managed. He advised that following the intervention of a Licensing Enforcement Officer, some improvements had been made, however problems had reoccurred in the last few months. Councillor Hodson was pleased to hear that it had been acknowledged by the Club that an increase in staff was required to manage the premises effectively, however, he informed Members that the main concern for local residents was the later time that the premises wished to operate until and the fact that the premises would operate without any restrictions to membership as well as music emanating from the premises.

The residents in attendance advised that they believed appropriate conditions would be necessary to ensure the Club would operate in such a way as to not cause a disturbance to local residents and that meeting with the Club on a regular basis would be necessary in the future. They also expressed concerns in respect of customers migrating to the bowling green late at night.

In response to concerns from local residents that the granting of a Premises Licence would remove some control from management in respect of the behaviour of customers, the premises advised that they would continue to offer a membership which would entitle members to reduced prices which they considered would encourage customers to become members. Members of the Licensing Panel were further advised that the premises could refuse entry to anyone in a similar way that other licensed premises operate. It was stated that the Club intended to increase the number of staff employed so as to better manage the premises and prevent residents being disturbed by noise and customers, in particular, customers leaving the premises at the end of the night.

It was acknowledged by the premises that they could work closely with Environmental Health to determine appropriate levels for the noise limiters to operate and receive further guidance in terms of noise management. It was

further acknowledged that measures needed to be put in place to prevent customers migrating to the bowling green late at night.

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 considered the representations from local residents in respect of noise nuisance caused to them by noise escaping from the premises, customers leaving the premises at a late hour and customers congregating outside causing noise disturbance. Members had regard to the submissions made by the applicant and their willingness to address the concerns raised by local residents and the measures they would be willing to put in place to prevent the operation of the premises causing disturbance to local residents, which included effective management to prevent customers migrating to areas adjacent to local residents late at night.

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 Heswall Royal British Legion Club, 78 Pensby Road, Heswall, be granted with the following hours:

Sale by Retail of Alcohol (Consumption On and Off the premises)

Sunday to Saturday 10:00 to 23:30

Performance of Plays

Sunday to Saturday 08:00 to 23:00

Indoor Sporting Events

Sunday to Saturday 09:00 to 23:30

Boxing and Wrestling Entertainment

Sunday to Saturday 08:00 to 23:30

Live Music

Sunday to Saturday 12:00 to 23:30

Recorded Music and Performance of Dance

Sunday to Saturday 09:00 to 23:30

Anything of a Similar Description to Live Music, Recorded Music and Performance of Dance

Sunday to Saturday 10:00 to 23:30

Late Night Refreshment

Sunday to Saturday 23:00 to 23:30

Hours Open to the Public

Sunday to Saturday 08:00 to 00:00

Non-Standard Timings

Christmas Eve, Christmas Day, New Years Eve, New Years Day and Bank Holiday Weekends:

Sale by Retail of Alcohol until 01:30

Recorded Music until 01:30

Hours Open to the Public until 02:00

(3) That in addition to the appropriate conditions proposed in the operating schedule and the conditions agreed with Merseyside Police, the following conditions be placed on the Premises Licence:

- Noise limiters must operate at the premises to control music levels both inside the fabric of the building and in the outside areas of the premises. The decibel levels for the noise limiters must be 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 must be made of the assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.**

This log book must be made available to an Authorised Officer upon request.

- **All external doors and windows must be kept closed when entertainment is being provided and in any event by 22:00, except in the event of an emergency and to permit access to or egress from the premises.**
- **There must be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the area quietly.**
- **Bottles or broken glasses must not be disposed of from the premises between the hours of 21:00 and 09:00 so as not to cause a disturbance to residents in the vicinity of the premises.**
- **The double doors at the front and rear of the Concert Room, and the double doors in the Lounge Room, next to the Bowling Green, must include an audible alarm and a visual identification on the control panel to alert a member of staff that the doors had been opened, in order that prompt action can be taken to close the door to prevent public nuisance being caused.**
- **The premises must maintain an incident log that includes the recording of complaints made regarding noise emanating from the premises.**
- **An incident book must be maintained to record any activity of a violent, criminal or antisocial nature, or complaints made regarding the operation of the premises. The record must contain the time and date, the nature of the incident/complaint, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident/complaint. The incident book must be reviewed by a Senior Officer of the Club on a weekly basis. A record of the review must be clearly recorded. The incident book must be available for inspection at all reasonable times by an Authorised Officer. The records must be retained for at least 12 months.**