

# Public Document Pack

## LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 20 June 2018

Present:

Councillors    RL Abbey  
                      AER Jones  
                      C Meaden

4     **APPOINTMENT OF CHAIR**

**Resolved – That Councillor R Abbey be appointed Chair for this meeting.**

5     **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Sub-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     **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WIRRAL LIBERAL CLUB, 29 SHREWSBURY ROAD, OXTON**

The Assistant Chief Executive reported upon an application that had been received from Georgina Martin for a Premises Licence in respect of Wirral Liberal Club, 29 Shrewsbury Road, Oxtton, under the provisions of the Licensing Act 2003.

The current hours together with the hours requested were outlined within the report and the Secretary of the Club had advised that should the application be granted, the Club Premises Certificate would be surrendered.

The applicant 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. Following discussions with Merseyside Police, the applicant had agreed to include a number of conditions on the Premises Licence together with the proposals that had been set out in the operating schedule should the application be granted.

Three representations had been received from local residents. The representations related to anti-social behaviour caused by customers of the premises whilst intoxicated. The representations also related to noise nuisance at a late hour from entertainment. Copies of the representations were available.

Mr Tomlinson, a trustee of Wirral Liberal Club, attended on behalf of the applicant.

A local resident who had made representations was also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that Mr Tomlinson had been given authorisation from the applicant to represent her.

The Licensing Manager reported that notification had been received from one of the local residents advising that they were unable to attend, also a letter had been received from another local resident who requested that the meeting be adjourned as she was unable to attend, however, should the meeting proceed, that her representation be given full consideration.

Members considered the request for the adjournment and determined that the matter proceed.

The local resident in attendance submitted photographic evidence in support of his representation which was distributed to all parties further to the agreement of Mr Tomlinson.

The Licensing Manager outlined the report.

Mr Tomlinson addressed the Committee and advised Members that the application had been made in order to extend the scope of the Club to allow more members of the public into the premises without them having to become members. He informed Members that the premises would rarely open for all the hours that had been applied for and that the Club often closes at 10.00 pm. He advised that the later hours applied for would be to accommodate election days, parties and events. He recognised the importance of being a good neighbour and having good dialogue with local residents and was aware of the concerns that had been raised. He stated that music would never be played in the outside area of the premises and that alcohol would be sold at standard prices. He advised that the exterior of the grounds were undergoing improvement and other improvements to the building were planned.

Mr Tomlinson responded to questions from Members of the Sub Committee, the local resident and Miss V Silvester, Legal Advisor to the Sub Committee.

The local resident addressed the Sub Committee in objection to the application. He informed Members that the premises had been relatively quiet during the last few months and although there had been an incident in May 2018 this had been an unusual occurrence. He advised that the fact the premises had been less busy and this was welcomed by local residents. He advised that the biggest concern was the noise emanating from beer garden of the premises and also raised concerns in respect of the minimal parking which resulted in cars parking up Arnside Road. He submitted photographs of the premises further to the agreement of Mr Tomlinson and raised further concerns in respect of the change it would bring to the premises in respect of numbers of customers and clientele should the application be granted.

The local resident responded to questions from Members of the Sub-Committee and Miss V Silvester, Legal Advisor to the Sub Committee.

In determining the application the Licensing Act 2003 Sub-Committee 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.

Members gave careful consideration to the submissions made by the applicant and the representations in writing and orally at the hearing.

Members had regard to the fact that the operation of the premises would not fundamentally change and that the application was to allow flexibility in operating the premises to allow members of the public to use the premises. Members noted that it was intended that if the customer base did increase, it was the intention to retain the same customer profile. In determining the application, Members took into consideration the fact that the applicant had made it clear that there would be no music played in the outside area of the premises.

Members also had regard to the representations made by local residents and noted the particular concern regarding the close proximity of the beer garden to residents' properties.

**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 Wirral Liberal Club, 29 Shrewsbury Road, Oxton, be granted with the following hours:**

**Sale by Retail of Alcohol**

<b>Sunday to Thursday</b>	<b>12:00 to 23:30</b>
<b>Friday and Saturday</b>	<b>12:00 to 00:00</b>

**Hours Open to the Public**

<b>Sunday to Thursday</b>	<b>12:00 to 00:00</b>
<b>Friday and Saturday</b>	<b>12:00 to 00:30</b>

**Live Music**

<b>Monday to Thursday</b>	<b>21:00 to 23:30</b>
<b>Friday and Saturday</b>	<b>21:00 to 00:00</b>
<b>Sunday</b>	<b>16:00 to 20:00</b>

**Non-Standard Timings**

**Sale by Retail of Alcohol**

**Christmas Eve until 01:00**  
**New Years, Eve until 01:30**

**Live Music**

**Christmas Eve until 01:00**  
**New Years, Eve until 01:00**

## **Hours Open to the Public**

**Christmas Eve until 01:00**

**New Years, Eve until 02:00**

- (3) That in addition to the appropriate conditions proposed in the operating schedule and those proposed by Merseyside Police, the following conditions be placed on the Premises Licence:
- The Premises Licence Holder or representative must conduct regular assessments of noise coming from the premises. The assessments must be conducted throughout the evening. Steps must be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record must be made of those 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 taken. This must be made available to an Authorised Officer on request.
  - All external doors and windows must be kept closed from 22.00, except in the event of an emergency or to permit access to or egress from the premises.
  - The beer garden must be closed and cleared by 22:00.