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LICENSING ACT 2003 SUB-COMMITTEE

Friday, 14 August 2020

Present:

Councillors G Davies
D Mitchell
K Greaney

24 **APPOINTMENT OF CHAIR**

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

25 **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.

26 **10.00 AM - APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - MARINE STREET SOCIAL, MARINE POINT, KINGS PARADE, NEW BRIGHTON**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

Further to consideration of a request to adjourn this matter, it was -

Resolved – That, in accordance with Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005, Members of the Sub-Committee considered it necessary to adjourn the item to 18 September 2020 in order hear the application and to consider the representations made by the applicant and all parties.

27 **2.00 PM - APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ROCK POINT RECORDS, 92 VICTORIA ROAD, WALLASEY**

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

The Director of Law and Governance reported upon an application that had been received from Rock Point Leisure Limited for a Premises Licence in respect of Rock Point Records, 92 Victoria Road, Wallasey.

It was reported that the premises do not currently hold a Premises Licence.

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 that a condition be placed on the Premises Licence stating that 'all off sales of alcohol will be sold in sealed containers and must be consumed away from the premises' should the application be granted.

In respect of the application three representations had been received from local residents. The representations related to concerns of anti-social behaviour and noise nuisance which local residents considered would be caused by customers of the premises should the application be granted. Copies of the representations were available.

The applicant attended the meeting by way of video conference together with his colleague.

A local resident also attended the meeting by way of video conference.

The Licensing Manager confirmed that all documentation had been sent and received and that plans of the premises were available to view during the hearing.

The Licensing Manager outlined the report.

The applicant addressed the Sub-Committee. He advised that the premises was a diverse multi-use premises which offered a coffee shop/café, tattoo parlour, barber shop and vinyl record store. He advised Members of his experience running licensed premises over many years. He further advised that he had spearheaded a regeneration project in the area and had invested £4.5m into the regeneration of New Brighton over the last couple of years.

The applicant informed Members of the Sub-Committee that the application had been made in order to complement an existing eatery by adding the sale of premium and craft beers, ciders and wines and also to exhibit classic films in the premises. He explained to Members that he wished to attract the right footfall to the premises by having a diverse offer available and also stated that there would be no vertical drinking in the premises.

The applicant advised Members of the Sub-Committee that he had lived in New Brighton all his life and that he would operate the premises in a professional manner so as not to cause a nuisance to neighbours. He set out a number of measures that would be put in place to uphold the licensing objectives which included staff training, Challenge 25 Policy, extensive CCTV and advised Members that both the inside and outside of the premises would be managed appropriately and that any necessary steps would be taken to prevent public nuisance being caused to local residents which could include closing the outside area should noise levels be heightened to such an extent that they could cause a nuisance. Members of the Sub-Committee were further advised that in taking into account the representations made he would also be content to reduce the use of the outside area to 9.30 pm.

The applicant emphasised to Members of the Sub-Committee that he wanted to operate as a good and responsible neighbour and that he had encouraged the local residents to meet with him. He stated that he would have an open door policy for residents to contact him at any time. He referred to the lack of evidence in relation to the concerns expressed by local residents.

The applicant responded to questions from Members of the Sub-Committee, Mr D K Abraham, legal advisor to the Sub-Committee and the local resident in attendance.

The local resident in attendance at the hearing informed Members of the Sub-Committee that he supported the development that had taken place in the area and he often visited two of the premises operated by the applicant. He stated that whilst he supported the regeneration of the area, he had submitted his representation as he considered that operating a licensed premises until 11.00 pm would be unreasonable due to the close proximity of residential properties. He expressed particular concern in relation to the operation of the outside area as he considered that this would interfere with his quality of life. He was concerned that the premises would not employ door supervisors to monitor this area.

He informed Members of the Sub-Committee that anti-social behaviour already existed in the area and he believed this would be exacerbated should the licence be granted. He expressed his dissatisfaction of the lack of communication from the premises and stated that local residents had been unaware of the application.

The local resident reported that he had lived in the area for a period of two years following investing his savings into purchasing his property and he therefore requested Members to consider providing a balance between the commercial development of the area and the quality of life for people living in the area.

The local resident responded to questions from the applicant.

In response to the representations made by the local resident, the applicant advised that the outside area would be monitored by staff and that all staff authorised to sell alcohol would be trained to a high level in respect of their responsibilities and those of the premises to uphold the licensing objectives. Members of the Sub-Committee were informed that in respect of the application all statutory procedures and notices had been followed and displayed in accordance with the Licensing Act 2003.

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.

In determining the application, Members of the Sub-Committee gave consideration to the business model proposed by the applicant and the fact that this had not given rise to a cause for concern to any of the Responsible Authorities, in particular Merseyside Police, Environmental Health or the Licensing Authority. Members had regard to the concerns expressed by local residents, however, they considered that the applicant had provided evidence to demonstrate that these concerns would be addressed through the effective management of the premises and the measures that would be put in place to uphold the licensing objectives. Members of the Sub-Committee were content that the premises would be managed without the

