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LICENSING PANEL

Friday, 27 August 2021

Present: Councillors A Hodson (Chair)
D Burgess-Joyce
D Mitchell

8 APPOINTMENT OF CHAIR

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

9 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.

10 APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - CHARLIES BAR, 16 BEBINGTON ROAD, NEW FERRY.

The Director of Law and Governance reported upon an application that had been received from Charlynn Blackburn to vary a Premises Licence in respect of Charlie's Bar, 16 Bebington Road, New Ferry.

It was reported that the premises currently have a Premises Licence and the hours permitted under the current Premises Licence together with details of the application 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.

Further to discussions with Merseyside Police, the hours requested for licensable activities and hours open to the public had been reduced by the applicant to those set out within the report. The applicant had also agreed to include a number of conditions proposed by Merseyside Police being placed on the Premises Licence should the application be granted.

In respect of the application a representation had been received from a local resident. The representation related to concerns of crime and disorder and public nuisance being caused to local residents should the application be granted. A copy of the representation was available.

The applicant attended the meeting together with her business partner. Members were advised that a local resident who had made the representation had been given statutory notice in respect of the hearing but was not in attendance.

The Licensing Manager confirmed that all documentation had been sent and received.

The Licensing Manager outlined the report.

The Chair advised that whilst the local resident who had made a representation was not in attendance at the meeting, Members of the Licensing Panel would consider their written representation when determining the application.

The applicant confirmed that further to discussions with Merseyside Police, the hours requested for licensable activities and hours open to the public had now been reduced to those set out within the report. The applicant further advised that they were content to accept conditions proposed by Merseyside Police should the application be granted.

The applicant informed the Panel that she implemented strict measures at the premises in order to control the type of clientele who attended and was also proactive in ensuring that alcohol was not served to individuals who are intoxicated. The applicant advised Members of the Licensing Panel that this was to prevent antisocial behaviour taking place within the premises. The Panel were made aware that the regular customers who attended the premises lived locally and that the purpose of extending the hours was to enable them to enjoy a night out without having to leave early to go to other premises.

In response to the concerns raised by a local resident regarding noise disturbance to residents from customers leaving the premises in the early hours, Members of the Panel asked the applicant whether she operated her business beyond the hours permitted by the current Premises Licence. The Panel were informed that this was not the case and that whilst customers do leave from the back of the premises, the reason for this was for them to access taxis that would not pick up from the front of the premises. The Panel were further informed that facilities are provided at the rear of the premises for customers wishing to smoke.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager and Mr D K Abraham, Legal Advisor to the Panel.

It was highlighted to the applicant that the hours applied for to permit the sale of alcohol and provide live and recorded music were the same hours requested for the premises to be open to the public. Following a discussion, it was acknowledged by the applicant that there should be a lapse of time between the terminal hour for the sale of alcohol and the closing hours of the premises.

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 coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. The Panel had regard to the conditions agreed with Merseyside Police as well as those put forward in the operating schedule.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police.

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 to vary a Premises Licence in respect of Charlies Bar, 16 Bebington Road, New Ferry be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Thursday	09:00 to 00:30
Friday and Saturday	09:00 to 01:30

Recorded Music

Sunday to Thursday	09:00 to 00:30
Friday and Saturday	09:00 to 01:30

Live Music

Sunday to Thursday 09:00 to 00:30
Friday and Saturday 09:00 to 01:30

Late Night Refreshment

Sunday to Thursday 23:00 to 00:30
Friday and Saturday 23:00 to 01:30

Hours Open to the Public

Sunday to Thursday 09:00 to 01:00
Friday and Saturday 09:00 to 02:00

Non Standard Timings (unchanged):

Sale by Retail of Alcohol

Boxing Day until 04:00
New Years Eve until 04:00

Hours Open to the Public

Boxing Day until 04:30
New Years Eve until 04:30

(3) That in addition to the conditions set out in the operating schedule, the following conditions proposed by Merseyside Police be placed on the Premises Licence:

- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.**
- On Friday's and Saturday's there shall be a minimum of 1 SIA registered door**
- supervisor on duty from at least 1800 hrs. On Sunday to Thursday when licensable activities take place after midnight a door supervisor must be on duty. At all other times the premises licence holder/ designated premises supervisor shall risk assess the need of door staff. In all cases they shall remain on duty until the premises close. Door supervisors must clearly display their SIA badges at all times.**

- **The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that the following details for each door supervisor are contemporaneously entered into a bound register kept for that purpose:**
 - (a) Full name,**
 - (b) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation),**
 - (c) The time they began their duty**
 - (d) The time they completed their duty**
 - (e) The full details of any agency through which they have been allocated to work at the premises if appropriate**
 - (f) The register shall be available at all reasonable times to an authorised officer of the Licensing Authority or Merseyside Police. This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer or Merseyside Police to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.**

- **CCTV shall be installed at the Premises in the form of a recordable system, capable of providing clear, good quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises, any external seating or smoking areas, all areas where the sale, supply or consumption of alcohol occurs and all other areas where licensable activity takes place. Equipment shall be maintained in good working order and checked on a regular basis to ensure it displays the correct time and date. The system shall record in real time and operate whilst the premises are open to the public. The recordings shall be retained for a period of 31 days and made available to any authorised officer on reasonable request for evidential purposes, in accordance with Data Protection Legislation. The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised officer. If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the Designated Premises Supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority shall be informed when faults are rectified.**

