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LICENSING PANEL

Friday, 16 September 2022

Present:

Councillors A Hodson
D Burgess-Joyce
K Greaney

13 **SILENT TRIBUTE TO HER MAJESTY THE QUEEN**

Following the sad announcement of the death of Her Majesty the Queen, Members stood in silent tribute for 2 minutes.

14 **APPOINTMENT OF CHAIR**

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

15 **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.

16 **APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - PERCH ROCK HOTEL, 7 GROSVENOR ROAD, NEW BRIGHTON**

The Director of Law and Governance reported upon an application that had been received from The Craft Union Pub Company Limited to vary a Premises Licence in respect of Perch Rock Hotel, 7 Grosvenor Road, New Brighton.

It was reported that the premises currently have a Premises Licence which permitted the hours outlined within the report. The hours applied to vary 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.

In respect of the application a representation had been received from a local resident. The representation related to public nuisance being caused to residents by customers outside the premises which the resident advised was currently a problem. The local resident considered that should the application be granted for later hours then public nuisance could be exacerbated. A copy of the representation was available.

The applicant attended the meeting together with his legal representative. The local resident who had made a representation was also in attendance.

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

The Licensing Manager outlined the report and in response to the Chair clarified that the hours requested to vary the Premises Licence were for Fridays and Saturdays.

The applicant's legal representative reported that the company has extensive experience in operating licensed premises. He advised that these premises were a community pub and he reported that there had been no history of complaints and that strong management was in place. He advised Members that prior to submitting the application, the premises had contacted Merseyside Police and as a consequence agreed to a number of additional conditions being added to the Premises Licence should the variation be granted. He referred to the fact that only one representation had been made despite many residents being in close proximity to the premises and that no representations had been made by any of the Responsible Authorities, in particular Merseyside Police or Environmental Health.

In response to questions, the applicant's legal representative informed Members that there was no intention to change the demographic of customers attending the premises and that this would be controlled through door supervisors and strong management at the premises. He submitted that later hours would allow dispersal to take place from the premises over a longer period of time.

The applicant's representative provided details of the proposed conditions to be added to the Premises Licence which included CCTV, a Challenge 25 Policy, staff training, a refusals register and incident log and door supervisors.

The applicant's legal representative and the applicant responded to questions from the local resident, the Members of the Licensing Panel and the Legal Advisor to the Panel.

The local resident in attendance raised concerns in respect of customers of other premises migrating to these premises at a late hour and advised that he had witnessed people sitting outside the premises at 1.30 am drinking and

that no attempt had been made to prevent this from happening by the premises. He also stated that he had witnessed customers smoking and drinking outside of the premises which had caused him to be disturbed by customers at that time as well as when customers were leaving the premises in the early hours of the morning.

In response to questions from Members of the Panel, and the legal advisor to the Panel, the local resident advised Members that his main concern was noise disturbance he had experienced coming from outside the premises and when people were leaving the premises which could be addressed if the premises were managed so that customers were not allowed to drink outside the premises beyond their permitted hours of 9.00 pm and if door supervisors managed the dispersal of customers at closing time.

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 submissions made by the applicant's legal representative, in particular that there was no intention to change the demographic of customers attending the premises. Members of the Panel had regard to the conditions agreed with Merseyside Police.

In determining the application Members gave consideration to the representation made by the local resident however Members had to have regard to the statutory guidance issued under the Licensing Act 2003 that their decision must be evidenced based.

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 and Environmental Health.

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 Perch Rock Hotel, 7 Grosvenor Road, New Brighton, be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Thursday 10:00 to 00:30
Friday and Saturday 10:00 to 03:00

Performance of Dance, Exhibition of Films, Indoor Sporting Events, Performance of Dance, Live Music and Anything of a Similar Description

Sunday to Thursday 10:00 to 23:30
Friday and Saturday 10:00 to 00:00

Recorded Music

Sunday to Thursday 10:00 to 23:30
Friday and Saturday 10:00 to 03:00

Late Night Refreshment

Sunday to Thursday 23:00 to 00:30
Friday and Saturday 23:00 to 03:00

Hours Open to the Public

Sunday to Thursday 10:00 to 01:00
Friday and Saturday 10:00 to 03:30

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

- A minimum of two SIA registered doorstaff must be employed at the premises on a Friday and Saturday from 9.00 pm until 4.00 am or until all customers have left the vicinity of the premises.**
- No drinks to be taken outside the fabric of the building beyond 9.00 pm.**
- The outside seating area must be regularly monitored to prevent noise nuisance being caused to local residents and a log maintained of the monitoring.**
- The outside seating area must be closed and clear of all customers by 9.00 pm.**