

# Public Document Pack

## LICENSING PANEL

Friday, 23 September 2022

Present:

Councillors S Bennett  
D Burgess-Joyce  
C O'Hagan

17 **APPOINTMENT OF CHAIR**

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

18 **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.

19 **APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - MYKONOS CAFE BAR, 710 BOROUGH ROAD, BIRKENHEAD**

The Director of Law and Governance reported upon an application that had been received from Albano Pelivani for a Premises Licence in respect of Mykonos Café Bar, 710 Borough Road, Birkenhead.

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

In respect of the application a representation had been received from a local resident. The representation related to concerns that anti-social behaviour would increase should the application be granted due to customers leaving the premises late at night causing a nuisance which the resident had indicated was currently a problem with other nearby premises. The resident also had concerns regarding the use of the outside area at the rear of the premises which could cause a nuisance to local residents. A copy of the representation was available.

In response to the representation submitted by the local resident, the agent representing the applicant had written to the resident outlining how the premises would be operated should the application be granted and a copy of the letter was available.

The applicant attended the meeting together with his agent. The Licensing Manager advised Members that the local resident who had made the representation was unable to attend.

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

The Licensing Manager outlined the report.

The applicant's agent informed Members of the Panel that the applicant had invested significantly in the premises by refurbishing the site to become a new cafe bar/diner. He advised that the operating model of the business was that it would be food led selling a range of Greek food for customers to predominantly consume on site and also providing snacks, breakfasts, coffees, soft drinks and a small offering of alcohol. Members were informed that there would also be a takeaway and delivery service, however, no alcohol would be sold as part of the takeaway service and the application for off sales was to supply alcohol as part of a delivery service.

The applicant's agent advised that the maximum occupancy of the premises was for 20 customers inside and approximately 16 outside. He provided Members of the Panel with 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 an incident log.

Members gave consideration to the written representation which outlined concerns that anti-social behaviour may increase in the area should the application be granted as he submitted that there are already problems with late night drinkers causing a nuisance at closing times of other establishments within close proximity to these premises. He had also expressed concerns regarding the use of the outside area at the rear of the premises which could cause a nuisance to local residents.

In response to concerns in respect of the use of the outside area, the applicant advised that he would be content for a condition to be placed on the Premises Licence restricting the use of this area to 10.00 pm.

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 agent, in particular that the business would be food led. Members gave consideration to the written representation made by a local resident, however Members had to have regard to the statutory guidance issued under the Licensing Act 2003 that the decision of the Licensing Panel 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.

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 Mykonos Café Bar, 710 Borough Road, Birkenhead, be granted with the following hours:**

**Sale by Retail of Alcohol (consumption 'on' and 'off' the premises)**

**Sunday to Saturday 11:00 to 23:00**

**Recorded Music**

**Sunday to Saturday 08:00 to 23:00**

**Hours open to the Public**

**Sunday to Saturday 08:00 to 23:15**

**Non-Standard Timings**

**Sale by Retail of Alcohol (consumption 'on' and 'off' the premises)**

**Bank Holidays 11:00 to 00:00**

**Christmas Eve 11:00 to 00:00**

**New Year's Eve 11:00 to 00:00**

**Recorded Music**

<b>Bank Holidays</b>	<b>08:00 to 00:00</b>
<b>Christmas Eve</b>	<b>08:00 to 00:00</b>
<b>New Year's Eve</b>	<b>08:00 to 00:00</b>

#### **Late Night Refreshment**

<b>Bank Holidays</b>	<b>23:00 to 00:00</b>
<b>Christmas Eve</b>	<b>23:00 to 00:00</b>
<b>New Year's Eve</b>	<b>23:00 to 00:00</b>

#### **Hours Open to the Public**

<b>Bank Holidays</b>	<b>11:00 to 00:15</b>
<b>Christmas Eve</b>	<b>11:00 to 00:15</b>
<b>New Year's Eve</b>	<b>11:00 to 00:15</b>

**(3) That in addition to the conditions submitted as part of the application, the following condition be placed on the Premises Licence:**

- The outside area must be cleared of all customers by 10.00 pm.**