

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON 19 MARCH 2013**

PRESENT: Councillor Kermode (in the Chair)
Councillors Gustafson and Mahon

4. ELECTION OF CHAIR

RESOLVED:

That Councillor Kermode be elected Chair for this meeting of the Sub-Committee.

5. DECLARATIONS OF INTEREST

No declarations of interest were made.

**6. LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE - 95-97 LIVERPOOL ROAD, CROSBY. L23 5TD**

The Sub-Committee considered the report of the Director of Built Environment regarding an application by Mr Anthony Joseph Owens, Ms Kathleen Shirley Owens and Mr John Robert Owens for the Grant of a Premises Licence in respect of the above premises as follows:

- the sale of alcohol by retail (on and off the premises):

Days of Operation	Hours of Operation
Monday to Thursday	10.00 to 23.30
Friday to Saturday	10.00 to 00.30
Sunday	10.00 to 23.30

- the provision of regulated entertainment – live music:

Days of Operation	Hours of Operation
Monday to Wednesday	10.00 to 23.30
Thursday	10.00 to 00.00
Friday to Saturday	10.00 to 00.30
Sunday	10.00 to 23.30

- the provision of regulated entertainment - recorded music;
and

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- the provision of regulated entertainment - entertainment of a similar description to that falling within the category of live music, recorded music, or performance of dance:

Days of Operation	Hours of Operation
Monday to Thursday	10.00 to 23.30
Friday to Saturday	10.00 to 00.30
Sunday	10.00 to 23.30

- the provision of late night refreshment:

Days of Operation	Hours of Operation
Sunday to Thursday	23.00 to 23.30
Friday to Saturday	23.00 to 00.30
Sunday	23.00 to 23.30

Hours premises to be open to public:

Days of Operation	Hours of Operation
Monday to Thursday	10.00 to 00.00
Friday to Saturday	10.00 to 01.00
Sunday	10.00 to 00.00

In addition to the matters outlined above, the applicant also wished to vary the Licence to include the following non-standard timings to be applicable to all licensable activities:

Christmas Eve, Boxing Night and all Saturdays preceding Bank Holiday Mondays until 01.00 the following morning and New Years Eve until 02.00 the following morning, also allowing for an additional 30 minutes opening time.

Objections to the application had been received and this necessitated a hearing for which the Sub-Committee had been convened.

The Committee heard representations from:

- Mr Terry McGraw, Solicitor, Whitfields Solicitors – on behalf of the applicants, in support of the application;
- Mr Anthony Owens, Applicant who was called as a witness by Mr McGraw; and
- Mrs J Murphy, Mr SJ Murphy, Ms D Leslie, Mr S Seneviratne, Mrs R Seneviratne and Mrs S Williams, objecting to the application and Councillor Tonkiss on behalf of the objectors.

All parties agreed the issues that were in contention and the procedure that was to be followed.

Councillor Tonkiss raised a preliminary issue asking whether the Members of the Licensing Sub-Committee had undertaken a site visit to the

premises as happened with Planning Committee. Councillor Tonkiss was advised that Licensing Sub-Committees were not conducted in the same way as Planning Committees in that they did not undertake site visits. Maps showing the surrounding areas to premises were included with each appropriate Agenda item and therefore site visits were not considered to be appropriate or necessary in considering whether or not a premise would impinge on one of the four licensing objectives. Also site visits posed the risk of Sub-Committee Members being accused of bias or pre-judging a case before they had had the opportunity to hear all of the evidence presented at the hearing.

There were no further preliminary issues raised, and at the end of their representations, everyone confirmed that they were satisfied that they had said all they wished to say.

The Sub-Committee retired under Regulation 14(2) of the Licensing Act (Hearings) Regulations 2005 (as amended) and thereby excluded the press and public whilst they reached their decision on the application. The Sub-Committee returned to give their decision in public.

RESOLVED:

That the application for the Grant of a Premises Licence in respect of 95-97 Liverpool Road, Crosby, L23 5TD be granted subject to the imposition of the following conditions:

- (1) All external doors/windows must be closed, other than for ingress and egress in all rooms when events involving amplified music, regulated entertainment or speech are taking place.
- (2) The Licence Holder is to arrange meetings with all residents living within the proximity of the premises on at least a quarterly basis to discuss any of the residents' concerns/operational matters.

Reason(s):

The Sub-Committee have heard representations from Mr McGraw of Whitfields Solicitors on behalf of the Applicants, Mr Anthony Owens, Mr John Owens and Mrs Kathleen Owens. The Sub-Committee have also heard objections from Mr and Mrs Murphy, Mr and Mrs Seneviratne, Mrs Williams, Mrs Leslie and Councillor Tonkiss, as well as considering the petition submitted and the written representations received. The Sub-Committee are also cognisant of the fact that no representations were received in response to the application from any of the Responsible Authorities.

The Sub-Committee recognises the concerns of the residents and interested parties. However, they note that they have not been presented with any extraneous evidence of the issues raised. The Sub-Committee note that this application is for the grant of a new Premises Licence and

they are bound to have regard to the appropriate legislation, Guidance and to Sefton Council's own Statement of Licensing Policy.

The Sub-Committee cannot impose conditions that are, or could be considered disproportionate, overly burdensome or purely aspirational. In addition, the Sub-Committee cannot address issues that are dealt with by other statutory regimes such as planning or highways legislation.

The Sub-Committee is satisfied that the Applicants have sufficient knowledge and experience of the licensing trade and have evidenced their respect for local residents and community in attempts to engage with the interested parties prior to today's meeting. The Sub-Committee is pleased to note this and hope that this will continue into the future.

All parties are reminded however, that should their concerns come to fruition, the right to a Review of the premises is always an option available to address those concerns.