

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE COMMITTEE ROOM - BOOTLE TOWN HALL,
TRINITY ROAD, BOOTLE, L20 7AE
ON MONDAY 17TH APRIL, 2023**

PRESENT: Councillor John Kelly (in the Chair)
Councillors Bradshaw and Lynne Thompson

38. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor John Kelly be appointed as Chair for this meeting of the Sub-Committee.

39. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

**40. LICENSING ACT, 2003 – PREMISES LICENCE - GRANT - THE FORGE,
QUEEN ANNE STREET, SOUTHPORT PR8 1EH**

The Sub-Committee considered the report of the Assistant Director of Place (Highways and Public Protection) regarding an application by Purple Rain Lounge Limited, for the Grant of a Premises Licence in respect of the above premises.

Five letters of objection to the application had been received from members of the public and this necessitated a hearing for which the Sub-Committee had been convened.

The Sub-Committee heard representations from Bernard Stapleton, Designated Premises Supervisor and Owner – Operator of the above premises, in support of the application.

The Sub-Committee also heard representations from a member of the public objecting to the application.

At the end of their representations, Bernard Stapleton and the objector confirmed that they were satisfied 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.

Decision

RESOLVED:

That the application for the Grant of a Premises Licence in respect of The Forge, Queen Anne Street, Southport PR8 1EH, be granted subject to the hours set out below:

The sale of alcohol by retail on the premises;
The provision of regulated entertainment – live music;
The provision of regulated entertainment – recorded music;
The provision of regulated entertainment – performance of dance; and
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
Sunday to Thursday	08:00 – 23:00
Friday to Saturday	08:00 – 02:00

The provision of Late-night refreshment:

Days of Operation	Hours of Operation
Friday to Saturday	23:00 – 02:00

Hours open to the public:

Days of Operation	Hours of Operation
Sunday to Thursday	08:00 – 23:00
Friday to Saturday	08:00 – 02:00

And the insertion of the following conditions:

Signage asking patrons to have due regard for the neighbourhood and to leave quietly will be displayed at the exits to the premises.

Windows and doors to remain closed when any regulated entertainment is being performed.

The licence holder will provide any local residents who have concerns about the premises with a single point of contact to address such issues. The licence holder will also offer quarterly meetings with local residents as a forum for them to raise any issues.

Reasons:

The Sub-Committee has heard from the Applicant and has considered the written and oral representations of local residents objecting to the application.

The Applicant amended their application during the meeting which the Sub-Committee has now granted.

The Sub-Committee is cognisant of the fact that no representations were received in response to the application from any of the Responsible Authorities.

The Sub-Committee notes that this application is for the grant of a new Premises Licence and is 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, highways or environmental legislation. Whilst the Sub-Committee has sympathy for the local resident's concerns it has not heard or received any evidence that these concerns will occur as a result of the licence being granted.

In respect of the crime and disorder objective, per the statutory guidance, the Sub-Committee should look to the Police as the main source of advice on crime and disorder. It is noted that the Applicant has agreed to the insertion of a significant number of conditions following consultation with the Police, on the basis of which the Police have withdrawn their objection to the application.

In respect of the protection of children from harm and public safety licensing objectives the Sub-Committee did not receive any evidence of issues which would occur as a result of this licence being granted.

In respect of public nuisance, many of the objectors speculated about the conduct of patrons leaving the premises. Statutory guidance makes clear that in considering public nuisance, the actions of individuals beyond the immediate area surrounding the premises are matters for the personal responsibility of those individuals under the law, and therefore the Sub-Committee is of the view that imposing conditions in respect of the conduct of patrons beyond the boundary of the premises would be in excess of the Sub-Committee's powers. However, the Sub-Committee is of the view that it could require an additional condition requiring signage asking patrons to have due regard for the neighbourhood and to leave quietly in the promotion of the licensing objective of the prevention of public nuisance.

The objectors main issue in respect of public nuisance was noise leakage given the proximity of the premises to residential dwellings. Further, in line with Sefton's statement of licensing policy, the Sub-Committee is of the view that it could require the additional condition of keeping windows and doors closed when any regulated entertainment is being performed in the promotion of the licensing objective of the prevention of public nuisance.

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The Sub-Committee is satisfied that the Applicant has sufficient knowledge and experience of the licensing trade and has shown during this meeting their respect for local residents and the community. The Sub-Committee is pleased to note this and hope that this will continue into the future. To this end, the licence holder will provide any local residents who have concerns about the premises with a single point of contact to address such issue. The licence holder will also offer quarterly meetings with local residents as a forum for them to raise any issues.

The Sub-Committee concluded that should any concerns come to fruition, in respect of this premises, the interested parties would have the right to request a Review of the Premises Licence. Further, individuals are able to complain to environmental protection in respect of noise nuisance about this and indeed any other commercial premises.