

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE COMMITTEE ROOM - BOOTLE TOWN HALL,
TRINITY ROAD, BOOTLE, L20 7AE
ON 7 JULY 2023**

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

ALSO PRESENT: Councillor Spencer (as an Observer for training
purposes)

1. APPOINTMENT OF CHAIR

RESOLVED:

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

2. DECLARATIONS OF INTEREST

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

3. LICENSING ACT, 2003 – APPLICATION FOR THE GRANT OF A PREMISES LICENCE - THE WHITEHOUSE, SOUTHPORT GOLF LINKS, PARK ROAD WEST, SOUTHPORT, PR9 0JN

The Sub-Committee considered the report of the Assistant Director of Place (Highways and Public Protection) regarding an application by Sefton Hospitality Operations Limited (SHOL) for the grant of a premises licence in respect of the Whitehouse, Southport Golf Link, Park Road West, Southport.

Letters of objection to the application had been received from 6 members of the public and this necessitated a hearing for which the Sub-Committee had been convened.

The Chair advised the Sub-Committee that following agreement between Merseyside Police and the Applicant, the Police objections had now been withdrawn and the conditions requested by the Police would automatically be added to the Licence, if the application was granted.

The Sub-Committee heard representations from Ms Kelly Rixon, Mr Matthew Cox and Ms Vicky Hanlon (Designated Premises Supervisor), on behalf of the Applicant, in support of the application.

The Sub-Committee also heard representations from 4 members of the public objecting to the application.

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

One of the objectors raised a preliminary issue, indicating that they wished to provide additional photographic evidence in support of their representation and the Sub-Committee adjourned whilst the Legal Advisor sought permission from the Applicant's representatives as to whether they would agree to the additional photographic evidence being used. The Applicant's representatives agreed to this request and the Sub-Committee was reconvened after 10 minutes, having given the Applicant's representatives and the Licensing Sub-Committee members the opportunity to consider the additional evidence.

Another of the objectors indicated that he was under the impression that the Licensing Sub-Committee would comprise of Councillors from other authorities. The Legal Advisor indicated that this was not the case and confirmed that Licensing Sub-Committees always comprised of 3 Councillors from the **same authority** as the licence applied for.

There were no further preliminary issues raised.

At the end of their representations, all parties confirmed 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 its decision in public.

Decision

RESOLVED:

That the Application for the Grant of a Premises Licence in respect of The Whitehouse, Southport Golf Links, Park Road West, Southport, PR9 0JN, be granted subject to the hours set out below and the conditions already contained within the operating schedule and imposed by the Police.

The sale of alcohol by retail (on the premises):

Days of Operation	Hours of Operation
Monday to Sunday	11.00 to 23.00 hours

The provision of regulated entertainment – recorded music:

Days of Operation	Hours of Operation
Monday to Sunday	08.00 to 23.00 hours

The provision of regulated entertainment – live music:

Days of Operation	Hours of Operation
Monday to Sunday	10.00 to 23.00 hours

Hours premises open to the public:

Days of Operation	Hours of Operation
Monday to Sunday	08.00 to 23.00 hours

Reasons:

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

During the hearing the Applicant agreed to amend the application to reduce the hours for the sale of alcohol to commence at 11.00 am and terminate at 11.00 pm.

The Sub-Committee recognises that the objectors are aggrieved and feel that they haven't been consulted.

Further, they feel that the grant of a premises licence is a fait accompli, given the promotion of the venue prior to this hearing. The Sub-Committee would like to make clear that as with any other application, it has not pre-determined this application.

This is an application for the grant of a new Premises Licence and the Sub-Committee is bound to have regard to the appropriate legislation, Guidance and to Sefton Council's own Statement of Licensing Policy. The Sub-Committee must grant the licence, unless to do so would be incompatible with one of the licensing objectives. The Sub-Committee has received representations in respect of the licensing objectives of public nuisance and public safety.

The Sub-Committee is cognisant of the fact that no representations were maintained in response to the application from any of the Responsible Authorities. Further, the Sub-Committee has not heard or received any evidence that the alleged concerns in respect of public nuisance and public safety will occur as a result of the licence being granted. Many of the objectors' concerns fell outside of the licensing objectives and

therefore if the Sub-Committee took those concerns into consideration in its decision making, it would be acting beyond its powers.

The Applicant agreed to look into the position of the benches and the security of the benches when the venue is not open. The Applicant also agreed to look into the lighting situated outside the premises, particularly in relation to when the lights are lit and the venue is closed. The Applicant also agreed to look into the signage directing patrons to the venue, in particular in respect of the available car parking. The Sub-Committee is pleased to note this co-operation.

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; and as such is of the view that it cannot add conditions to the licence to address such issues.

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 notes that the Applicant has already agreed to signage requesting patrons to leave quietly.

The Sub-Committee is satisfied that the Applicant has sufficient knowledge and experience of the licensing trade. The Applicant confirmed that direct contact details have been provided to local residents in order for any concerns to be raised quickly and directly with the venue. The Sub-Committee strongly encourages both the Applicant and the objectors to communicate with each other about concerns relating to the premises.

The Sub-Committee concluded that should any concerns come to fruition in respect of this premises, the interested parties have the right to request a Review of the Premises Licence. Further, individuals are able to complain to the Council's Environmental Health Department in respect of any perceived statutory nuisance; and to Parking Services in respect of parking issues.