

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE BIRKDALE ROOM - SOUTHPORT TOWN
HALL, LORD STREET, SOUTHPORT, PR8 1DA
ON 8 OCTOBER 2024**

PRESENT: Councillor Morris (in the Chair)
Councillors Cavanagh and Thompson

12. APPOINTMENT OF CHAIR

RESOLVED:

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

13. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Thomas.

14. DECLARATIONS OF INTEREST

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

**15. LICENSING ACT 2003 - APPLICATION FOR THE VARIATION OF
A PREMISES LICENCE - NO 4, 4 LIVERPOOL ROAD,
BIRKDALE, PR8 4AR**

The Sub-Committee considered the report of the Assistant Director – Highways and Public Protection, regarding an application by MM Wine Ltd for the Variation 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	Current Hours	Variation applied for
Monday to Sunday	07.30 to 24.00	07.30 to 01.30

- The provision of regulated entertainment - live music;
- The provision of regulated entertainment - recorded music;
- The provision of regulated entertainment - performance of dance;
- 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	Current Hours	Variation applied for
Monday to Sunday	None	23.00 to 01.30

The provision of late night refreshment

Days of Operation	Current Hours	Variation applied for
Monday to Sunday	23.00 to 24.00	23.00.to 02.00

Hours premises to be open to public:	Current Hours	Variation applied for
Days of Operation		
Monday to Sunday	07.30 to 24.00	07.30 to 02.00

In addition, the applicants also wished to vary the Licence by adding the following condition:

After 23.00 any music (including bass and vocals) provided inside the building should not be audible at the boundary of any residential dwelling.

The applicants have also agreed to the below Conditions being inserted on the Licence. This being in response to representations received from Merseyside Police and subsequent negotiations; as a result of this agreement representations have been formally withdrawn.

Prevention Of Crime & Disorder Conditions

i) A risk assessment shall determine the requirement for door supervisors.

If door supervisors are on duty, they shall wear distinctive clothing or insignia to clearly identify them as door supervisors. A register of all door supervisors will be kept at the premises with recorded details of dates and times on and off duty, full names and full 16-digit SIA numbers signed on and off by the DPS or deputy. Any incident involving door supervisors will be recorded in the door supervisor register. The record shall include details of their employer (if not the premises) and be signed by that individual.

ii) No open vessels, glasses, bottles or alcohol containers will be allowed to be taken beyond the delineated licensed area as indicated on the deposited plan.

iii) Any sales of alcohol knowingly made for consumption off the premises will be made in a sealed container and consumed away from the premises.

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

The Sub-Committee heard representations from Gill Sherratt, Licensing Matters (Applicant's Representatives) and Mike Finch, director of MM Wine Limited in support of the application. During the course of their representation the Applicant sought to amend their application, reducing

the hours sought to 07:30 to 23:00 Sunday to Thursday and 07:30 to 01:00 Friday and Saturday.

All parties agreed the issues that were in contention and the procedure that was to be followed. There were no preliminary issues raised, and at the end of their representations, everyone 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 their decision in public.

Decision

RESOLVED:

That the application for the variation of the Premises Licence for No 4, 4 Liverpool Road, Birkdale, PR8 4AR be granted subject to the conditions set out in the operating schedule, the additional conditions agreed with Merseyside Police, and the following hours:

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

Days of Operation	Hours of Operation
Sunday to Thursday	07:30 a.m. – 11:00 p.m.
Friday to Saturday	07:30 a.m. – 01:00 a.m.

The provision of regulated entertainment – live music;

The provision of regulated entertainment – recorded music;

The provision of regulated entertainment – performance of dance;

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
Friday to Saturday	11:00pm – 01:00 a.m.

The provision of late-night refreshment

Days of Operation	Hours of Operation
Friday to Saturday	11:00pm – 01:00 a.m.

Hours open to the public

Days of Operation	Hours of Operation
Sunday to Thursday	07:30 a.m. – 11:00 p.m.
Friday to Saturday	07:30 a.m. – 01:00 a.m.

Reasons:

The Sub-Committee notes that this application is for the variation of an already established Premises Licence and is bound to have regard to the appropriate legislation, Guidance and to Sefton Council's own Statement of Licensing Policy.

Statutory guidance states that Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities; the only responsible authority submitting a representation on this occasion being Merseyside Police who subsequently withdrew that representation upon the agreement of conditions being imposed on the licence. The Applicant did seek to amend one of the conditions previously agreed with the Police to the effect that "No open vessels, glasses, bottles or alcohol containers will be allowed to be taken beyond the delineated licensed area as indicated on the deposited plan", with the exclusion of the seated area outside of the premises. Without any clarification from the Police that this was agreed the Sub-Committee was not minded to amend such agreed condition. It will be for the Applicant to seek to resolve this through a subsequent variation, if necessary.

The Sub-Committee must grant a variation unless to do so would undermine the licensing objectives, a local landlord objected to the variation raising issues of public nuisance. In respect of the objectors concerns about music being played at the premises, the Sub-Committee note that no concerns have been raised by the Environmental Health department in this respect. The Sub-Committee also note that the Applicant has suggested a further condition to ensure that music is not audible at the boundary of any residential dwelling. In the absence of any further evidence of the music causing a nuisance the Sub-Committee did not feel able to impose any further conditions in this respect; however, the Sub-Committee encourages the objector to consult with the Council's Environmental Health department in respect of any future issues of noise nuisance.

Whilst the Sub-Committee is sympathetic to the concerns of the objector in regard to general antisocial behaviour in the vicinity of this premises it has not heard or received any evidence that the increased hours of licensable activities will result in increased anti-social behaviour and therefore public nuisance. Where the objector's concerns relate to areas beyond the licensable premises, the Statutory guidance makes clear that, the actions of individuals beyond the immediate area surrounding the premises are matters for the personal responsibility of those individuals under the law. As such the Sub-Committee is not able to take steps to regulate these.

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 the community in attempts to engage with the interested parties, by amending their application to address residents'

concerns. The Sub-Committee strongly encourages both the Applicant and the objector to communicate with each other about concerns relating to the premises. Ultimately, should any concerns come to fruition in respect of the variation to this premises licence, the objector would have the right to request a Review of the Premises Licence.