

<b>Minutes of</b>	<b>Licensing Panel</b>
<b>Meeting date</b>	<b>Tuesday, 25 July 2023</b>
<b>Committee members present:</b>	Councillors Jane Bell (Chair), Paul Wharton-Hardman and Hilary Bedford
<b>Officers present:</b>	Chris Ward (Licensing Manager), Tasneem Safdar (Shared Legal Services Team Leader) and Clare Gornall (Democratic and Member Services Officer)
<b>Other attendees:</b>	Malcolm Ireland – Harrison Drury Solicitors, representing the applicant Thomas Havlin – proposed Designated Premises Supervisor, ST Leisure and Entertainment Samuel Gale – St Leisure and Entertainment Kristian Torgerson – Licensing Paralegal (supporting the applicant)  Helen Johnson – interested party Susan Fox- interested party Peter Kenworthy – interested party Janet Kenworthy – interested party Councillor Colin Coulton – South Ribble Borough Council

A video recording of the public session of this meeting is available to view on [YouTube here](#)

#### **17 Apologies for absence**

None.

#### **18 Declarations of Interests**

There were none.

#### **19 New Premises Application - Chapel Lane, Longton**

Mr Chris Ward, Licensing Manager presented a report of the Chief Executive giving details of the need to determine a new premises application, pursuant to Section 17 of the Licensing Act 2003, in respect of 2 -4 Chapel Lane, Longton, PR4 5EB. As relevant objections had been received from residents, it was necessary for a hearing to be held.

The report indicated that the applicant, ST Leisure and Entertainment Ltd., had applied for a premises licence for the following:

### **Opening hours**

Monday to Friday - 11:00 to 23:00

Saturday - 11:00 to 00:00

Sundays - 10:15 to 23:00

### **Supply of alcohol (on and off Sales)**

Monday to Friday - 11:00 to 22:30

Saturday - 11:00 to 23:30

Sundays - 10:15 to 22:30

### **Late Night refreshment**

Saturday 23:00 to 00:00

Mr Ward stated that no representations had been received from responsible authorities, however five representations had been received from local residents which were detailed at Appendices 1 – 5 in the report. The representations raise issues in relation to the following licensing objectives:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The Panel were informed that one of the interested parties who had made representations, Mr Nick Cadwallender, had emailed the Council within the last 24 hours to state that following discussions with the applicant his major concerns had been addressed and stating his intention to withdraw his representations.

The Panel were advised by Ms Safdar, Legal Services Team Leader that it was not possible to withdraw representations less than 24 hours before the hearing, and therefore the representations still stand for consideration. It would be for the Panel to decide what weight it wished to give those representations.

The Licensing Manager referred to the relevant policy and guidance which could be found at paragraphs 18 – 19 of the committee report. The report also outlined the options available to the panel as stipulated by section 18 of the Act, these being;

- To grant the licence subject to any conditions the Licensing Authority considers appropriate for the promotion of the Licensing Objectives.
- To exclude from the scope of the licence any licensable activities to which the application relates
- To refuse to specify a person in the licence as the designated premises supervisor; or
- To reject the application

### Presentation of the Applicant's Case

Mr Malcolm Ireland presented the applicant's case. He stated that the proposed Designated Premises Supervisor, Tom Havlin, had worked in the leisure sector since leaving full time education and indeed both Mr Havlin and Mr Gale both have hands on experience in the industry.

Mr Ireland explained that the application was for a high end bar promoting specialist, high quality beers and wines. He referred to the written representations submitted by the applicant, which included the CV of the proposed Designated Premises Supervisor, Mood Boards giving a feel of the premises, sample letter to interested parties, and a copy Judgement from Daniel Thwaites Plc vs Wirral Borough Council Magistrates' Court.

Mr Ireland made reference to the legal framework concerning the application; the Copy Judgement at pages 12 – 26 of the written representations; the issues raised by local residents objecting to the application; and made the following points:

- Para 42 of the Copy Judgement – presumption in favour of granting an application unless there is evidence that it would undermine the licensing objectives
- Para 55 of the Copy Judgement – responsible authorities are “local experts” in relation to the licensing objectives. No representations have been received from responsible authorities
- Differentiation between the Planning and Licensing functions – Planning permission has been granted. Licensing relates to the regulation of licensable activities at the premises
- Parking / traffic issues – not relevant to the licensing objectives
- Noise nuisance – yes it is relevant in relation to the licensing objective Prevention of Public Nuisance. The applicant therefore offered an additional condition to be imposed on the licence that there will be no emptying of bottle bins externally between the hours of 8pm and 10am.
- Reference made to previous premises – not relevant to this application
- Reference made to concerns regarding the rear of the premises and the installation of gates to prevent patrons exiting via the car park. Mr Ireland indicated that unfortunately this was not within the power of the applicant as the lessee, it was up to the landlord whether or not to install gates on the property.
- Representations made in relation to noise nuisance by patrons drinking outside the premises - it was highlighted that there was already a condition on the application that customers will not be able to take any drinks outdoors after 22:00 each evening.

Mr Ireland stressed that in his view the application was low risk, in respect of the concerns raised by residents.

During questions by the Panel, Mr Ireland indicated that the applicant were willing to accept an additional condition that appropriate signage be displayed discouraging patrons parking or exiting via the rear of the premises to address residents' concerns regarding issues raised in relation to patrons such as noise nuisance.

Mr Ireland said that he did not feel it would be appropriate or proportionate to limit the opening of doors and windows as a condition of the licence. He explained that permission for regulated entertainment as licensable activity was only required after 23:00. On the operating schedule Saturday is the only day where opening hours

would be until 00.00. Regulated entertainment was not included in the application, and so the issue raised would apply to noise made by patrons only and therefore not a proportionate condition to impose on the licence.

### Presentation of the Objectors' Case

Susan Fox, Peter Kenworthy and Helen Johnson who had made written representations and were present at the hearing made verbal submissions to the Panel.

Their main concerns were that the proposed licensed premises would constitute a large bar in close proximity to a residential area, resulting in noise nuisance and possible anti-social behaviour and crime and disorder issues arising from alcohol consumption.

Concern was expressed about noise resulting from broken glasses and bottles, the emptying of bottle bins and patrons smoking outside the premises. Reference was also made to the previous licensed activities over the festive period during which there was alleged drug use and fighting by patrons.

It was suggested that the installation of gates would discourage patrons from exiting via the rear of the premises and accessing the residential area.

When questioned by the Panel it was suggested that an earlier time limit be placed on the licence for supply of alcohol to prevent drinking outside the premises late at night and that signage be displayed to discourage patrons from going to the rear of the premises.

The Chair asked the applicant if they wished to amend the application.

Mr Malcolm Ireland indicated that the applicant was willing to accept the following conditions:

- that appropriate signage be displayed to discourage patrons from parking and leaving via the rear of the premises.
- no emptying of bottle bins between the hours of 8pm and 10am.

Mr Ireland reiterated that there was already a condition on the application that customers will not be able to take any drinks outdoors after 22:00 each evening.

The Chair invited the objectors and then the applicant to sum up.

The objectors summarised the main points raised in their written representations and at the hearing. It was suggested that the applicant amend the sale of alcohol on and off the premises to an earlier time, i.e. 9pm on Friday and Saturdays and 8pm Monday – Thursday.

Mr Ireland summarised the applicant's case and reiterated the points he had made in the hearing.

The Legal Advisor, Tasneem Sadfar, confirmed with the applicant that the application for a premises licence related to 2 -4 Chapel Lane only, i.e. the pink shaded area in the plan at page 53 of the hearing papers.

Chair thanked everyone for attending and explained a decision notice would be issued to all the parties within 5 working days and advised of the right of appeal to the decision to the Magistrates' Court within 21 days.

The Panel then went into private deliberations to consider its decision.

### Decision

In reaching its decision the Panel carefully considered the following:

1. Both Written and Oral Evidence presented in connection with the hearing from all parties
2. The Licensing Act 2003
3. S182 Revised Guidance of the Licensing Act 2003
4. South Ribble Borough Council – Licensing Policy

Members resolved to grant the premises licence in accordance with the Operating Schedule and with the imposition of conditions, for the following reasons:

1. No responsible authorities had made any representations. Responsible authorities are experts in their own fields. The Panel gave significant weight to this.
2. The Panel disregarded any representations which were made around planning issues (for example delivery times, parking) as this was not within their remit and the issues had already been addressed / considered by the imposition of planning conditions by the Licensing Authority. Although issues were raised around drugs and fighting, there was no evidence to substantiate these representations.
3. A number of issues were raised around noise nuisance. In response, the applicant offered that conditions would be imposed to address those concerns. The applicant offered that no bottles will be emptied into the bottle bin during the hours of 8pm – 10am. The applicant also offered to place signage on the external walls of the premises to discourage patrons from exiting to the rear of the premises. The Panel were of the view that the imposition of these conditions was a proportionate response to the concerns raised by the residents.
4. Residents wished for a gate to be installed at the side of the premises to discourage patrons from exiting by the rear area. However, given that the applicant does not have control over the area in question as the lessee, the Panel were of the view that the erection of a gate was disproportionate in the circumstances.
5. It was suggested during the hearing, that the doors to the premises be closed at all times. However, given that the applicant has not applied for regulated entertainment, the Panel did not consider that this was a reasonable condition to add to the premises licence as it did not promote the licensing objectives.

The Panel determined that the imposed conditions be as follows:

- a) No emptying of bottles into the bottle bin between the hours of 8pm and 10am on any day.

- b) That appropriate signage be placed on the external walls of the premises discouraging patrons from parking at the rear of the premises and exiting via the rear of the premises.

Chair

Date