

LICENSING, ENVIRONMENT & SAFETY SUB-COMMITTEE A

Meeting: 25 February 2025

At: 6.00 pm

PRESENT

Councillor Dickie Davies (Chair) in the chair; Councillor ; Councillors Shan Alexander and Dean Fitzpatrick.

1. MINUTES

The Minutes of the meeting held on 2 September 2024 (copies of which had been circulated) were approved as a correct record and signed by the Chair.

2. DECLARATIONS OF INTEREST

Councillors and officers were invited to declare any interests which they had in any of the items on the agenda for the meeting.

No declarations of interest were made.

3. PUBLIC QUESTION TIME

Members of the public were invited to put questions to the Chair on any matters in the powers or duties of the Sub-Committee, subject to the exclusions set out within the Code of Practice.

No public questions were submitted.

4. EXCLUSION OF THE PUBLIC AND PUBLIC INTEREST TEST

RESOLVED – That, notwithstanding the submission of information as part of Agenda Item 5 – ‘Application for a Premises Licence to be granted at Liva, 6-8 Shaw Road, SK4 4AE’, which had been classified as ‘not for publication’ by virtue of it containing material which related to an individual, the Sub Committee was satisfied that in the circumstances it was not necessary for the public to be excluded from the meeting.

5. APPLICATION FOR A PREMISES LICENCE TO BE GRANTED AT LIVA, 6-8 SHAW ROAD, SK4 4AE.

A representative of the Director of Place Management submitted a report (copies of which had been circulated) detailing an application from Caani Restaurant Ltd. for a new premises licence under the Licensing Act 2003 at Liva, 6-8 Shaw Road, SK4 4AE, which sought the following licensable activities:

- The supply of alcohol (on and off the premises) on Sunday to Thursday 07:00 to 00:00 hours and Friday to Saturday 07:00 to 01:00 hours, including bank holidays.
- The provision of late night refreshments (indoors) on Sunday to Thursday 23:00 to 00:00 hours and Friday to Saturday 23:00 to 01:00 hours, including bank holidays.

- Live and Recorded Music (indoors) Sunday – Thursday 23:00 – 00:00 hours, Friday – Saturday 23:00 – 01:00 hours

Prior to the Sub-Committee meeting, objections from the Planning Responsible Authority and the Environmental Health Responsible Authority were withdrawn, following agreement being reached between the parties. The agreement was based on the Applicant reducing the hours of live and recorded music to 11pm and the applicant agreeing to a number of additional conditions as were outlined in the supplement documents to the agenda (and repeated below). As a result of the live and recorded music being reduced to before 11pm, the section of the application fell away on the basis that it is not an activity that requires a license.

The applicant attended the meeting, presented their application, and answered Councillors' questions in relation to the application.

During the course of the meeting, the Applicant advised that he wished to reduce the hours of licensable activities that he was seeking. Namely the reduction was as follows:

- The supply of alcohol (on and off the premises) on Sunday to Thursday 07:00 to 23:30 hours and Friday to Saturday 07:00 to 00:00 hours, including bank holidays.
- The provision of late night refreshments (indoors) on Sunday to Thursday 23:00 to 23:30 hours and Friday to Saturday 23:00 to 00:00 hours, including bank holidays.

An objector, having previously submitted a written representation in relation to the application also attended the meeting, explained their objections to the proposals and answered Councillors' questions in relation to the application.

The Sub-Committee, having heard the interested parties, proceeded to consider the licensing objectives in respect of the application, together with the relevant parts of the Council's Licensing Policy. However, the decision was reached on consideration of all the arguments given in relation to this specific application.

The Sub-Committee found the following:

(i) Prevention of crime and disorder

The Sub-Committee was satisfied that no relevant representations had been raised in respect of this licensing objective.

(ii) Protection of children from harm

The Sub-Committee was satisfied that no relevant representations had been raised in respect of this licensing objective.

(iii) Public safety

The Sub-Committee was satisfied that no relevant representations had been raised in respect of this licensing objective.

(iv) Prevention of public nuisance

The Sub-Committee was satisfied that relevant representations had been received in respect of the prevention of public nuisance licensing objective, specifically the representation asserting that granting the application would increase noise levels in the vicinity of the premises, including for nearby residential properties.

However, the Sub-Committee was of the view that the reduced hours of licensable activities, as proposed by the applicant during the course of the Sub-Committee meeting were sufficient. Namely, that the requested hours on the application be changed to:

- The supply of alcohol (on and off the premises) on Sunday to Thursday 07:00 to 23:30 hours and Friday to Saturday 07:00 to 00:00 hours, including bank holidays.
- The provision of late night refreshments (indoors) on Sunday to Thursday 23:00 to 23:30 hours and Friday to Saturday 23:00 to 00:00 hours, including bank holidays.

This was in addition to the offered conditions as agreed with the Environmental Health responsible authority, and the Planning responsible authority, which were distributed as supplementary items to the agenda, resulting in the withdrawal of these two previous representations. Namely, that:

- The playing of live and recorded music should be limited to 23:00 hours (negating the Sub-Committee need to consider this portion of the application).
- No noise or odours shall emanate from the premises from any extraction system or any other mechanical device that causes nuisance to any neighbouring sensitive properties.
- Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.
- The premises shall have an operational dispersals policy and noise management plan.
- A senior member of staff will be on duty at all times when events are on.
- All external doors and windows must be kept closed, other than for access and egress, when activities involving amplified music or speech are taking place.
- No noise emanating from the premises will cause nuisance to any noise sensitive property in the vicinity.
- The premises will operate as a restaurant at all times and hot, substantial food will be available for consumption whenever alcohol is sold after 20:00.

The Sub-Committee therefore determined that no further conditions, aside from the mandatory conditions, those offered conditions agreed with responsible authorities prior to submitting the application and those listed directly above, were appropriate or necessary in order to address the prevention of public nuisance licensing objective.

It was then

RESOLVED – (1) That approval be given to the hours for the supply of alcohol for consumption on and off the premises, subject to the noted conditions as follows:-

- 07:00 hours to 23:30 hours, Sunday to Thursday.
- 07:00 hours to 00:00 hours, Friday to Saturday.
- 07:00 hours to 00:00 hours, on bank holidays.

(2) That approval be given to the hours for the provision of late night refreshment (indoors), subject to the noted conditions as follows:-

- 23:00 hours to 23:30 hours, Sunday to Thursday.
- 23:00 hours to 00:00 hours, Friday to Saturday.
- 23:00 hours to 00:00 hours, on bank holidays.

The meeting closed at 7.22 pm