

Councillor P Hayes

Date: 6 July 2021

your ref
our ref
service Licensing

Dear Councillor Hayes

LICENSING ACT 2003 – CONTENTO, BELVIDERE ROAD, WALLASEY

I refer to the Licensing Panel held on 30 June 2021.

In determining the application the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Members of the Licensing Panel had regard to the submissions made by the applicant, Mr Buck together with his representative, Mr Nickson and the proposed Manager of the premises and also the representations made by the local residents both written and orally at the hearing.

Members heard from Mr Nickson, who advised that the application for a Premises Licence had been made by the applicant who wished to supply alcohol as part of their offer as a restaurant. Mr Nickson further advised that the applicant had a number of years experience operating restaurants in residential areas.

Mr Nickson, on behalf of the applicant, made reference to the comprehensive conditions put forward in the application to ensure that the premises would operate in accordance with the licensing objectives. Mr Nickson made reference to the fact that car parking was a particular concern raised by local residents within their representations, however he submitted that car parking was not a relevant consideration for the Licensing Panel in determining the application.

The applicant informed the Panel of his experience operating two restaurants in residential areas without causing issues to local residents. Through this experience

he had put in measures to prevent causing a nuisance to local residents for example ensuring that customers remain inside the premises whilst waiting for taxis late at night. He emphasised to the Licensing Panel that the business would operate as a tapas restaurant and not a bar.

Mr Buck submitted that having heard the concerns of local residents he agreed to limit the boundary of the premises to the building and therefore would not make use of the area outside the premises for customers to consume food or drink. He further stated that he would prohibit individuals taking drink outside into this area.

The Licensing Panel were advised that the applicant was willing to reduce the hours applied for and confirmed that there would be a dispersal policy in place in respect of customers leaving the premises.

The Licensing Panel heard from Councillor Hayes on behalf of local residents who submitted to the Licensing Panel that the location of the premises was in a residential area and that this was not a suitable location for this type of premises. He advised that it was considered that the operation of this type of business in this area would have a negative impact on people living in the vicinity. It was his submission that public nuisance would be caused to local residents. The Licensing Panel were made aware that parking issues had blighted this area for a long time and he requested that the Panel refuse the application but proposed a number of conditions should the Panel be minded to grant the application. These included notices on their website in respect of parking difficulties in the area, a reduction in the hours applied for, deliveries to take place during office hours and for the outside area to close at 4.30 pm.

The Panel heard from local residents who highlighted their concerns regarding the potential for increased traffic which would exacerbate existing problems of parking in the area and concerns in respect of increased noise late into the night with people leaving the premises as the premises is situated in a residential area.

In determining the application, the Licensing Panel had regard to the fact that the applicant advised that the premises would operate as a restaurant. The Panel took into account the fact that the current planning permission relating to these premises is that its primary use must be as a restaurant/café and not as a bar.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. The Panel had regard to the comprehensive conditions put forward in the operating schedule which set out how the premises would be managed to uphold the licensing objectives.

In determining the matter, Members of the Licensing Panel had regard to Section 15 of their Licensing Policy which refers to premises situated in close proximity to residential accommodation.

The Licensing Panel noted the concerns of local residents in respect of parking, however, Members considered that this was not a relevant matter for them to consider when determining an application for licensable activities at these premises which has planning permission to operate as a restaurant.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities.

The Panel noted the willingness of the applicant to liaise directly with local residents in respect of any concerns that may arise and his willingness to reduce the hours applied for.

The Licensing Panel subsequently resolved to grant the application for the Premises Licence with the following hours:

Sale by Retail of Alcohol

Monday to Sunday 12:00 to 22:30

Hours Open to the Public

Monday to Sunday 12:00 to 23:00

The application for Non-Standard Timings was refused.

The patio terrace is to be excluded from the licensed area.

The following additional conditions to be placed on the Premises Licence:

- No open drinking vessels, glasses or bottles may be taken beyond the delineated Licensed Area.
- The premises must implement a dispersal policy which includes customers remaining inside the premises whilst waiting for taxis.
- Deliveries may only take place at the premises between 09:00 and 17:00.
- The collection of external waste bins from the premises may only take place between 09:00 and 17:00.
- A notice must be published on the premises website to highlight the lack of parking provision in the area.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Should you be aggrieved by this decision you may appeal to Wirral Borough Magistrates Court within 21 days of receipt of this letter.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'R. Leyland', with a small asterisk-like mark at the end.

Richard Leyland
Licensing Team Leader