



Licensing Act 2003 Sub-Committee

Date:	Wednesday, 20 October 2010
Time:	9.30 am
Venue:	Committee Room 4 - Wallasey Town Hall

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AGENDA

- 1. APPOINTMENT OF CHAIR**
- 2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda, and, if so, to declare them and state what they are.
- 3. WEST KIRBY GRILL, GRANGE ROAD, WEST KIRBY (Pages 1 - 4)**
- 4. SAINSBURYS, 143 PENSBY ROAD, HESWALL (Pages 5 - 8)**
- 5. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider any other business that the Chair accepts as being urgent.

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WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

LICENSING ACT 2003 SUB-COMMITTEE – 20 OCTOBER 2010

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

NAME OF PREMISES: WEST KIRBY GRILL, GRANGE ROAD, WEST KIRBY

NAME OF APPLICANT: YUKSEL DEMIRKAN

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider an application to vary a Premises Licence under the provisions of the Licensing Act 2003.

2.0 RELEVANT BACKGROUND

- 2.1 These premises currently have a premises licence and operate as a restaurant with the following hours:

Supply of Alcohol

Monday to Saturday	11:00 to 00:00
Sunday	12:00 to 23:30

Hours Open to the Public

Monday to Saturday	11:00 to 00:30
Sunday	12:00 to 00:00

Regulated Entertainment (Recorded Music)

Monday to Saturday	11:00 to 00:00
Sunday	12:00 to 23:30

3.0 APPLICATION

- 3.1 The applicant has requested to remove the Supply of Alcohol and Recorded Music from the Premises Licence and to include the following Licensable Activity. The applicant also seeks to extend the Hours the Premises are Open to the Public:

Late Night Refreshment

Sunday to Thursday	23:00 to 00:00
Friday and Saturday	23:00 to 01:00

Hours Open to the Public

Sunday	12:00 to 00:00
Monday to Thursday	11:00 to 00:00
Friday and Saturday	11:00 to 01:00

- 3.2 The applicant has requested to extend Late Night Refreshment and Hours Open to the Public by 30 minutes on Bank Holidays.
- 3.3 The applicant has also requested to remove the following conditions from the Premises Licence which relate to the Supply of Alcohol:
- No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
 - All staff have received drugs awareness training and basic understanding of the law relating to alcohol.
 - No children will be allowed on the premises unless accompanied by an adult.
 - Staff have received training as to under age drinking.

4.0 PROMOTION OF LICENSING OBJECTIVES

- 4.1 Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business in accordance with the four Licensing Objectives. A copy of the full application detailing the steps proposed by the applicant is available.
- 4.2 Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule could become conditions of licence should the licence be granted.

5.0 RELEVANT REPRESENTATIONS

- 5.1 The following Representations have been received in respect of the above application.

Interested Party – Local Residents

In respect of this application, two representations have been received from Local Residents. The representations relate to anti-social behaviour and public nuisance that is currently a problem within the vicinity of the premises. Copies of the representation are available.

In support of the application, the applicant has submitted five letters from local residents and one letter from 1st West Kirby Scouts. A petition has also been received in support of the application signed by local residents together with a plan which gives details of how many people have signed the petition and from what address. The applicant has also provided details of drinks and food outlets within the vicinity of the premises. Copies of the representations and information received are available.

- 5.2 There have been no other representations received from the following Responsible Authorities:

Wirral Safe Guarding Children Board
Trading Standards
Environmental Health
Planning Authority
Merseyside Police
Fire Authority

6.0 FINANCIAL AND STAFFING IMPLICATIONS

- 6.1 A statutory fee has been paid in respect of the application, which goes towards administrative and enforcement costs.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 7.1 There are none arising from this report.

8.0 LOCAL AGENDA 21 IMPLICATIONS

- 8.1 There are none arising directly from this report.

9.0 LOCAL MEMBER SUPPORT IMPLICATIONS

- 9.1 The premises are located in the Hoylake and Meols ward.

10.0 HUMAN RIGHTS IMPLICATIONS

- 10.1 Article 6, of the First Protocol, concerned with the right to a fair hearing, may be applicable.

11.0 COMMUNITY SAFETY IMPLICATIONS

- 11.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

12.0 PLANNING IMPLICATIONS

- 12.1 The Director of Technical Services (Development Control) has advised of the following condition attached to the Planning Permission:

‘Trading at the Premises shall not take place between 23:30 hours and 08:00 hours’

13.0 BACKGROUND PAPERS

- 13.1 Application form applying to vary a Premises Licence – Operating Schedule.
- 13.3 Representation received from Local Residents.

14.0 **RECOMMENDATIONS**

- 14.1 The Licensing Act 2003 Sub-Committee are asked to consider the application to vary a Premises Licence in respect of the above premises.

Bill Norman
Director of Law, HR and Asset Management

This report was prepared by Richard Leyland who can be contacted on 691 8478

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

LICENSING ACT 2003 SUB-COMMITTEE – 20 OCTOBER 2010

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

NAME OF PREMISES: SAINSBURYS, 143 PENSBY ROAD, HESWALL

NAME OF APPLICANT: SAINSBURYS SUPERMARKETS LIMITED

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider an application for a Premises Licence under the provisions of the Licensing Act 2003.

2.0 RELEVANT BACKGROUND

- 2.1 These premises do not currently hold a Premises Licence. The premises are currently vacant.

3.0 APPLICATION

- 3.1 An application has been received for the grant of a Premises Licence as follows:

Supply of Alcohol

Sunday to Saturday 06:00 to 00:00

Hours Open to the Public

Sunday to Saturday 24 Hours

Late Night Refreshment

Sunday to Saturday 23:00 to 00:00

4.0 PROMOTION OF LICENSING OBJECTIVES

- 4.1 Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business in accordance with the four Licensing Objectives. A copy of the full application is available.
- 4.2 Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of licence should the licence be granted.

5.0 RELEVANT REPRESENTATIONS

5.1 The following Representations have been received in respect of the above application.

Interested Party

In respect of this application, 27 representations have been received from Local Residents. The representations relate to anti-social behaviour and public nuisance which is currently a problem within the vicinity of the premises. A petition has also been received containing 104 signatures, which also relates to anti-social behaviour and public nuisance. Copies of the representations and petition are available.

Councillor Robert Wilkins has also made a representation as a Councillor representing his constituents within his Ward. The representation supports the concerns expressed by local residents. A copy of the representation is available.

5.2 There have been no other representations received from the following Responsible Authorities:

Wirral Safe Guarding Children Board
Trading Standards
Environmental Health
Planning Authority
Merseyside Police
Fire Authority

6.0 FINANCIAL AND STAFFING IMPLICATIONS

6.1 A statutory fee has been paid in respect of the application, which goes towards administrative and enforcement costs.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

7.1 There are none arising from this report.

8.0 LOCAL AGENDA 21 IMPLICATIONS

8.1 There are none arising directly from this report.

9.0 LOCAL MEMBER SUPPORT IMPLICATIONS

9.1 The premises are located in the Heswall ward.

10.0 HUMAN RIGHTS IMPLICATIONS

10.1 Article 6, of the First Protocol, concerned with the right to a fair hearing, may be applicable.

11.0 COMMUNITY SAFETY IMPLICATIONS

11.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

12.0 **PLANNING IMPLICATIONS**

- 12.1 The Director of Technical Services (Development Control) has advised that these premises do not have planning consent to operate as a Supermarket.

13.0 **BACKGROUND PAPERS**

- 13.1 Application form applying for a Premises Licence – Operating Schedule.
- 13.2 Representations received from Local Residents and a Local Councillor.

14.0 **RECOMMENDATIONS**

- 14.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for a Premises Licence in respect of the above premises.

Bill Norman
Director of Law, HR and Asset Management

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