



Licensing Act 2003 Sub-Committee

Date: Thursday, 3 November 2011

Time: 10.00 am

Venue: Committee Room 2 - Wallasey Town Hall

Contact Officer: Anne Beauchamp

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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. HOLIDAY INN EXPRESS, THE KINGS GAP, HOYLAKE (Pages 1 - 4)

= B R E A K =

4. MONTE CARLO RESTAURANT, 22-24 MARKET STREET, HOYLAKE (Pages 5 - 8)

5. SMILERS PIZZA, 22 MOUNT PLEASANT ROAD, NEW BRIGHTON (Pages 9 - 12)

6. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR

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

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LICENSING ACT 2003 COMMITTEE
LICENSING ACT 2003 SUB-COMMITTEE

3 NOVEMBER 2011

SUBJECT:	APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	HOYLAKE AND MEOLS
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

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. The application is made by Sanguine Hospitality Management Company Limited and relates to the premises known as **Holiday Inn Express, The Kings Gap, Hoylake**.

2.0 RECOMMENDATION

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

3.0 REASONS FOR RECOMMENDATION

- 3.1** It is a statutory requirement for this Committee to determine the application due to relevant representations received.

4.0 BACKGROUND AND KEY ISSUES

- 4.1** These premises previously had a Premises Licence known as Kings Gap Court Hotel with the following hours:

Sale by Retail of Alcohol

Monday to Saturday 11:00 to 23:00
 Sunday 12:00 to 22:30

Hours Open to the Public

Residents 24 hours a day, seven days a week
 Non Residents from 07:30 hours, seven days a week

Regulated Entertainment (Performance of a Play, Live Music, Recorded Music and Performance of Dance)

Monday to Thursday 14:00 to 00:00
 Friday 14:00 to 01:00
 Saturday 14:00 to 23:45

Entertainment Facilities (Facilities for Making Music and Facilities for Dancing)

Monday to Thursday 14:00 to 00:00
Friday 14:00 to 01:00
Saturday 14:00 to 23:45

- 4.2 This Premises Licence was surrendered on 27 September 2010 as the premises closed and are currently undergoing major refurbishment.

5.0 APPLICATION

- 5.1 An application has been received for the grant of a Premises Licence for these premises for the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 02:00

Hours Open to the Public

Sunday to Saturday 08:00 to 03:00

Regulated Entertainment (Exhibition of Films, Live Music, Performance of Dance and Anything of a Similar Description)

Sunday to Saturday 08:00 to 02:00

Regulated Entertainment (Recorded Music)

Sunday to Saturday 24 Hours

Entertainment Facilities (Facilities for Dancing and Anything of a Similar Description)

Sunday to Saturday 08:00 to 02:00

Late Night Refreshment

Sunday to Saturday 23:00 to 02:00

Non-Standard Timings

All of the above Licensable Activities and Hours Open to the Public permitted 24 Hours a day for Residents of the Hotel and their bona-fide guests.

New Years Eve

Sale by Retail of Alcohol, Regulated Entertainment and Late Night Refreshment until 04:00

Hours Open to the Public until 05:00

6.0 PROMOTION OF LICENSING OBJECTIVES

- 6.1 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.
- 6.2 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.

7.0 RELEVANT REPRESENTATIONS

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

Interested Parties

In respect of this application, 19 representations have been received from Local Residents. A representation has also been received from The Parish Church of Hoylake, St Hildeburgh's. The representations relate to noise nuisance and anti-social behaviour which is a problem within the vicinity of these premises which may increase if these premises are granted a Premises Licence. Copies of the representations are available.

Representations have also been received from Ward Councillors, John Hale and Gerry Ellis. These representations support the concerns expressed by Local Residents. Copies of the representations are available.

Environmental Health (Pollution Control)

Environmental Health have made a representation in respect of the application regarding public nuisance to residents who live in close proximity to the premises. A copy of the representation is available

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

Merseyside Police
Wirral Safe Guarding Children Board
Trading Standards
Planning Authority
Fire Authority
Environmental Health (Health and Safety)

8.0 RELEVANT RISKS

- 8.1 There are none arising directly from this report.

9.0 OTHER OPTIONS CONSIDERED

- 9.1 There is no provision for other options to be considered.

10.0 CONSULTATION

- 10.1 Statutory consultation has been undertaken in respect of this application.

11.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

11.1 There are no specific implications arising from this report.

12.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

12.1 There are no specific implications arising from this report.

13.0 LEGAL IMPLICATIONS

13.1 A decision of this Committee is subject to Appeal.

14.0 EQUALITIES IMPLICATIONS

14.1 There are no specific implications arising from this report.

14.2 Equality Impact Assessment (EIA)
Is an EIA required? No

15.0 CARBON REDUCTION IMPLICATIONS

15.1 There are no specific implications arising from this report.

16.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

16.1 There are no Planning implications arising from this report.

REPORT AUTHOR: **Richard Leyland**
Licensing Team Leader
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APPENDICES

- Application for the grant of a Premises Licence
- Representations received from local residents, The Parish Church of Hoylake, St Hildeburgh's and Ward Councillors
- Representation received from Environmental Health

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

LICENSING ACT 2003 SUB-COMMITTEE

3 NOVEMBER 2011

SUBJECT:	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	HOYLAKE AND MEOLS WARD
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

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. The application is made by **Andre Tedesco** and relates to the premises known as the **Monte Carlo Restaurant, 22-24 Market Street, Hoylake**.

2.0 RECOMMENDATION

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

3.0 REASONS FOR RECOMMENDATION

- 3.1 It is a statutory requirement for this Committee to determine the application due to relevant representations received.

4.0 BACKGROUND AND KEY ISSUES

- 4.1 These premises currently have a premises licence with the following hours:

Sale by Retail of Alcohol

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

Late Night Refreshment

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

5.0 APPLICATION

- 5.1 The application is to vary the Premises Licence to remove the following condition.
- The sale of alcohol must be ancillary to the sale of a substantial meal.

6.0 PROMOTION OF LICENSING OBJECTIVES

- 6.1 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.
- 6.2 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.

7.0 RELEVANT REPRESENTATIONS

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

Interested Parties

In respect of this application, two representations have been received from Local Residents. A representation has also been received from The Hoylake, West Kirby and District Society. A petition has also been received signed by 167 local residents who are against the application. The representations relate to anti-social behaviour and public nuisance which they state is a current problem within the vicinity of the premises. Those making representations consider that the removal of the condition will change the way the premises operate and will subsequently lead to an increase in public nuisance. Copies of the representations are available.

A representation has also been received from Ward Councillor, John Hale. The representation supports the concerns expressed by Local Residents. A copy of the representation is available.

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

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

8.0 RELEVANT RISKS

- 8.1 There are none arising directly from this report.

9.0 OTHER OPTIONS CONSIDERED

- 9.1 There is no provision for other options to be considered.

10.0 CONSULTATION

- 10.1 Statutory consultation has been undertaken in respect of this application.

11.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

11.1 There are no specific implications arising from this report.

12.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

12.1 There are no specific implications arising from this report.

13.0 LEGAL IMPLICATIONS

13.1 A decision of this Committee can be subject to Appeal.

14.0 EQUALITIES IMPLICATIONS

14.1 There are no specific implications arising from this report.

14.2 Equality Impact Assessment (EIA)

Is an EIA required? No

15.0 CARBON REDUCTION IMPLICATIONS

15.1 There are no specific implications arising from this report.

16.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

16.1 The Director of Technical Services (Development Control) has advised that a condition is currently imposed on the Planning Consent which states that the premises is to be used solely as a restaurant and for no other purpose (Bar, Café Bar etc.) and therefore alcohol sales must remain ancillary to the use of the premises as a restaurant.

REPORT AUTHOR:

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APPENDICES

- Application to vary a Premises Licence
- Representations received from Local Residents and a Ward Councillor

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

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LICENSING ACT 2003 COMMITTEE
LICENSING ACT 2003 SUB-COMMITTEE

3 NOVEMBER 2011

SUBJECT:	APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	NEW BRIGHTON WARD
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

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. The application is made by Hajr Hasan and relates to the premises known as **Smilers Pizza, 22 Mount Pleasant Road, New Brighton.**

2.0 RECOMMENDATION

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

3.0 REASONS FOR RECOMMENDATION

- 3.1** It is a statutory requirement for this Committee to determine the application due to relevant representations received.

4.0 BACKGROUND AND KEY ISSUES

- 4.1** These premises have not previously been licensed and are currently trading as a hot food takeaway.

5.0 APPLICATION

- 5.1** An application has been received for the grant of a Premises Licence for these premises for the following hours:

Late Night Refreshment

Sunday to Saturday 23:00 to 02:00

Hours Open to the Public

Sunday to Saturday 15:00 to 02:00

6.0 PROMOTION OF LICENSING OBJECTIVES

- 6.1 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.
- 6.2 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.

7.0 RELEVANT REPRESENTATIONS

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

Interested Parties

In respect of this application, five representations have been received from Local Residents. The representations relate to noise nuisance emanating from the premises, particularly from the extractor fan at the premises and from staff of the premises whilst making deliveries. The representations also relate to nuisance from smells coming from the premises. Copies of the representations are available.

A representation has also been received from Ward Councillor, Pat Hackett. The representation supports the concerns expressed by Local Residents. A copy of the representation is available.

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

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

8.0 RELEVANT RISKS

- 8.1 There are none arising directly from this report.

9.0 OTHER OPTIONS CONSIDERED

- 9.1 There is no provision for other options to be considered.

10.0 CONSULTATION

- 10.1 Statutory consultation has been undertaken in respect of this application.

11.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 11.1 There are no specific implications arising from this report.

12.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

12.1 There are no specific implications arising from this report.

13.0 LEGAL IMPLICATIONS

13.1 A decision of this Committee is subject to Appeal.

14.0 EQUALITIES IMPLICATIONS

14.1 There are no specific implications arising from this report.

14.2 Equality Impact Assessment (EIA)

Is an EIA required? No

15.0 CARBON REDUCTION IMPLICATIONS

15.1 There are no specific implications arising from this report.

16.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

16.1 The Director of Technical Services (Development Control) has advised that these premises do not currently have planning consent to operate as a hot food takeaway.

REPORT AUTHOR:

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APPENDICES

- Application for the grant of a Premises Licence
- Representations received from local residents

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

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