



## Licensing Act 2003 Sub-Committee

**Date:** Friday, 8 May 2009

**Time:** 10.00 am

**Venue:** Committee Room 2 - Wallasey Town Hall

**Contact Officer:** Anne Beauchamp

**Tel:** 0151 691 8492

**e-mail:** [annebeauchamp@wirral.gov.uk](mailto:annebeauchamp@wirral.gov.uk)

**Website:** <http://www.wirral.gov.uk>

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## AGENDA

**1. APPOINTMENT OF CHAIR**

**2. 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. SIMPLY FOOD AND DRINKS, WELLINGTON ROAD, OXTON  
(Pages 1 - 30)**

**LUNCH BREAK**

**4. TERRACE C, 184 TELEGRAPH ROAD, HESWALL (Pages 31 - 54)**

**5. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider matters which the Chair accepts as being urgent.

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WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

LICENSING ACT 2003 SUB-COMMITTEE – 8 MAY 2009

REPORT OF THE DIRECTOR OF REGENERATION

**NAME OF PREMISES:**     **SIMPLY FOOD AND DRINKS,  
WELLINGTON ROAD, OXTON**

**NAME OF APPLICANT:**   **MERSEYSIDE POLICE**

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## 1.0 EXECUTIVE SUMMARY

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

## 2.0 RELEVANT BACKGROUND

- 2.1 Simply Food and Drinks currently has a Premises Licence to allow the following Licensable Activities:

### Supply of Alcohol

Monday to Saturday	08:00 to 23:00
Sunday	10:00 to 22:30

### Non-Standard Timings

Good Friday	08:00 to 22:30
Christmas Day	12:00 to 15:00 and 19:00 to 22:30

- 2.2 A copy of the Premises Licence setting out the above hours and conditions attached to the licence is available.
- 2.3 The Licensing Act 2003 Sub-Committee may, having regard to the application for review and any relevant representations, take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- Modify the Licence conditions (permanently or for a temporary period of up to 3 months).
  - Exclude a licensable activity from the scope of the Licence (permanently or for a temporary period of up to 3 months).
  - Remove the Designated Premises Supervisor (if applicable).
  - Suspend the Licence for a period not more than 3 months.
  - Revoke the Licence.

The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

### **3.0 APPLICATION**

- 3.1 An application has been received from Merseyside Police to review the Premises Licence for the premises known as Simply Food and Drinks, 24B Wellington Road, Oxtown. The Licensing Sergeant has advised that the grounds for review are in relation to the prevention of crime and disorder and the protection of children from harm following underage sales taking place at the premises.
- 3.2 Further information to support the above grounds for review is included within the application and supporting documents which are available.

### **4.0 RELEVANT REPRESENTATIONS**

- 4.1 Trading Standards have made a representation in support of the application by Merseyside Police which relates to the protection of children from harm. A copy of the representation is available.
- 4.2 There have been no representations received from Interested Parties or from the following Responsible Authorities:

Wirral Area Child Protection Committee  
Environmental Health  
Fire Authority  
Planning Authority

### **5.0 FINANCIAL AND STAFFING IMPLICATIONS**

- 5.1 There are no financial implications and my existing Licensing staff will deal with this application.

### **6.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 6.1 There are none arising from this report.

### **7.0 LOCAL AGENDA 21 IMPLICATIONS**

- 7.1 There are none arising directly from this report.

### **8.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

- 8.1 The premises are located in the Oxtown Ward.

### **9.0 HUMAN RIGHTS IMPLICATIONS**

- 9.1 Article 6 and Article 1 of the First Protocol which is concerned with the protection of property is most likely to have a particular impact.

### **10.0 COMMUNITY SAFETY IMPLICATIONS**

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

### **11.0 PLANNING IMPLICATIONS**

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

## 12.0 **BACKGROUND PAPERS**

- 12.1 Application form applying to review a Premises Licence.
- 12.2 Operating Schedule relating to the Premises Licence for Simply Food and Drinks.
- 12.3 Representation received from Trading Standards.

## 13.0 **RECOMMENDATIONS**

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

Alan Stennard  
Director of Regeneration

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

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Application for the review of a premises licence or club  
premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all  
cases ensure that your answers are inside the boxes and written in black ink. Use  
additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I David Peers

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the  
review of a club premises certificate under section 87 of the Licensing Act 2003  
for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Simply Food And Drinks 24B Wellington Road	
Post town Oxton	Post code (if known) CH43 2JE
Name of premises licence holder or club holding club premises certificate (if known) Wine Cellar	
Number of premises licence or club premises certificate (if known) LN/205000920	

Part 2 - Applicant details

I am

- 1) an interested party (please complete (A) or (B) below) Please tick yes
- a) a person living in the vicinity of the premises ☐
  - b) a body representing persons living in the vicinity of the premises ☐
  - c) a person involved in business in the vicinity of the premises ☐
  - d) a body representing persons involved in business in the vicinity of the  
premises ☐
- 2) a responsible authority (please complete (C) below) ☒

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address David Peers, Sergeant 6555 Wallasey Police Station Manor Road Wallasey CH441DA
Telephone number (if any) 0151 7772944
E-mail address (optional) 6555@merseyside.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 1)**

There have been two sales of alcohol to under aged persons within the last 7 months. Both sales were as a result of a Police operation.

These sales clearly undermine the objectives of protecting children from harm and the prevention of crime and disorder.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

The conduct of these premises are a cause of concern to Merseyside Police.

Since September 2008 there have been three test purchases conducted and this has resulted in two sales on 17/09/08 and 05/03/09.

The history of this premises is as follows :-

17/09/08 Test Purchase - sale  
31/10/08 Test purchase -- no sale  
05/03/09 Test Purchase -- sale

The History of the above Police Test Purchases is as follows:-

On 17<sup>th</sup> September 2008 a under age volunteer entered the store and purchased a bottle of wine. There were no questions asked and the sale was completed. This was witnessed by Police Officers. A short time later Constable Barrell returned to the store and spoke to the seller Christopher HENDY. A short PACE interview was conducted and he was then issued with a fixed penalty notice. The Designated Premises Supervisor, Steven Fuller was later interviewed by Constable Cottrell and produced due diligence. No further action was taken in respect of the sale.

On 31<sup>st</sup> October 2008 the sale of alcohol was refused to an under age volunteer.

On 5<sup>th</sup> March 2009 a under age volunteer entered the store and purchased a bottle of wine. There were no questions asked and the sale was completed. This was witnessed by Police Officers. A short time later Constable Jones returned to the store and spoke with the seller Gemma ROBERTS. A short PACE interview was conducted and she was then issued with a fixed penalty notice. The DPS Deborah Stott, was later interviewed and due diligence was produced. No further action was taken.

These premises are located in a residential area. There can be no doubt that the selling of alcohol to under age persons can lead to an increase in anti social behaviour. It also impacts on the health of the young people and can make them more vulnerable to becoming a victim of crime. In addition it clearly undermines the licensing objective of protecting children from harm. Merseyside Police accept that due diligence has been accepted following each sale however clearly the fact that two sales have taken place within seven months suggests that the due diligence in operation is not effective.

It is suggested that the following conditions be placed on the licence to ensure due diligence is implemented and maintained.

1. Adoption of Think 21 policy and display of appropriate posters.
2. Acceptance of passport, photo driving licence or passaccredited identification only in support of till checks.
3. Maintenance of refusal log with regular checks by management to ensure that it is being used.
4. sufficient trained staff to ensure coverage during times when alcohol is sold.
5. Regular staff training, training records maintained and that staff attend Trading Standards training when arranged.

Have you made an application for review relating to this premises before **Please tick yes** ☒

If yes please state the date of that application

Day Month Year

0	2	0	9	2	0	0	8
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If you have made representations before relating to this premises please state what they were and when you made them

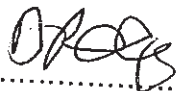
- Please tick yes
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
  - I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

12<sup>th</sup> March 2009

Capacity

Licensing Sergeant

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

000 05090299,7

# UNDERAGE INTOXICATING LIQUOR SALES

Premises Visited: Simply Drinks Wellington Rd.

Name: Simply Drinks

Address: 24 B Wellington Rd.

Oxon. Berkshire

Post Code: CH43-2JE

Date of Visit: 5/3/09 Time: 1915

Item(s) Purchased: Blossom Hill

Price: £ £ 4.99.

I am (name): Rita Jones (7036) from Merseyside Police. You have

just sold this 14 + 15. year old child (show photograph Ref

No: ) intoxicating Liquor (enter details) Blossom Hill

11.5% volume - 75cl.

Date and Place of Birth: \_\_\_\_\_

It is an offence to sell intoxicating liquor to someone under 18 years of age. I therefore need to speak to you about this matter.

Age Check material displayed? (Yes) / No

**Q Are you the licensee of this shop?**

Response Yes Go to YELLOW sheets (licensee made sale)

Yes Go to GREEN sheets (employee made sale but licensee interview)

No Go to PINK sheets (employee made sale)

Review

OCC 05090299,7

PERSON SERVING NOT OWNER

SELLER DETAILS

Full Name: Gemma Louise Roberts

Home Address: 18 Westwood Rd  
Upton Wmral.

Post Code: CH49-9BG

Telephone Number: 512-2713

Date and Place of Birth: 31/1/85

Position: Breeder

At this point, I must caution you and tell you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. You are not under arrest, and are free to leave at any time, you may obtain legal advice before answering any questions. Do you understand that?

Response yes

Q If, at any time during the interview you wish to take legal advice, please tell me and the interview will be stopped. Do you understand?

Response yes

Time Of caution: 1925 8/3/09 am/pm

Persons present: Officer 1/c

Q What is your position in the business?

Response Sales assistant

Q Did you know it was an offence to sell intoxicating liquor to persons under the age of 18?

Response yes

Q Why did you sell intoxicating liquor to this child?

Response She looked over 18, I should have  
asked. I've  
already  
for ID  
tonight.

Q Did you make any enquiries regarding the age of the purchaser on this occasion?

Response NO

If yes, what enquiries took place? If no, why not?

Q Are you paid a wage by the licensee? Company

Response yes

Q How long have you worked in this shop?

Response Since Christmas

Have you been given any instructions by the owner(s) of this shop about selling intoxicating liquor to persons under 18 years of age?

yes I have been trained, verbally  
and I went to a trading Standards meeting

Q If yes, what were these instructions?

Response - look at them, ask for  
ID, if they have none,  
refuse the sale

Q Were these instructions given to you in writing?

Response no

Q When were you last reminded about the law about selling intoxicating liquor by the owner (s)?

Response last night.

Q How was this reminder given to you?

Response Verbally by Trading standards

Q Does the owner ever test to see if you know what the law is about selling intoxicating liquor to children? If, yes how does (s)he do this?

Response no

Q Do you have a refusals book? (If yes, ask to see it)

Response yes.

It is an offence to sell intoxicating liquor to any person under the age of 18 years and you will be reported for the offence? Do you wish to make any comment?

Response no.



**Declaration:**

I have read the above information and agree that it is a fair and balanced account of what was said.

Signed: JL. Roberts Time: 1930 Date: 5/3/09

**Witnessed:**

Name: Regina Time: 1930 Date: 5/3/09

Name: \_\_\_\_\_ Time: \_\_\_\_\_ Date: \_\_\_\_\_

GREEN

## LICENSEE INTERVIEW/EMPLOYEE MADE SALE

### OWNER DETAILS

Full Name: PERSONAL JUNE STOTT

Home Address: 50 WOODCHURCH RD

Post Code: CH42 9LP

Telephone Number: 0151 201 9276

Date and Place of Birth: 3/6/70 WIRRAL

Ownership Details: Sole Trader/Partnership/Ltd Company

Name(s): LING CECILIAN

Home Address/Registered Office: RUNCORN

Date and Place of Birth: \_\_\_\_\_

Q What is your position in the company?

Response MANAGER

At this point, I must caution you and tell you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence. You are not under arrest, and are free to leave at any time, you may obtain legal advice before answering any questions. Do you understand that?

Response YES

Q If, at any time during the interview you wish to take legal advice, please tell me and the interview will be stopped. Do you understand?

Response Yes

Time of caution: 10.34 am/pm

Persons present: Mr Simon Jones Mr Andrew Lewis

Q On (date) 5/3/09 at (time) 19.15

(Name of seller) Gemma Roberts sold this intoxicating  
liquor (Ref No: RE513) to this child (Photograph reference RE512)

Was (name of seller) Gemma Roberts working for you at this time? RE513  
RE514

Response Yes

Q How long has (name of seller) worked for you?

Response Since 24<sup>th</sup> December 2008

Q On what basis is (name of seller) employed by you?

Response SALES ASSISTANT

Q How many staff do you employ?

Response SIX

Q Did you know it was an offence to sell intoxicating liquor to persons under the age of 18?

Response Yes

Q What instructions do you give to your staff about selling intoxicating liquor to children? WE'RE CHALLENGE 30, IF THEY DON'T LOOK 30 NO ID NO SALE

Response \_\_\_\_\_

Q How do you give staff these instructions? USUALLY AND ALSO WE HAVE IN OUR REFUSALS BOOK THERE IS A LEGALS PAGE AND WE GO THROUGH THAT IF THEY DON'T UNDERSTAND THEY DON'T SIGN AND THAT'S REVIEWED EVERY 6/8 WEEKS

Q When did you last remind staff of the legal situation relating to the sale of intoxicating liquor? Did you record the information when you gave instructions? THEY ARE TOLD USUALLY EVERY EVENING BEFORE  
Response LEGAL AND ALSO GEMMA DID THE TRAINING STANDARDS COURSE THE DAY BEFORE

Q Does you ever test your employees to see if they know what the law is about selling intoxicating liquor to children? If, yes how do you do this?

Response THING WASN'T ONE IN PLACE AT THE TIME BUT THERE IS NOW

Q Do you have a refusals book?

Response YES WE HAVE ALSO BROUGHT ALL THE CHALLENGES WE ALSO HAVE THE PROMPTS

It is an offence to sell intoxicating liquor to any person under the age of 18 years and you will be reported for the offence. Do you wish to make any comment?

Response YES I AM ABSOLUTELY MORTIFIED  
MORE SO BECAUSE I FEEL SING HAS  
ADEQUATELY TRAINED

**Declaration:**

'I have read the above information and agree that it is a fair and balanced account of what was said'.

Signed:  Time: 10.44 Date: 12/3/09

**Witnessed:**

Name: Mr Simon Jones Time: 10.44 Date: 12/3/09

Name: \_\_\_\_\_ Time: \_\_\_\_\_ Date: \_\_\_\_\_

0CC 0508122322

# UNDERAGE INTOXICATING LIQUOR SALES

Premises Visited: SIMPLY FOODS

Name: \_\_\_\_\_

Address: WELLINGTON RD

COTTON

Post Code: CH43 2JE

Date of Visit: \_\_\_\_\_ Time: 1931

Item(s) Purchased: £5.99 1x BOTTLE CAWARRA

Price: £ £5.99

I am (name): S. BARRELL from Merseyside Police. You have just sold this 15 year old child (show photograph Ref

No: ) intoxicating Liquor (enter details) 1x BOTTLE of  
CAWARRA WHITE WINE 12%.

Date and Place of Birth: \_\_\_\_\_

It is an offence to sell intoxicating liquor to someone under 18 years of age. I therefore need to speak to you about this matter.

Age Check material displayed? ☒ Yes /- No

Q Are you the licensee of this shop?

Response Yes Go to YELLOW sheets (licensee made sale)

Yes Go to GREEN sheets (employee made sale but licensee interview)

☒ No Go to PINK sheets (employee made sale)

0CC 0508122322

PERSON SERVING NOT OWNER

SELLER DETAILS

Full Name: CHRISTOPHER MICHAEL HENDY

Home Address: 1 FARNDON WAY  
PRENTON

Post Code: CH43 2NW

Telephone Number: 0181 652 8032

Date and Place of Birth: 6/11/84

Position: SALES ASSISTANT

At this point, I must caution you and tell you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. You are not under arrest, and are free to leave at any time, you may obtain legal advice before answering any questions. Do you understand that?

Response YES

Q If, at any time during the interview you wish to take legal advice, please tell me and the interview will be stopped. Do you understand?

Response YES

Time Of caution: 1946 am/pm

Persons present: AS ABOVE

Q What is your position in the business?

Response SALES ASSISTANT

Q Did you know it was an offence to sell intoxicating liquor to persons under the age of 18?

Response YES

Q Why did you sell intoxicating liquor to this child?

Response IT WAS JUST BUSY IN THE SHOP ITS BEEN  
ONE PERSON AFTER ANOTHER.

Q Did you make any enquiries regarding the age of the purchaser on this occasion?

Response NO I DIDN'T I WAS THINKING IT  
BUT I DIDN'T.

If yes, what enquiries took place? If no, why not?

AS ABOVE.

Q Are you paid a wage by the licensee?

Response ITS A B16 COMPANY.

Q How long have you worked in this shop?

Response ABOUT FIVE YEARS.

Have you been given any instructions by the owner(s) of this shop about selling intoxicating liquor to persons under 18 years of age?

WE'RE JUST RECENTLY GOING THROUGH THE  
TRAINING AGAIN WE'VE GOT A NEW MANAGER  
AND ITS CHALLENGE 30.

Q If yes, what were these instructions?

Response ITS SUPPOSED TO BE IF THEY LOOK  
UNDER THIRTY WITH NO 'ID DON'T  
SELL IT.



Q Were these instructions given to you in writing?

Response WE DID DO AGES AGO.

Q When were you last reminded about the law about selling intoxicating liquor by the owner (s)?

Response ITS WEEKLY.

Q How was this reminder given to you?

Response ITS MORE A VERBAL THING.

Q Does the owner ever test to see if you know what the law is about selling intoxicating liquor to children? If, yes how does (s)he do this?

Response WE DONT GET TESTED NO.

Q Do you have a refusals book? (If yes, ask to see it)


Response WE HAVE BUT ITS NOW ELECTRONIC  
ON THE TILL.

It is an offence to sell intoxicating liquor to any person under the age of 18 years and you will be reported for the offence? Do you wish to make any comment?

Response NO.

**Declaration:**

**I have read the above information and agree that it is a fair and balanced account of what was said.**

Signed: ☒  Time: \_\_\_\_\_ Date: 17/9/08

**Witnessed:**

Name: \_\_\_\_\_ Time: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Time: \_\_\_\_\_ Date: \_\_\_\_\_

LICENSEE INTERVIEW/EMPLOYEE MADE SALE

OWNER DETAILS

Full Name: STEVEN FULLER

Home Address: FLAT 2 12 MARKET STREET  
BIRCHHEAD

Post Code: CH41 5ER

Telephone Number: 0753 1527840

Date and Place of Birth: 5/5/57 LEEK

Ownership Details: Sole Trader/Partnership/Ltd Company

Name(s): WINE CELLAR LTD

Home Address/ Registered Office: THE HEATH BUSINESS  
BRUNCON CHESHIRE WA7 4QX

Q What is your position in the company?

Response: DPS

At this point, I must caution you and tell you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. You are not under arrest, and are free to leave at any time, you may obtain legal advice before answering any questions. Do you understand that?

Response: YEH

Q If, at any time during the interview you wish to take legal advice, please tell me and the interview will be stopped. Do you understand?

Response YEH

Time Of caution: 10.27 am/~~pm~~

Persons present: NIL

Q On (date) 17/9/08 at (time) 19.31

(Name of seller) CHRISTOPHER HENDY sold this intoxicating liquor (Ref No: ) to this child (Photograph reference ).

Was (name of seller) CHRISTOPHER HENDY working for you at this time?

Response YES

Q How long has (name of seller) worked for you?

Response 3 1/4 YEARS

Q On what basis is (name of seller) employed by you?

Response SALES ASSISTANT

Q How many staff do you employ?

Response 6

Q Did you know that it was an offence to sell intoxicating liquor to persons under the age of 18?

Response YES

Q What instructions do you give to your staff about selling intoxicating liquor to children? IF IN DOUBT DON'T SELL LIQUOR OR CIGARETTES IF IN DOUBT DON'T SELL  
Response UNLESS THEY HAVE I.D.

Q How do you give staff these instructions?  
Response UNUSUAL AND THEY SIGN THE LEGAL OBLIGATIONS & SOCIAL RESPONSIBILITIES

Q When did you last remind staff of the legal situation relating to the sale of intoxicating liquor? Did you record the information when you gave instructions?

Response 4<sup>TH</sup> AUGUST 2008

Do you ever test your employees to see if they know what the law is about selling intoxicating liquor to children? If, yes how do you do this?

Response YES THEY READ AND SIGN THE ABOVE FORMS

Q Do you have a refusals book?

Response YES

It is an offence to sell intoxicating liquor to any person under the age of 18 years and you will be reported for the offence. Do you wish to make any comment?

Response NO

Declaration:

I have read the above information and agree that it is a fair and balanced account of what was said.

Signed: J. Full J Time: 10:33 Date: 23/9/08

Witnessed:

Name: STRAW Time: 10:33 Date: 25/9/08

Name: \_\_\_\_\_ Time: \_\_\_\_\_ Date: \_\_\_\_\_

# Trading Standards - Notification of Representation

Date: 16<sup>th</sup> March 2009

Name	John Malone
Title	Trading Standards Manager
Postal address	Wallasey Town Hall Brighton Street Wallasey CH44 8ED
Contact telephone number	0151 691 8640

Premises	Simply Food & Drinks LN/205000920
Address	24B Wellington Road, Oxtou, CH43 2JE

Which of the four licensing Objectives does representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting the representation. Or the reason for the representation. Please use separate sheets if necessary
The protection of children from harm	Yes	<p>This representation from Trading Standards, a responsible authority for the purposes of the Licensing Act, is in support of the application for licence review submitted by Merseyside Police on the 12<sup>th</sup> March 2009.</p> <p>Trading Standards records show that the only contact with the business was an advisory visit carried out on the 15<sup>th</sup> August 2007.</p> <p><b>Licensing objective - The protection of children from harm</b></p> <p>The purpose of prohibiting the sale of alcohol to under 18s is to protect young people from harm and to protect the wider community from anti-social behaviour.</p> <p>The DCMS guidance (attached) states;</p> <p>11.25 There is <b>certain criminal activity</b> that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:</p> <p>for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people</p> <p><b>Harm to young people</b></p> <p>In 2007 Trading Standards Northwest, an umbrella organisation for Trading Standards authorities, commissioned research into the alcohol purchasing and drinking habits of 15 and 16 year olds. In total 11,724 questionnaires were returned and the following results were noted;</p>

		<p>whilst drunk - this figure rose to 32% amongst young males.</p> <p>15% claimed to have been in a car with a young person who had been drinking.</p> <p>12% stated that they had regretted having sex after drinking alcohol</p> <p>Trading Standards are concerned that despite due diligence being in place it is not being properly observed. The panel have the power to suspend the licence if wider considerations such as the prevention of crime come into play, that suspension acting as, if not punishment, at least deterrence - <b>R (Bassetlaw District Council) v Worksop Magistrates' Court</b></p> <p>Trading Standards support the conditions proposed by Merseyside Police to ensure that good practice is implemented and maintained to assist in the protection of children from harm.</p>
Public safety		
The prevention of crime and disorder		
The prevention of public nuisance		

John Malone

16<sup>th</sup> March 2009



WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE  
LICENSING ACT 2003 SUB-COMMITTEE – 8 MAY 2009

REPORT OF THE DIRECTOR OF REGENERATION

**NAME OF PREMISES: TERRACE C, 184 TELEGRAPH ROAD, HESWALL**

**NAME OF APPLICANT: MARCUS BEMROSE**

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## 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 with the following hours:

### Supply of Alcohol

Sunday to Thursday 11:00 to 00:00  
Friday and Saturday 11:00 to 00:30

### Hours Open to the Public

Sunday to Thursday 11:00 to 00:30  
Friday and Saturday 11:00 to 01:00

### Regulated Entertainment (Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description)

Sunday to Saturday 11:00 to 23:30

### Entertainment Facilities (Facilities for Making Music, Dancing and Anything of a Similar Description)

Sunday to Saturday 11:00 to 23:30

### Late Night Refreshment

Sunday to Thursday 23:00 to 00:00  
Friday and Saturday 23:00 to 00:30

## 3.0 APPLICATION

- 3.1 The application to vary the Premises Licence is as follows:

### Supply of Alcohol

Sunday to Thursday 11:00 to 00:30  
Friday and Saturday 11:00 to 01:00

### Hours Open to the Public

Sunday to Thursday 11:00 to 01:00  
Friday and Saturday 11:00 to 01:30

### Regulated Entertainment (Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description)

Sunday to Thursday 11:00 to 01:00  
Friday and Saturday 11:00 to 01:30

### Entertainment Facilities (Facilities for Making Music, Dancing and Anything of a Similar Description)

Sunday to Thursday 11:00 to 01:00  
Friday and Saturday 11:00 to 01:30

### Late Night Refreshment

Unchanged

## **Non-Standard Timings**

Christmas Eve and New Years Eve  
until 03:00

## **Non-Standard Timings**

### **Supply of Alcohol**

Christmas Eve, Boxing Day and New  
Years Eve until 02:30  
Bank Holidays and the days  
immediately preceding a Bank  
Holiday until 01:00

### **Regulated Entertainment (as stated above) and Hours Open to the Public**

Christmas Eve, Boxing Day and New  
Years Eve until 03:00  
Bank Holidays and the days  
immediately preceding a Bank  
Holiday until 01:30

## **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 would 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 noise nuisance emanating from the premises caused by entertainment. Copies of the representations are available.

A representation in support of the application has also been received from Ward Councillor, Andrew Hodson, who has been requested to make a representation by the applicant on his behalf.

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

Wirral Area Child Protection Committee  
Trading Standards  
Environmental Health  
Planning Authority  
Merseyside Police

## **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 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.
- 13.2 Representations received from Local Residents.
- 13.3 Representation in support of the application.

## **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.

Alan Stennard  
Director of Regeneration

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

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[Insert name and address of relevant licensing authority and its reference number (optional)]

912111

## Application to vary a premises licence under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I/~~we~~ MARCUS BENROSE being the premises licence holder, apply to vary a  
(Insert name(s) of applicant)  
premises licence under section 34 of the Licensing Act 2003 for the premises  
described in Part 1 below

Premises licence number

LN/205000305

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
TERRACE C 184 TELEGRAPH ROAD	
Post town	Post code
HESWALL, WIRRAL	CH60 0AJ

Telephone number at premises (if any)

0151 342 0920

Non-domestic rateable value of premises

£ 10,000

#### Part 2 – Applicant details

Daytime contact telephone number

0151 342 2340

E-mail address  
(optional)

marcusb@bbhsolicitors.co.uk

Current postal  
address if  
different from  
premises address

BBH SOLICITORS, EASTHAM HALL,  
EASTHAM VILLAGE, EASTHAM

Post Town

WIRRAL

Postcode

CH62 0AF

### Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick Yyes



If not do you want the variation to take effect from

Day	Month	Year

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO EXTEND OPENING HOURS OF THE PREMISES LICENCE BY HALF AN HOUR EACH EVENING:

SUNDAY - THURSDAY - 11AM THROUGH TO 1AM.

FRIDAY/ SATURDAY - 11AM THROUGH TO 1.30 AM

TO EXTEND SALE BY RETAIL OF ALCOHOL BY HALF AN HOUR:

SUNDAY - THURSDAY - 11AM THROUGH TO 12.30

FRIDAY/ SATURDAY - 11AM THROUGH TO 1.00

TO EXTEND THE PERMITTED HOURS FOR LIVE MUSIC, RECORDED MUSIC, PERFORMANCE OF DANCE, ANYTHING OF A SIMILAR DESCRIPTION:

SUNDAY - THURSDAY - 11AM THROUGH TO 12.30

FRIDAY/ SATURDAY - 11AM THROUGH TO 1.00

TO EXTEND THE PERMITTED HOURS FOR FACILITIES FOR MAKING MUSIC, FACILITIES FOR DANCING, ENTERTAIN FACILITIES OF A SIMILAR DESCRIPTION:

SUNDAY - THURSDAY 11AM THROUGH TO 12.30

FRIDAY/ SATURDAY 11AM THROUGH TO 1.00

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

Please tick ✓ yes

- |    |   |                                     |
|----|---|-------------------------------------|
| a) | plays (if ticking yes, fill in box A)   | <input type="checkbox"/>            |
| b) | films (if ticking yes, fill in box B)   | <input type="checkbox"/>            |
| c) | indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>            |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| e) | live music (if ticking yes, fill in box E)  | <input checked="" type="checkbox"/> |
| f) | recorded music (if ticking yes, fill in box F)  | <input checked="" type="checkbox"/> |
| g) | performances of dance (if ticking yes, fill in box G)   | <input checked="" type="checkbox"/> |
| h) | anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

### Provision of entertainment facilities for:

- |    |   |                                     |
|----|---|-------------------------------------|
| i) | making music (if ticking yes, fill in box I)  | <input checked="" type="checkbox"/> |
| j) | dancing (if ticking yes, fill in box J)   | <input checked="" type="checkbox"/> |
| k) | entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

### Provision of late night refreshment (if ticking yes, fill in box L)

☐

### Sale by retail of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					



**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					

Sun			

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11 AM	01-00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	11 AM	01-00			
Wed	11 AM	01-00			
Thur	11 AM	01-00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) BOXING NIGHT THROUGH TO 03-00 AM		
Fri	11 AM	01-30	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) THE DAY IMMEDIATELY PRE-CEEDING A BANK HOLIDAY AND ALL BANK HOLIDAYS THROUGH TO 1-30 AM		
Sat	11 AM	01-30			
Sun	11 AM	01-00			

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11 AM	1-00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	11 AM	1-00			
Wed	11 AM	1-00			
Thur	11 AM	1-00	<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4) BOXING NIGHT THROUGH TO 03-00.		

Fri	11 AM 01-30	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)  THE DAY IMMEDIATELY PRE-CEEDING A BANK HOLIDAY THROUGH TO 01-30 EVERY PUBLIC BANK HOLIDAY THROUGH TO 01-30
Sat	11 AM 01-30	
Sun	11 AM 01-00	

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both			
Mon	11 AM	01-00	Please give further details here (please read guidance note 3)			
Tue	11 AM	01-00				
Wed	11 AM	01-00	State any seasonal variations for the performance of dance (please read guidance note 4)  BOXING DAY THROUGH TO 08-00			
Thur	11 AM	01-00				
Fri	11 AM	01-30	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)  THE DAY IMMEDIATELY PRE-CEEDING A BANK HOLIDAY AND ALL BANK HOLIDAYS THROUGH TO 01-30			
Sat	11 AM	01-30				
Sun	11 AM	01-00				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)		Indoor	<input checked="" type="checkbox"/>
					Outdoor	<input type="checkbox"/>
Mon	11 AM	00-30			Both	<input type="checkbox"/>

Tue	11 AM	01-00	Please give further details here (please read guidance note 3)
Wed	11 AM	01-00	
Thur	11 AM	01-00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri	11 AM	01-30	
Sat	11 AM	01-30	Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun	11 AM	01-00	
			BOXING NIGHT THROUGH TO 03-00
			THE DAY IMMEDIATELY PRE-CEEDING A BANK HOLIDAY AND ALL BANK HOLIDAYS THROUGH TO 01-30.

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	11 AM	01-00	Please give further details here (please read guidance note 3)	
Tue	11 AM	01-00		
Wed	11 AM	01-00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur	11 AM	01-00		
Fri	11 AM	01-30	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	11 AM	01-30		
Sun	11 AM	01-00	THE DAY IMMEDIATELY PRE-CEEDING A BANK HOLIDAY AND ALL BANK HOLIDAYS THROUGH TO 01-30	

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing			
Mon	11 AM	01-00	Please give further details here (please read guidance note 3)			
Tue	11 AM	01-00				
Wed	11 AM	01-00				
Thur	11 AM	01-00	State any seasonal variations for providing dancing facilities (please read guidance note 4) BOXING DAY THROUGH TO 03-00			
Fri	11 AM	01-30	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) THE DAY IMMEDIATELY PRE-CEEDING A BANK HOLIDAY AND ALL BANK HOLIDAYS THROUGH TO 01-30			
Sat	11 AM	01-30				
Sun	11 AM	01-00				

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing			
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)		Indoor	<input checked="" type="checkbox"/>
					Outdoor	<input type="checkbox"/>
Mon	11 AM	01-00			Both	<input type="checkbox"/>

Tue	11 AM	01-00	Please give further details here (please read guidance note 3)
Wed	11 AM	01-00	
Thur	11 AM	01-00	
Fri	11 AM	01-30	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4) BOXING NIGHT THROUGH TO 02-00
Sat	11 AM	01-30	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5) THE DAY IMMEDIATELY PRE-CEEDING A BANK HOLIDAY AND ALL BANK HOLIDAYS THROUGH TO 01-30.
Sun	11 AM	01-00	

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [X] (please read guidance note 2)	
Day	Start	Finish	Indoors	Outdoors
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed				
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)</b>	On the premises	<input checked="" type="checkbox"/>
				Off the premises	
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>  BOXING NIGHT THROUGH TO 02-30		
Mon	11AM	00-30			
Tue	11AM	00-30			
Wed	11AM	00-30			
Thur	11AM	00-30			
Fri	11AM	01-00			
Sat	11AM	01-00			
Sun	11AM	00-30	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b>  THE DAY IMMEDIATELY PRECEEDING A BANK HOLIDAY AND ALL BANK HOLIDAYS THROUGH TO 01-00.		

**N**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations (please read guidance note 4)</b>
Day	Start	Finish	
Mon	11AM	01-00	
Tue	11AM	01-00	BOXING DAY THROUGH TO 03-00.

Wed	11AM	01-00	<p><b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b></p> <p>THE DAY IMMEDIATELY PRE-CEEDING A BANK HOLIDAY, AND ALL BANK HOLIDAYS THROUGH TO 01-30.</p>
Thur	11AM	01-00	
Fri	11AM	01-00	
Sat	11AM	01-30	
Sun	11AM	01-30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

I have enclosed the premises licence

Please tick ☒ yes

I have enclosed the relevant part of the premises licence

☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence



**P**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

WE ARE PARTICULARLY VIGILANT WITH  
POTENTIAL UNDERAGE DRINKERS AND ABIDE  
BY ALL THE RELEVANT I.D. CHECKS

b) The prevention of crime and disorder

WE HAVE CCTV CAMERAS INSTALLED INSIDE AND OUTSIDE THE  
PREMISES. IN THE EVENT OF ANY INSTANCES OF CRIME AND  
DISORDER THESE WILL BE REPORTED TO THE POLICE AS SOON  
AS REASONABLY PRACTICABLE.

WE DO NOT PERMIT ANY IRRESPONSIBLE DRINK PROMOTIONS EG -  
ALL INCLUSIVE NIGHTS. WE WILL NOT ALLOW ENTRY TO  
INTOXICATED MEMBERS OF THE PUBLIC OR CONTINUE  
TO SERVE ALCOHOL TO SOMEONE WE FEEL HAS HAD TOO MUCH.

c) Public safety

WE HAVE CONDUCTED A SUITABLE FIRE RISK  
ASSESSMENT AT THE PREMISES AND CARRIED OUT  
THE NECESSARY CONTROL MEASURES. WE HAVE ALSO  
ENSURED THAT MEMBERS OF STAFF ARE FULLY  
TRAINED IN THE EVENT OF AN EMERGENCY TO ENSURE  
A SAFE EXIT TO ALL MEMBERS OF THE PUBLIC.

d) The prevention of public nuisance

WE ENSURE CUSTOMERS LEAVE THE PREMISES SAFELY AND  
QUIETLY. WE ENSURE MUSIC ON THE TERRACE IS  
SWITCHED OFF AT 22:30 AND ALL WINDOWS AND  
DOORS ARE SHUT. WE ENSURE NOISE VIBRATION FROM  
THE PREMISES IS MAINTAINED AT A LEVEL THAT IS NOT AUDIBLE  
FROM ANY NEIGHBOURING NOISE SENSITIVE PREMISES. AND THAT ALL  
VENTILATION/EXTRACTION SYSTEMS ARE MAINTAINED AS TO PREVENT  
ANY NOXIOUS SMELLS CAUSING NUISANCE TO NEARBY PROPERTIES.

e) The protection of children from harm

WE OPERATE A STRICT 18 PLUS AND  
ARE VIGILANT WITH I.D.

Please tick ✓ yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☐
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part 5 – Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature

..... *MBen* .....

Date..... *26/2/09* .....

Capacity

.....

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date.....

Capacity

.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

[REDACTED]  
Heswall  
Wirral  
Cheshire  
[REDACTED]

24.03.09

The Licensing Authority  
Town Hall  
Brighton Street  
Wallasey  
cc. Mr Toby Zorn  
Noise Pollution Officer  
Wirral Borough Council

27.03.09

LC

Reference application to vary a Premises Licence in respect of  
Terrace C of 184 Telegraph Road, Heswall CH60 0AJ.

To whom it may concern;

Further to the above application I would like the following points and objections to be taken into account regarding any variation(s) at the above premises.

The premises occupied by Terrace C, the subject of this application, are within approximately one hundred yards of my residential property.

Unfortunately all the noise from the open 1<sup>st</sup> floor terrace at the rear of Terrace C is funnelled down Pye Road by the flats on the corner of this road. This directly impacts on my property and that of my adjoining neighbour at 4 Downham Road South.

In the past the levels of noise have been so great from live music and late night revellers at this bar that the police have attended the premises.

Mr Zorn, Pollution Noise Control Officer of Wirral Borough Council, wrote to the applicant with a noise abatement notice on 15.11.06 as a direct result of police confirmation of the facts from the night of 30.10.06.

The noise levels reduced for a few weeks but gradually increased again over the following period until I complained again to Mr Zorn on 10.08.07. The noise was so great that sleeping until after 12.30 was impossible unless all double glazed windows were shut.

## Continuation sheet 1

Mr Zorn attended my property on 7.09.07 and monitored the noise from Terrace C at that time.

At 10.40 pm the noise level was below that of a statutory nuisance, reaching 42.9 DB by 11.20 pm

At 11.45 pm the noise level reached an LA maximum of 61DB.  
(Considered to be a statutory nuisance)

Monitoring again took place on 25.09.07 when similar noise levels were taken at the earlier time and stayed the same later at night. Mr Zorn again attended my property on 8.11.07 and spoke with the manager at Terrace C shortly after regarding the high level of noise from their premises. Discussions regarding some form of sound proofing screens were brought up.

The noise levels were kept semi acceptable again for a couple of months then started rising again.

This reached a peak on a Sunday night when even a conversation outside my house was impossible due to the noise. I went to Terrace C at 11.30 pm and told the bar staff to ask the manager, who could not be found at this time, to close the doors onto the outside terrace, turn the music down and quieten the revellers on the outside terrace.

I again spoke with Mr Zorn on 11.08.08 regarding the noise on this occasion. He spoke with the manager of the applicants premises on 12.08.08, again advising the need to lessen noise levels at night. Mr Zorn advised me to monitor sound levels. Since this time the noise has not decreased by any great margin and I now just go to bed much later or sleep with all windows shut. Surely this cannot be acceptable.

The terrace at Terrace C has roof screens and fabric part side screens. It would appear that the roof screens are pulled over the outside terrace area when inclement weather such as wind or rain etc. but the side screens are left folded in the closed position leaving the sides of the terrace open, possibly to appease the no smoking legislation requirements regarding enclosed areas. When the side screens are in their sound proofing position there is a slight reduction in noise levels at my property.

Continuation sheet 2

Of all the licensed premises including restaurants, bars and public houses in the vicinity of my property it is only Terrace C that causes night time disturbance regarding noise etc. both during opening hours and also when the revellers leave the premises.

I feel that to vary the opening and alcohol licence in conjunction with the music licence will only increase the noise and disturbance level at my property.

If on renewal of any licence at Terrace C the provision of extra side screen sound proofing could be enforced as a condition of licensing this would be greatly appreciated.

Any extension or variation of hours would encourage more smokers who attend the applicants premises later at night when other (and non smoking) bars close as this is the only bar with outside roofing locally. This would only add to the numbers on the open area of the terrace creating yet more noise.

My family have lived at this address since 1964 and have little objection to development and changes on the high street of Heswall, in fact the addition of restaurants etc. has added to the diversity of the town, but Terrace C has created an ongoing noise problem which unfortunately is so haphazard in its levels and timing that it seems to be very difficult for the relevant authorities to deal with.

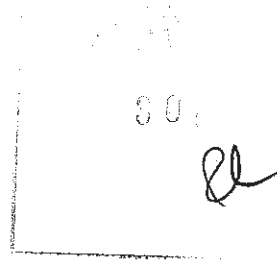
I sincerely trust and hope the licensing authority can bring its weight to bear in this matter and oppose the variation of licence and view the contents of this letter when renewal of licence is due.

Yours Faithfully,

A large, dark, irregularly shaped redacted area covering the signature and possibly the name of the sender.

25<sup>th</sup> March 2009

The Licensing Authority  
Town Hall  
Brighton Street  
Wallasey



Dear Sirs

**Re: - Application to Vary Premises Licence @ Terrace C – 184 Telegraph Road, Heswall**

I refer to the above and would very much like to object to the variation of the licence for the reasons contained below:-

I am resident as can be seen from my address with a family, the premises the subject of the application is within 100 yards of my property and is within a residential area.

When Terrace C first opened it was a quiet Restaurant entertaining middle class people, however, over the past years it has become a bar/nightclub for the far younger generation.

The music from the premises is played loud and late and can be heard from my property disturbing my family.

The premises has the benefit of an "open roof" (side\roof material canopies which are used periodically) which is to the side of the premises backing onto Pye Road with seating, tables, patio heaters and more to the point SPEAKERS!

I cannot understand if this section of the premises is for drinking, entertaining or for the use of smokers as it is neither a confined space nor open.

I myself have on numerous occasions have attended the premises to ask the DPS\Licensee to turn down the volume of their music. The music is not only loud but is sometimes played into the early hours of the morning.

Before today I have telephoned the Police regarding the noise and even the person who took my call could hear the music.

I believe that my next-door neighbour has had dealings with Pollution Noise Control at Wirral Borough Council and has had the noise monitored over a period of time.

There are very many public houses/restaurants within Heswall, however, Terrace C seems to be the only one that brings noise and music to excess level.

I believe if a Variation is granted to these premises then the noise would increase and disturb the neighbourhood even more and maybe attract underage drinking.

I sincerely hope that the point raised in this letter are indeed adhered to.

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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