

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

21 APRIL 2011

SUBJECT:	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	OXTON 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 John Francis Mitchell and relates to the premises known as **The Courtyard, 7-9 Rose Mount, Oxton, CH43 5SG.**

2.0 RECOMMENDATION

- 2.1 The Licensing Act 2003 Sub-Committee are asked to consider the application to vary 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 currently have a premises licence with the following hours:

Sale by Retail of Alcohol

Monday to Saturday 11:00 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

- 4.2 These premises were previously known as Villa Jazz and traded as a restaurant.
- 4.3 On 9 February 2011 applications were received to transfer the Premises Licence and to vary the Designated Premises Supervisor into the name of John Mitchell. Following no representations from Merseyside Police these applications were granted.

5.0 APPLICATION

5.1 The application to vary the Premises Licence is as follows:

Sale by Retail of Alcohol

Sunday to Thursday 09:00 to 00:00
Friday and Saturday 09:00 to 01:00

Hours Open to the Public

Sunday to Thursday 09:00 to 00:30
Friday and Saturday 09:00 to 01:30

Late Night Refreshment

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

Regulated Entertainment (Live Music)

Monday to Sunday 09:00 to 00:00

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

Sunday to Thursday 09:00 to 00:00
Friday and Saturday 09:00 to 01:00

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

Sunday to Thursday 09:00 to 00:00
Friday and Saturday 09:00 to 01:00

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, 22 representations have been received by local residents. A representation has also been received by The Oxton Society. A petition has been received signed by 62 local residents. The representations relate to anti-social behaviour and public nuisance caused by customers of the premises leaving the premises at a late hour and relate to noise nuisance from entertainment being provided at the premises. The representations also relate to concerns that the outside seating area will cause a nuisance by customers. Copies of the representations are available.

Environmental Health (Pollution Control)

Environmental Health have made a representation regarding this application as they consider that music from these premises will cause a nuisance to 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 (Health and Safety)
Planning Authority
Merseyside Police
Fire Authority

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

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

14.0 LEGAL IMPLICATIONS

- 14.1 A decision of this Committee can be subject to Appeal.

15.0 EQUALITIES IMPLICATIONS

15.1 There are no specific implications arising from this report.

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

16.0 CARBON REDUCTION IMPLICATIONS

16.1 There are no specific implications arising from this report.

17.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

17.1 There are no Planning implications arising from this report.

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APPENDICES

- Application to vary a Premises Licence
- Representations received from local residents

REFERENCE MATERIAL

- Application to vary a Premises Licence
- Representations received from local residents

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
These premises have not been before the Licensing Act 2003 Sub-Committee within the last three years.	