

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	