

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

23 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 **Gary Laycock and Timothy Herring** and relates to the premises known as the **La Bodega, 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

Sunday to Saturday 11:00 to 00:00

Hours Open to the Public

Sunday to Saturday 11:00 to 00:30

Regulated Entertainment (Recorded Music)

Sunday to Saturday 11:00 to 00:00

Non-Standard Timings

Sale by Retail of Alcohol and Recorded Music

Friday, Saturday and Sunday of each Bank Holiday Weekend until 00:30
Christmas Eve, Boxing Day and New Years Eve until 01:00

Hours Open to the Public

Friday, Saturday and Sunday of each Bank Holiday weekend until 01:00
Christmas Eve, Boxing Day and New Year's Eve until 02:00

5.0 APPLICATION

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

Sale by Retail of Alcohol

Sunday to Thursday 11:00 to 00:00 (unchanged)
Friday and Saturday 11:00 to 01:00

Hours Open to the Public

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

Regulated Entertainment (Live Music)

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

Regulated Entertainment (Recorded Music)

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

Late Night Refreshment

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

Non-Standard Timings

Sale by Retail of Alcohol, Live Music, Recorded Music and Late Night Refreshment

Friday, Saturday and Sunday of each Bank Holiday Weekend until 01:30
Maundy Thursday until 01:30
Christmas Eve, Boxing Day and New Years Eve until 02:00

Hours Open to the Public

Friday, Saturday and Sunday of each Bank Holiday Weekend until 02:00
Maundy Thursday until 02:00
Christmas Eve, Boxing Day and New Years Eve until 02:30

5.2 The applicant has also requested to remove the following conditions currently imposed on the Premises Licence:

- There must be a duty Manager and Supervisor working every evening from 19:00
- All the Managers and Supervisors must be trained and are designated safety stewards
- Two SIA Registered Door Supervisors must be employed from 23:00
- Measures must be in place to ensure Duty Managers and Supervisors offer to call taxis for customers, free of charge. Customers must wait for taxis in either of the two vestibule areas.
- The premises must be part of an initiative with Merseyside Police and Business Crime Direct which provides a radio link between businesses in the vicinity of the premises to aid crime prevention.
- All Managers and Supervisors must have obtained an NVQ qualification in customer service.
- The Duty Manager and a senior supervisor must monitor the entrance to the premises from 23:00 Monday to Saturday and from 22:30 on Sundays. The Duty Manager and Senior Supervisor must ensure that customers leave the premises quietly and are not carrying bottles or glasses from the premises.

The applicant has proposed to include the following conditions on the Premises Licence if the variation is granted:

- Staff must ensure that customers leave the premises quietly and are not carrying bottles or glasses from the premises.
- Two SIA Registered Door Supervisors must be on the premises from 12midnight on nights the premises is supplying alcohol beyond 12midnight.

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, three representations have been received from Local Residents. A representation has also been received from the Hoylake Residents Forum. A petition, signed by 94 local residents who are against the application, has also been received. The representations relate to anti-social behaviour caused by customers of the premises whilst leaving the premises. 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 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 and a Ward Councillor

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	