

# WIRRAL COUNCIL

## LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

4 APRIL 2012

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

### 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 **Oliver Green and Robert Murch** and relates to the premises known as the **Glassfire, 7-9 Albert Road, Hoylake.**

### 2.0 BACKGROUND AND KEY ISSUES

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

#### **Sale by Retail of Alcohol**

Sunday to Saturday 10:00 to 00:00

#### **Hours Open to the Public**

Sunday to Saturday 10:00 to 00:30

#### **Regulated Entertainment (Exhibition of Films, Indoor Sporting Events, Live Music, Recorded Music and Anything of a Similar Description)**

Sunday to Thursday 10:00 to 23:30

Friday and Saturday 10:00 to 00:00

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

Sunday to Thursday 10:00 to 23:30

Friday and Saturday 10:00 to 00:00

#### **Late Night Refreshment**

Sunday to Saturday 23:00 to 00:30

#### **Non-Standard Timings**

Friday, Saturday, Sunday and Monday of Bank Holiday Weekends, Christmas Eve and Boxing Day and any Bank Holiday that does not precede a working day:

Supply of Alcohol 10:00 to 01:00

Regulated Entertainment 10:00 to 01:00

Entertainment Facilities 10:00 to 01:00

Hours Open to the Public 10:00 to 01:30

### 3.0 APPLICATION

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

#### **Sale by Retail of Alcohol**

Sunday to Tuesday 10:00 to 00:00 (unchanged)  
Wednesday to Saturday 10:00 to 01:00

#### **Hours Open to the Public**

Sunday to Tuesday 10:00 to 00:30 (unchanged)  
Wednesday to Saturday 10:00 to 01:30

#### **Regulated Entertainment (Live Music, Exhibition of Films and Indoor Sporting Events)**

Sunday to Thursday 10:00 to 23:30 (unchanged)  
Friday and Saturday 10:00 to 00:00 (unchanged)

#### **Regulated Entertainment (Recorded Music and Anything of a Similar Description)**

Sunday to Tuesday 10:00 to 23:30 (unchanged)  
Friday and Saturday 10:00 to 01:00

#### **Regulated Entertainment (Performance of Dance)**

Wednesday to Saturday 10:00 to 01:00

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

Sunday to Tuesday 10:00 to 23:30 (unchanged)  
Wednesday and Saturday 10:00 to 01:00

#### **Entertainment Facilities of a Similar Description**

Wednesday and Saturday 10:00 to 01:00

#### **Late Night Refreshment**

Sunday to Tuesday 23:00 to 00:30 (unchanged)  
Wednesday to Saturday 23:00 to 01:30

#### **Non-Standard Timings**

All of the above Licensable Activities to be extended as follows:

Bank Holidays 10:00 to 02:00  
Christmas Eve 10:00 to 02:00  
Boxing Day 10:00 to 02:00  
New Years Eve 10:00 to 02:00

## **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 is available.
- 4.2 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.

## **5.0 RELEVANT REPRESENTATIONS**

- 5.1 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 Residents Network of Hoylake. A petition, signed by 66 local residents has also been received. The representations relate noise nuisance caused by customers of the premises at a late hour. Copies of the representations and the petition are available.

A representation has also been received from Ward Councillor John Hale which supports the concerns expressed by local residents. A copy of his representation is available.

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

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

## **6.0 RELEVANT RISKS**

- 6.1 There are none arising directly from this report.

## **7.0 OTHER OPTIONS CONSIDERED**

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

## **8.0 CONSULTATION**

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

## **9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

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

## **10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

10.1 There are no specific implications arising from this report.

## **11.0 LEGAL IMPLICATIONS**

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

## **12.0 EQUALITIES IMPLICATIONS**

12.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

## **13.0 CARBON REDUCTION IMPLICATIONS**

13.1 There are no specific implications arising from this report.

## **14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

14.1 The Director of Regeneration, Housing and Planning Department has advised that there are no restrictive hours condition relating to these premises, however, the outside seating area has the following conditions attached:

- The outdoor café area shall not be used for the development hereby permitted between 21:00 hours and 08:00 hours
- The outdoor café area shall not be used when amplified sound or music is used on the premises

## **15.0 RECOMMENDATION**

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

## **16.0 REASONS FOR RECOMMENDATION**

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

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## **APPENDICES**

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

## **REFERENCE MATERIAL**

- None

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
None	

# Location Plan of Premises

