

# WIRRAL COUNCIL

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

28 FEBRUARY 2014

<b>SUBJECT:</b>	<b>APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>EASTHAM WARD</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

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 **New Moon Pub Company** and relates to the premises known as **The Montgomery, Stanley Lane, Eastham**.

### 2.0 BACKGROUND AND KEY ISSUES

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

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

Monday to Friday	11:00 to 00:00
Saturday	12:00 to 00:00
Good Friday	11:00 to 23:30
Christmas Day	12:00 to 16:30 & 19:00 to 23:30

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

Monday to Friday	11:00 to 00:30
Saturday	12:00 to 00:30
Good Friday	11:00 to 00:00
Christmas Day	12:00 to 17:00 & 19:00 to 00:00

### 3.0 APPLICATION

- 3.1 The application to vary the Premises Licence is to amend the hours on Christmas Day as follows:

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

12:00 to 19:00

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

12:00 to 19:30

All other Licensable Activities are to remain unchanged.

3.2 The applicant has also requested to remove the following conditions from the Premises Licence:

- At least two safety stewards to be trained. Safety stewards to be easily identified during an emergency.
- The use of taxi firms providing a call back facility must be promoted at the premises.
- Outside area to be cleared of all customers consuming drinks by 21:30.
- No smoking to the front of the premises, patrons must use the rear dedicated area for smoking

The applicant has proposed to include the following conditions on the Premises Licence:

- Outside area to be cleared of all customers consuming drinks by 22:30.
- No smoking to the front of the premises, patrons must use the side dedicated area for smoking.

#### **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 application be granted.

#### **5.0 RELEVANT REPRESENTATIONS**

5.1 The following Representations have been received in respect of the above application.

##### **Local Residents**

Representations have been received from seven local residents. The representations relate to concerns that if the application is granted in respect of the request to extend the use of the outside area, noise nuisance and public nuisance will increase to a later hour. Copies of the representations are available.

A representation has also been received from Ward Councillor, Phil Gilchrist. The representation supports the concerns expressed by Local Residents. A copy of the representation is available.

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

Wirral Safe Guarding Children Board  
Trading Standards  
Planning Authority  
Fire Authority  
Environmental Health  
Merseyside Police  
Public 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 There are no Planning implications arising from this report.

## **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.

### **REPORT AUTHOR:**

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## **APPENDICES**

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

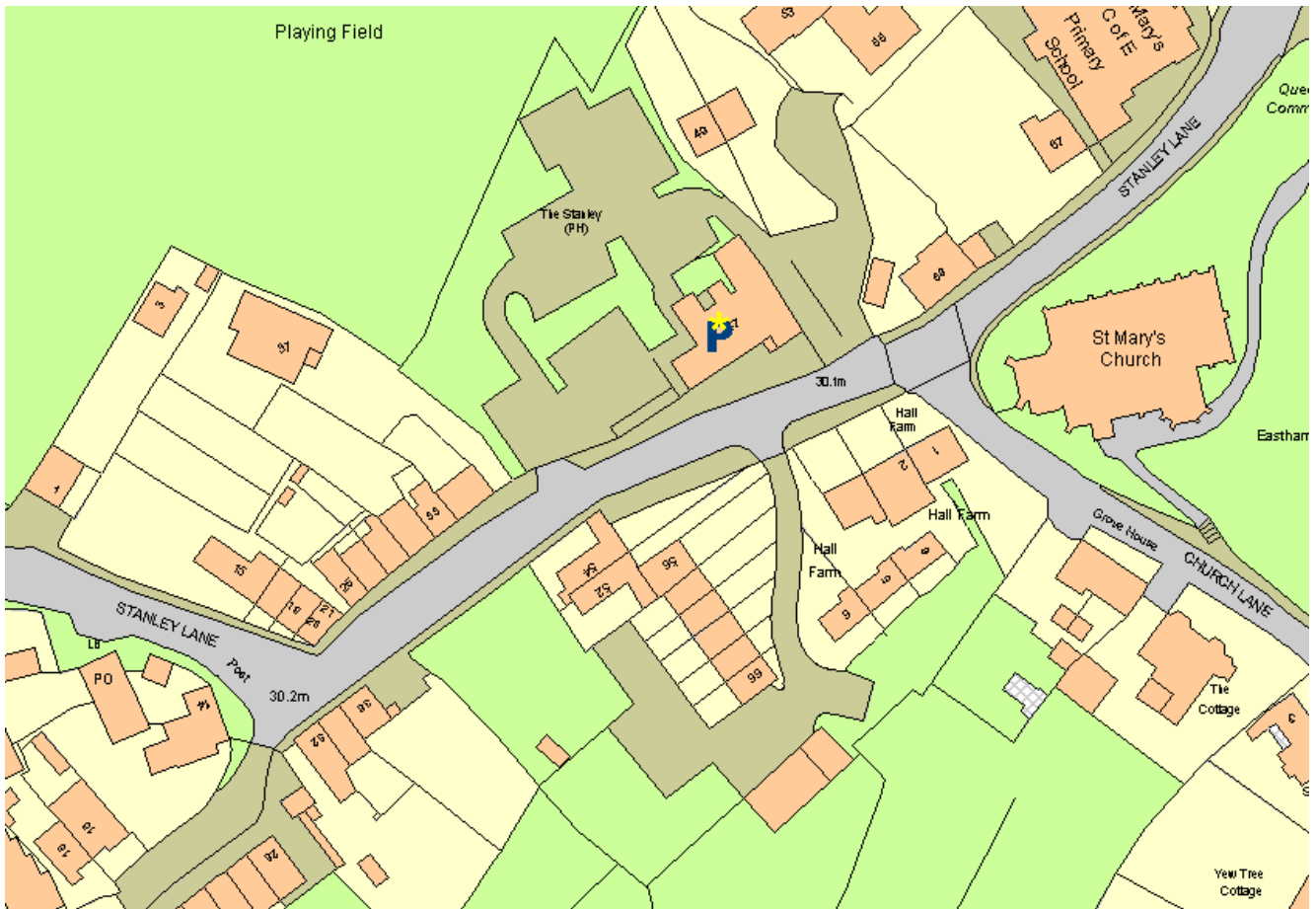
## **REFERENCE MATERIAL**

- None

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

<b>Council Meeting</b>	<b>Date</b>

# Location Plan of Premises



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