

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

We Barracuda Pubs & Bars Company Ltd, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

LN/207000054

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Ravenscroft, 1- 5 The Mount, Heswall	
Post town Wirral	Post code CH60 4RE

Telephone number of premises (if any)

0151 342 9886

Non-domestic rateable value of premises

£86500

Part 2 – Applicant Details

Daytime contact telephone number

0151 342 9886

Email address
(optional)

Current postal
address if
different from
premises address

Barracuda Pubs & Bars Company Ltd, 1st Floor, Lunar House, Globe Park, Fieldhouse Lane,

Post Town

Marlow

Postcode

SL7 1LW

Part 3 – Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick ✓/yes

If not do you want the variation to take effect from

Day Month Year

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If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Please describe briefly the nature of the proposed variation (please read guidance note 1)

The variation sought is to include the external area as identified on the plan deposited with the Licensing Authority (464/9.1) within the licensed area for the purposes of sale by retail of alcohol and late night refreshment only (as particularised in this application).

No other variation is sought and this application has been completed appropriately.

On 19th June 2009 Wirral Council granted Planning Permission to allow the creation of an outside seating area to the rear of the premises on the basis that the same would not cause significant nuisance to neighbouring uses or lead to a loss of amenities as a result of noise and disturbance.

The present Premises Licence is subject to a condition that there shall be no drinking outside the curtilage of the building at any time.

As indicated above, this application seeks to include that rear external area within the ambit of the Licence for the purpose of the sale of alcohol by retail for late night refreshment only and the removal of the condition as appears in annexe 3 to the Premises Licence.

As a consequence of the incorporation of the external area, provision is made for an acoustic lobby resulting in the minor adoption of the bar servery which is reflected on the deposited plans.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			State any seasonal variations for indoor sporting events (please read guidance note 4)
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)

J

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Please give further details here (please read guidance note 3)		
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			State any seasonal variations for the performance of live music (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			State any seasonal variations for playing recorded music (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

I

Provision of facilities for making music. Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors
				Outdoors
				Both
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick {Y} (see guidance note 2).		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			Please give a description of the facilities for dancing you will be providing			
Tue						
Wed			Please give further details here (please read guidance note 3)			
Thur						
Fri			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Sat						
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoor
Mon				Outdoor
Tue				Both
Wed			Please give further details here (please read guidance note 3)	
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon	23:00	23:30		Both	✓
Tue	23:00	23:30	Please give further details here (please read guidance note 3)		
Wed	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	23:30			
Fri	23:00	23:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	23:30			
Sun	23:00	23:30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	10:00	23:30	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	✓
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30			
Fri	10:00	23:30			
Sat	10:00	23:30			
Sun	10:00	23:30			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
			As per existing Premises Licence		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	00:00	
Tue	10:00	00:00	
Wed	10:00	00:00	
Thur	10:00	00:00	
Fri	10:00	00:00	
Sat	10:00	00:00	
Sun	10:00	00:00	
Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)			
The premises will close for service to the public 30 minutes after the end of non standard timings identified in box M above.			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

The condition which states "there shall be no drinking outside the curtilage of the building at any time" is to be removed

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

I have undertaken my own risk assessment to take the following proposed steps.

The existing conditions applicable to the Premises Licence shall continue to apply unamended (save for the removal and restriction on drinking outside the curtilage of the building.

In that the premises currently operate without apparent difficulty, it is not anticipated that the proposed changes will adversely affect the four licensing objectives save as below.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed.

c) Public safety

No further risks have been identified which need to be addressed.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed.

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

I have made or enclosed payment of the fee


- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners 

Date: 1 July 2009.....

Capacity: Solicitors.....

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

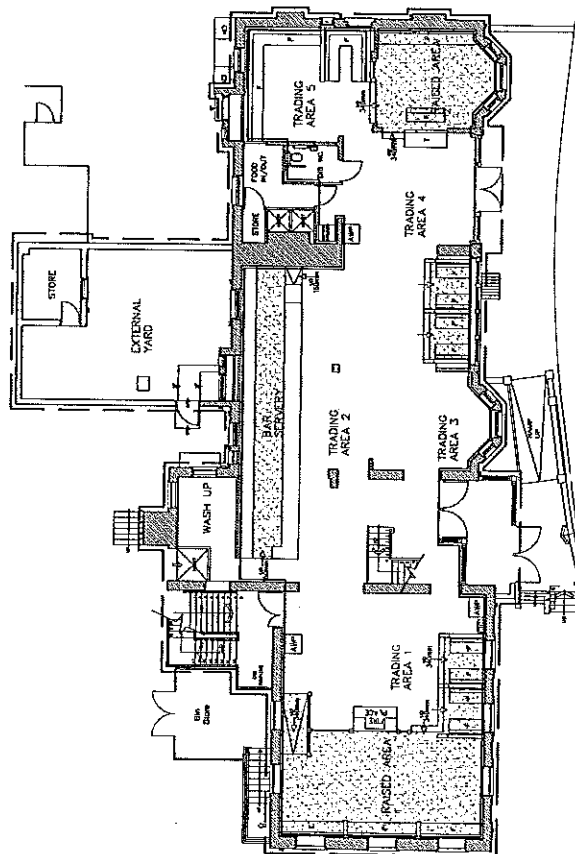
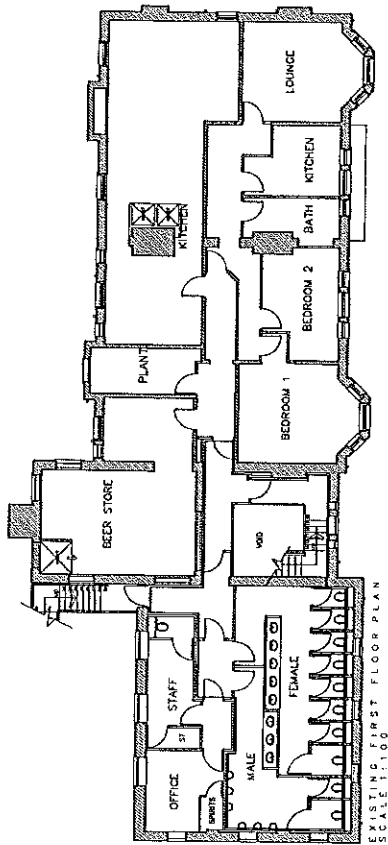
Signature: John Gaunt & Partners

Date:

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any) 0114 266 8664	
If you would prefer us to correspond with you by email your email address (optional)	

NOTE
 The design and details in this schedule are copyright and
 shall not be reproduced without the written permission of
 the architect.
 Contractors are to check all dimensions before
 starting work and are to be responsible for any
 discrepancies to be reported to the architect.
 DO NOT SCALE THIS DRAWING.
 Architects 6/04



ROBERT MURRAY & ASSOCIATES LTD ARCHITECTS, INTERIOR DESIGN 1 BRIDGEMAN TERRACE, NEWCASTLE NSW 1590 TEL 081 5542 3248 FAX 081 5542 3248 WWW.RMA.COM.AU	
CLIENT	Baracuda Group Ltd
PROJECT	Smith & Jones Hoswall
DRAWING TITLE	Existing Floor Plans
SCALE	1:100
DATE	March 2008
DRAWN BY	R Pyle
CHECKED BY	
DRAWING NO	46471.1

Licensing Authority,
Wirral Borough Council,
Town Hall, Brighton Street,
Wallasey CH44 8ED

Date: 22 July 2009

Our ref: cong/wla/220709

Dear Sirs,

Re: "The Ravenscroft", 5 The Mount, Heswall Wirral CH60 4RE

We understand the owners of the above premises have applied to vary their license to serve food and alcohol in an external seating area to the rear of their premises, directly adjoining our property.

We are of the opinion that the proposed use would adversely affect the quiet enjoyment by the Heswall Congregation of Jehovah's Witnesses, of the Kingdom Hall building immediately to the rear of the proposed licensed area. Our building is currently used as a place of worship on Thursday evenings from 7.00pm till 9.00pm and on a Sunday Morning between 10.00am and midday.

We consider that the use of the area the other side of a fence to our property would be an un-neighbourly development, should there be a granting of its use for alcohol and food consumption and allowing customers to smoke in this area.

In further support of our views we would respectfully draw your attention to the additional conditions and restrictions imposed by the licensing authority in the attached letter of the decision dated 6th October 2006.

"No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency and to permit access and egress from the premises.

There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.

There shall be no disposal of bottles or broken glass from the premises between the hours of 9.00pm and 9.00am and additionally on a Sunday between the hours of 10.00am and 12.00 midday.

A closed fence panel shall be erected to the rear of the premises to the maximum height in accordance with planning restrictions.

There shall be no drinking outside the curtilage of the building at any time.

A noise limiting device shall be installed at the premises and set to a level in consultation with environmental health".

We are also aware that since the premises first opened the availability of car parking on the adjacent public car park at The Mount has sometimes been insufficient to cope with demand for spaces, particularly when Heswall Hall has also been in use.

In summary we object to the proposed application as it is expected to generate noise and smells which would lead to the further loss of our quiet enjoyment of our immediately adjoining land and building for the purpose of our worship.

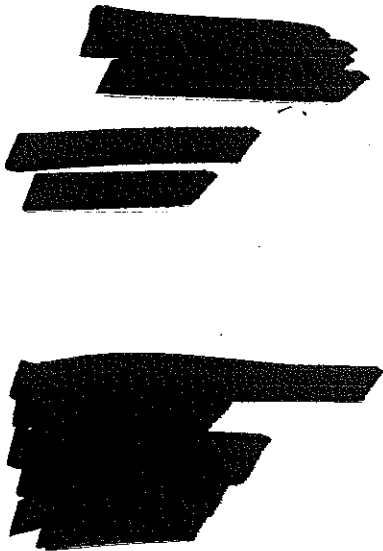
We would ask for the continued support of the licensing authority, in respect of your original decision, as the circumstances remain the same as those which pertained to that decision in 2006.

Finally we would ask for a formal acknowledgement of our objection, and if there is a hearing on this matter, we would ask if we are able to attend and make a personal representation, you could kindly inform us of the details.

Many thanks,

For and on behalf of,

Heswall Congregation of Jehovah's Witnesses

A large area of the document is redacted with black ink, covering the signature and any text that might have followed. The redaction consists of several thick, irregular black bars.

to [REDACTED] date 6 October, 2006

your ref
my ref
tel ext 0151-691 8043 - please ask for Licensing

Dear Sirs

LICENSING ACT 2003 – SMITH AND JONES, HESWALL

I refer to the Licensing Act 2003 Sub-Committee held on 20 September 2006.

After giving careful consideration to the application and the representations made in writing and orally at the hearing, the Licensing Act 2003 Sub-Committee resolved to grant the application for a Premises Licence under the provisions of the Licensing Act 2003 with the following hours:

Supply of alcohol

Sunday to Saturday 10.00am to 11.00pm

Hours Open to the Public

Sunday to Saturday 10.00am to 11.30pm

Regulated Entertainment (Recorded Music)

Sunday to Saturday 10.00am to 11.30pm

Entertainment Facilities (Facilities for Dancing)

Sunday to Saturday 10.00am to 11.30pm

Late Night Refreshment

Sunday to Saturday 11.00pm to 11.30pm

Cont/...

The Licensing Act 2003 Sub-Committee determined that in addition to the appropriate conditions proposed in the operating schedule the following conditions be applied to the licence:

- That the relevant conditions imposed on the granted Planning Permission be transferred to the Premises Licence.
- No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- All external doors and windows shall be kept close when regulated entertainment is being provided except in the event of an emergency and to permit access to and egress from the premises.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
- There shall be no disposal of bottles or broken glass from the premises between the hours of 9.00pm and 9.00am and additionally on a Sunday between the hours of 10.00am to 12.00midday.
- CCTV to operate at the premises in accordance with any specification issued by the Licensing Authority. Tapes and visual images recorded shall be retained for a period of 31 days and must be handed to the Police on request.
- A closed panel fence shall be erected to the rear of the premises to the maximum height in accordance with planning restrictions.
- There shall be no drinking outside the curtilage of the building at any time.
- A noise limiting device shall be installed at the premises and set to a level in consultation with Environmental Health

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Department of Culture, Media and Sport Guidance issued under section 182 of Licensing Act 2003.

Members further considered that the conditions applied were a proportionate response to the application presented and were necessary for the promotion of the Licensing Objectives.

Cont/...

- 3 -

The Licence will be issued in due course.

Should you be aggrieved by this decision you may appeal to Wirral Borough Magistrates Court within 21 days of receipt of this letter.

Yours faithfully

M. O'Donnell

Margaret O'Donnell
Head of Licensing