

NAME OF PREMISES: CALEDONIA, MARKET STREET, BIRKENHEAD
NAME OF APPLICANT: JOHN DIABLE

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.

2.0 RELEVANT BACKGROUND

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

Supply of alcohol

Sunday to Saturday 11.00am to 12.30am

Hours Open to the Public

Sunday to Saturday 11.00am to 1.00am

Regulated Entertainment (Live Music, Recorded Music, and anything of a similar description)

Sunday to Saturday 11.00am to 11.00pm

Entertainment Facilities (Facilities for Making Music and anything of a similar description)

Sunday to Saturday 11.00am to 11.00pm

Non-Standard Timings

On St David's Day, St Patrick's Day, St Georges Day and St Andrew's Day, the finish time will be extended by one hour with seven days notice and agreement with the Police.

New Year's Eve finish time to be extended by one hour to New Year's Day morning and if New Year's Eve falls on a Sunday, the finish time to be extended by two hours into the New Year's Day. For statutory bank holidays (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times.

2.2 Conditions currently imposed on the Premises Licence are available. See appendix 1.

3.0 APPLICATION

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

Regulated Entertainment (Live Music, Recorded Music, and anything of a similar description)

Sunday to Saturday 11.00am to 12.30am

Entertainment Facilities (Facilities for Making Music and anything of a similar description)

Sunday to Saturday 11.00am to 12.30am

For statutory bank holidays (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times.

On additional occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour with fourteen days notice and agreement with the Police.

3.2 The other Licensable Activities in 2.1 of this report are to remain the same.

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 detailing any additional steps proposed by the applicant is available.

4.2 Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule will also become conditions of licence should the licence be granted.

5.0 RELEVANT REPRESENTATIONS

5.1 The following Representation has been received in respect of the above application.

Environmental Health

Environmental Health have made a representation in respect of the application due to the recent history in which there has been evidence of loud music being emitted from the premises, leading to an application to review the licence and an imminent prosecution for noise nuisance under the provisions of the Environmental Protection Act 1990. The Environmental Health Officer has serious concerns that the later hours applied for will result in a failure to prevent public nuisance. A copy of the representation is available.

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

Merseyside Police
Fire Authority
Wirral Area Child Protection Committee
Trading Standards

6.0 FINANCIAL AND STAFFING IMPLICATIONS

6.1 A statutory fee has been paid in respect of the application, which goes towards administrative and enforcement costs.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

7.1 There are none arising from this report.

8.0 LOCAL AGENDA 21 IMPLICATIONS

8.1 There are none arising directly from this report.

9.0 LOCAL MEMBER SUPPORT IMPLICATIONS

9.1 The premises are located in the Birkenhead and Tranmere ward.

10.0 HUMAN RIGHTS IMPLICATIONS

10.1 Article 6, of the First Protocol, concerned with the right to a fair hearing, may be applicable.

11.0 COMMUNITY SAFETY IMPLICATIONS

11.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

12.0 PLANNING IMPLICATIONS

12.1 There are no planning implications.

13.0 BACKGROUND PAPERS

13.1 Application form applying to vary a Premises Licence – Operating Schedule.

13.2 Representation received from Environmental Health.

14.0 RECOMMENDATIONS

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

Alan Stennard
Director of Regeneration

This report was prepared by Richard Leyland who can be contacted on 691 8478