



## Licensing Act Sub Committee

<b>Date:</b>	<b>Wednesday, 20 September 2023</b>
<b>Time:</b>	<b>9.30 a.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Birkenhead Town Hall</b>

**Contact Officer:** Anne Beauchamp  
**Tel:** 0151 691 8322  
**e-mail:** [annebeauchamp@wirral.gov.uk](mailto:annebeauchamp@wirral.gov.uk)  
**Website:** [www.wirral.gov.uk](http://www.wirral.gov.uk)

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Please note that public seating is limited therefore members of the public are encouraged to arrive in good time.

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)

## AGENDA

- 1. APPOINTMENT OF CHAIR**
- 2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Licensing Panel are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.
- 3. APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - 357 PENSBY ROAD, PENSBY CH61 9NF (Pages 1 - 6)**

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## LICENSING ACT SUB-COMMITTEE

20 SEPTEMBER 2023

<b>REPORT TITLE</b>	<b>APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### REPORT SUMMARY

The purpose of this report is to consider an application for a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **Ozgur Gulaski** and relates to the premises located at **357 Pensby Road, Pensby, CH61 9NF**.

### RECOMMENDATION

The Licensing Act Sub-Committee is asked to determine an application for the grant of a Premises Licence in respect of the above premises having regard to the representations made in respect of the application.

## SUPPORTING INFORMATION

### 1.0 REASON FOR RECOMMENDATION

- 1.1 It is a statutory requirement for this Sub-Committee to determine the application for the grant of a licence due to relevant representations being received.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered due to relevant representations having been received.

### 3.0 BACKGROUND INFORMATION

- 3.1 The Licensing Authority have received an application for a Premises Licence under the provisions of the Licensing Act 2003.

- 3.2 The application is as follows:

**Sale of alcohol during the following hours for consumption 'on' and 'off' the premises only:**

Sunday to Saturday                      10:00 to 00:00

**Late Night Refreshment**

Sunday to Saturday                      23:00 to 00:00

**Hours Open to the Public**

Sunday to Saturday                      09:00 to 00:00

- 3.3 As part of the application process applicants are required to submit an operating schedule that sets out how they will conduct/manage their business to promote the four Licensing Objectives. The applicant is also required to submit a plan of the premises showing the area that they are seeking to license. A copy of the full application is available.

- 3.4 Members of the Licensing Act Sub-Committee are advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

### 3.5 RELEVANT REPRESENTATIONS

The following representations have been received in respect of the application.

**Local Residents**

In respect of this application, 10 representations were received from Local Residents within the statutory timescale. A further representation was received from a Local Resident outside of the consultation period. A petition containing 50 signatures has also been submitted to the Licensing Authority by Ward Councillor Mike Sullivan. The Local Residents that have made representations consider that the granting of a Premises Licence as applied for, would undermine the four licensing objectives due to the close proximity of the premises to residential properties. Copies of the representations are available.

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

Wirral Safeguarding Children Board  
Fire Authority  
Trading Standards  
Public Health  
Licensing Authority  
Environmental Health  
Planning Authority  
Merseyside Police

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

5.1 Section 18(3) of The Licensing Act 2003 provides that where relevant representations are made, the authority must hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and having regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives.

5.2 Section 4 of the Licensing Act 2003 provides that the Licensing Authority must carry out its functions under this Act with a view to promoting the licensing objectives which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

and that in carrying out its licensing functions the Licensing Authority must have regard to its licensing statement published under section 5 of the Licensing Act 2003, and any guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

5.3 The Licensing Authority has a duty to ensure that premises are operated in accordance with Licensing Act 2003 Licensing Objectives. If the Licensing Objectives are undermined this could result in the revocation of a Premises Licence to provide licensable activities.

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

6.1 There are no specific implications arising from this report.

#### **7.0 RELEVANT RISKS**

7.1 There are none arising directly from this report.

#### **8.0 ENGAGEMENT/CONSULTATION**

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

#### **9.0 EQUALITY IMPLICATIONS**

9.1 The potential impact has been reviewed and it is considered that there will be no direct impact on any of the protected groups.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are none arising from the content of this report.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 There are no community wealth implications arising directly from this report.

**REPORT AUTHOR:** **Richard Leyland**  
Licensing Team Leader  
email: [richardleyland@wirral.gov.uk](mailto:richardleyland@wirral.gov.uk)

## **APPENDICES**

None

## **BACKGROUND PAPERS**

- Application for a Premises Licence
- Representations received from Local Residents
- Petition signed by Local Residents
- Wirral Council's Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003

**TERMS OF REFERENCE**

This report is being considered by the Licensing Act Sub-Committee who are delegated to determine such matters in accordance with Section 9.3 of the Licensing Act Committee’s Terms of Reference referred to in Part 3, Section B of the Council’s constitution.

**SUBJECT HISTORY (last 3 years)**

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

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