



Licensing Act 2003 Sub-Committee

Date:	Wednesday, 3 March 2010
Time:	2:00pm
Venue:	Committee Room 2 - Wallasey Town Hall

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AGENDA

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

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda, and, if so, to declare them and state what they are.
- 3. GOLDEN PHOENIX (Pages 1 - 4)**
- 4. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider matters which the Chair accepts as being urgent.

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LICENSING ACT 2003 COMMITTEE
LICENSING ACT 2003 SUB-COMMITTEE – 3 MARCH 2010

REPORT OF THE DIRECTOR OF REGENERATION

NAME OF PREMISES: GOLDEN PHOENIX, 136 GREASBY ROAD, GREASBY
NAME OF APPLICANT: XIAO-YAN WU

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to consider an application for the grant of a Premises Licence under the provisions of the Licensing Act 2003.

2.0 RELEVANT BACKGROUND

2.1 These premises are trading as a hot food takeaway and currently have a Premises Licence to allow Late Night Refreshment. A copy of the Premises Licence Summary is available. The applicant has indicated, that subject to this Premises Licence being granted, the current Premises Licence will be surrendered.

3.0 APPLICATION

3.1 An application has been received for the grant of a Premises Licence. Subsequent to submitting the application the applicant agreed to amend the application to reduce the terminal hour for the supply of alcohol by 30 minutes Monday to Saturday and by one hour on Sunday. Details of the application are as follows:

Supply of Alcohol

Sunday to Thursday	16:30 to 23:30
Friday and Saturday	16:30 to 01:00

Hours Open to the Public

Sunday to Thursday	16:30 to 00:30
Friday and Saturday	16:30 to 02:00

Late Night Refreshment

Sunday to Thursday	23:00 to 00:30
Friday and Saturday	23:00 to 02:00

3.2 Following consultation with Merseyside Police, the applicant has agreed to attach the following conditions to the Premises Licence, if granted:

- No alcohol is sold over the counter in the premises
- No alcohol is on display to the public within the shop area and notices must be on display stating that no alcohol is for sale over the counter
- Alcohol is only available to be sold with food deliveries and the minimum value of any food order with a alcohol sale is £10.00

- Delivery will only be made to dwellings and other buildings. No delivery to be made in person in the open air
- A 'Think 25' policy is to be adhered to and any persons appearing to be under the age of 25 years at the point of delivery will be asked for ID before delivery is made
- No delivery will be made to any person who appears to be under 25 years of age without acceptable ID
- The only acceptable forms of ID is a passport, photo driving licence or other PASS accredited ID
- When any telephone order is taken for alcohol the 'Think 25' policy must be pointed out to the purchaser
- The maximum supply of alcohol to any customers is 8 cans of standard strength beers, or 2 bottles of wine or 1 bottle of spirit
- The advice of the Police Crime Reduction Officer is to be sought regarding the security of alcohol both in the premises and in the delivery vehicle

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 the 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 would 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 Party

In respect of this application 11 representations have been received from Local Residents. The representations relate to anti-social behaviour from customers of the premises at a late hour. A petition has also been submitted by Greasby Frankby Irby Action Team signed by 20 local residents who are also against the application due to public nuisance being caused by groups of people within the vicinity of the premises. Copies of the representations and the petition are available.

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

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

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 Greasby, Frankby and Irby 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 in respect of this application.

13.0 BACKGROUND PAPERS

13.1 Application form applying for the grant of a Premises Licence – Operating Schedule.

13.2 Representations received from local residents and Petition signed by local residents.

14.0 RECOMMENDATIONS

14.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for the grant of 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

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