



## Licensing Act 2003 Sub-Committee

<b>Date:</b>	<b>Thursday, 9 February 2012</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Committee Room 2 - Wallasey Town Hall</b>

**Contact Officer:** Anne Beauchamp  
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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. **GEKKO, 54-56 WALLASEY ROAD, LISCARD CH45 4NW (Pages 1 - 6)**
- = B R E A K =**
4. **SABS KEBABS, 201 HOYLAKE ROAD, MORETON (Pages 7 - 10)**
  5. **MOCKBEGGAR HALL, 239-241 HOYLAKE ROAD, MORETON CH46 0SL. (Pages 11 - 14)**
  6. **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider any other business that the Chair accepts as being urgent.

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## WIRRAL COUNCIL

### LICENSING ACT 2003 COMMITTEE

### LICENSING ACT 2003 SUB-COMMITTEE

9 FEBRUARY 2012

<b>SUBJECT:</b>	<b>APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>LISCARD WARD</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 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. The application is made by Darren Robinson and relates to the premises known as **Gekko, 54-56 Wallasey Road, Liscard, CH45 4NW.**

#### 2.0 RECOMMENDATION

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

#### 3.0 REASONS FOR RECOMMENDATION

- 3.1 It is a statutory requirement for this Committee to determine the application due to relevant representations received.

#### 4.0 BACKGROUND AND KEY ISSUES

- 4.1 These premises currently have a premises licence, however the premises have not been trading for a number of years.
- 4.2 The current hours on the premises licence are as follows:

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

Sunday to Thursday 12:00 to 23:30  
Friday and Saturday 12:00 to 00:00

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

Sunday to Thursday 12:00 to 23:30  
Friday and Saturday 12:00 to 00:00

##### **Recorded Music**

Sunday to Thursday 12:00 to 23:30  
Friday and Saturday 12:00 to 00:00

## **Late Night Refreshment**

Sunday to Thursday 23:00 to 23:30

Friday and Saturday 23:00 to 00:00

## **5.0 APPLICATION**

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

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

Monday to Sunday 09:00 to 00:00

### **Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description**

Monday to Sunday 09:00 to 00:00

### **Facilities for Making Music, Dancing and Entertainment Facilities of a Similar Description**

Monday to Sunday 09:00 to 00:00

### **Late Night Refreshment**

Monday to Sunday 23:00 to 00:00

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

Monday to Sunday 09:00 to 00:30

### **Non Standard Timings**

#### **All the above licensable activities:**

Christmas Eve, Boxing Day, New Years Eve and All Bank Holiday Sundays

09:00 to 02:00

23:00 to 02:00 (Late Night Refreshment)

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

Christmas Eve, Boxing Day, New Years Eve and All Bank Holiday Sundays

09:00 to 02:30

## **6.0 PROMOTION OF LICENSING OBJECTIVES**

6.1 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.

6.2 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 licence be granted.

## **7.0 RELEVANT REPRESENTATIONS**

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

### **Merseyside Police**

In respect of this application, a representation has been received from Merseyside Police. The Licensing Sergeant has suggested conditions that he believes should be attached to the premises licence if the application is granted, these conditions are:

- The bi-fold doors must be closed when live entertainment is taking place at the premises, save for access and egress.
- Glasses and bottles must not be taken off the premises onto the outside pavement area.
- Signage must be displayed asking customers to leave the premises quietly.

A copy of the representation is available.

### **Environmental Health**

In respect of this application, a representation has been received from Environmental Health. The Environmental Health Officer has advised that there are concerns about potential noise disturbance to nearby properties from entertainment at the premises, particularly in Cecil Road. The Environmental Health Officer has suggested that the entrance to the premises should be made into a double door system to help contain the music as customers enter and leave the premises. Also, the following conditions have been suggested by the Environmental Health Officer:

- Door and windows must be kept closed when entertainment takes place save for access and egress.
- Noise emissions from the premises must be periodically checked from the exterior of the premises and results must be logged.

A copy of the representation is available.

## **Interested Parties**

In respect of this application, a representation has been received from Central Liscard Area Residents Association. A petition has also been received signed by 30 local residents. The representation relates to the increase of anti-social behaviour and public nuisance caused by customers of the premises if the application is granted. Copies of the representation and petition are available.

A representation has also been received from Ward Councillor, James Keeley. The representation support the concerns expressed by Local Residents. A copy of the representation is available.

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

Wirral Safe Guarding Children Board  
Trading Standards  
Planning Authority  
Fire Authority

## **8.0 RELEVANT RISKS**

- 8.1 There are none arising directly from this report.

## **9.0 OTHER OPTIONS CONSIDERED**

- 9.1 There is no provision for other options to be considered.

## **10.0 CONSULTATION**

- 10.1 Statutory consultation has been undertaken in respect of this application.

## **11.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 11.1 There are no specific implications arising from this report.

## **12.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 12.1 There are no specific implications arising from this report.

## **13.0 LEGAL IMPLICATIONS**

- 13.1 A decision of this Committee can be subject to Appeal.

## **14.0 EQUALITIES IMPLICATIONS**

- 14.1 There are no specific implications arising from this report.

- 14.2 Equality Impact Assessment (EIA)  
Is an EIA required? No

## **15.0 CARBON REDUCTION IMPLICATIONS**

- 15.1 There are no specific implications arising from this report.

## 16.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

16.1 The Director of Technical Services (Development Control) has advised that a condition of the Planning Permission states that “the use of the premises shall not take place between the hours of 09:00 and 00:00 Monday to Sunday”.

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### APPENDICES

- Application to vary a Premises Licence
- Representations received from Central Liscard Area Residents Association, the Ward Councillor, Environmental Health and Merseyside Police.

### REFERENCE MATERIAL

None

### SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

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## WIRRAL COUNCIL

### LICENSING ACT 2003 COMMITTEE

### LICENSING ACT 2003 SUB-COMMITTEE

9 FEBRUARY 2012

<b>SUBJECT:</b>	<b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>MORETON WEST AND SAUGHALL MASSIE WARD</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### 1.0 EXECUTIVE SUMMARY

- 1.1 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 Mecnun Kilic and relates to the premises known as **Sabs Kebabs, 201 Hoylake Road, Moreton**.

#### 2.0 RECOMMENDATION/S

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

#### 3.0 REASONS FOR RECOMMENDATION/S

- 3.1 It is a statutory requirement for this Committee to determine the application due to a relevant representation being received.

#### 4.0 BACKGROUND AND KEY ISSUES

- 4.1 These premises have not previously been licensed.
- 4.2 These premises previously applied for a Premises Licence on 15 September 2010. On 17 February 2011 Members of the Licensing Act 2003 Sub-Committee resolved to refuse the application following representations from a Ward Councillor and Local Residents due to the premises being located within a hotspot for crime and disorder and public nuisance.

#### 5.0 APPLICATION

- 5.1 An application has been received for the grant of a Premises Licence for these premises for the following hours:

##### **Late Night Refreshment**

Sunday to Thursday 23:00 to 00:00

Friday and Saturday 23:00 to 01:00

## **Hours Open to the Public**

Sunday to Thursday 14:00 to 00:00

Friday and Saturday 14:00 to 01:00

### **6.0 PROMOTION OF LICENSING OBJECTIVES**

- 6.1 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.
- 6.2 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 licence be granted.

### **7.0 RELEVANT REPRESENTATIONS**

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

#### **Planning Authority**

In respect of this application, a representation has been received from the Planning Authority. The Planning Officer has advised the premises shall only be used as a hot food takeaway (use Class A5) and for no other purpose, between the hours of 11:30 and 23:00 Monday to Saturday and 14:00 and 23:00 Sunday and Bank Holidays.

The Planning Officer has also advised that two planning applications to extend the operating hours of the premises have been submitted in the last 14 months. Both applications have been refused on the grounds that an increase in hours of operation would result in an un-neighbourly form of development in that it would lead to noise and disturbance which the Local Planning Authority considers would be detrimental to the amenities which the occupiers of neighbouring properties could reasonably expect to enjoy. A copy of the representation is available.

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

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

### **8.0 RELEVANT RISKS**

- 8.1 There are none arising directly from this report.

## **9.0 OTHER OPTIONS CONSIDERED**

9.1 There is no provision for other options to be considered.

## **10.0 CONSULTATION**

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

## **11.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

11.1 There are no specific implications arising from this report.

## **12.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

12.1 There are no specific implications arising from this report.

## **13.0 LEGAL IMPLICATIONS**

13.1 A decision of this Committee can be subject to Appeal.

## **14.0 EQUALITIES IMPLICATIONS**

14.1 There are no specific implications arising from this report.

14.2 Equality Impact Assessment (EIA)  
Is an EIA required? No

## **15.0 CARBON REDUCTION IMPLICATIONS**

15.1 There are no specific implications arising from this report.

## **16.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

16.1 The Planning Officer has made representation in respect of this application, details of the representation can be found in paragraph 7.

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## **APPENDICES**

- Application for the grant of a Premises Licence
- Representations received from the Planning Authority

## **REFERENCE MATERIAL**

- None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>A previous application for the grant of a Premises Licence was referred to the Licensing Act 2003 Sub-Committee on 17 February 2011 following representations received from a Ward Councillor and Local Residents.</b>	<b>17/02/2011</b>

## WIRRAL COUNCIL

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

9 FEBRUARY 2012

SUBJECT:	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	MORETON WEST & SAUGHALL MASSIE WARD
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

#### 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. The application is made by JD Wetherspoon Plc and relates to the premises known as **Mockbeggar Hall, 239-241 Hoylake Road, Moreton, CH46 0SL.**

#### 2.0 RECOMMENDATION

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

#### 3.0 REASONS FOR RECOMMENDATION

- 3.1 It is a statutory requirement for this Committee to determine the application due to relevant representations received.

#### 4.0 BACKGROUND AND KEY ISSUES

- 4.1 These premises currently have a premises licence with the following hours:

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

Sunday to Thursday 09:00 to 00:30  
Friday and Saturday 09:00 to 01:00

##### **Late Night Refreshment**

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

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

Sunday to Thursday 07:00 to 01:30  
Friday and Saturday 07:00 to 02:00

## **Non Standard Timings**

### **Christmas Eve and Boxing Day**

Sale Retail of Alcohol until 02:00  
Late Night Refreshment until 02:00  
Hours Open to the Public until 02:30

An additional hour was granted on the morning of the day the clocks go forward.

Notwithstanding these usual opening times, the premises, in accordance with the converted right, may choose to open to the public at any time for non licensable activities/purposes.

An additional hour for all Licensable Activities on the following days  
5th January, 26th January, 1st March, 17th March, 23rd April, 30th November.

An additional 30 minutes has been granted to all finishing times on the following days

Thursday immediately preceding Good Friday.  
Sunday immediately preceding Bank holiday Monday.

## **5.0 APPLICATION**

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

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

Sunday to Thursday 09:00 to 00:30  
Friday and Saturday 09:00 to 02:00

### **Late Night Refreshment**

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

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

Sunday to Thursday 07:00 to 01:30  
Friday and Saturday 07:00 to 02:30

### **Non Standard Timings to remain as existing**

## **6.0 PROMOTION OF LICENSING OBJECTIVES**

6.1 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.

- 6.2 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 licence be granted.

## **7.0 RELEVANT REPRESENTATIONS**

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

### **Interested Parties**

In respect of this application, one representation has been received by a local resident. The representation relates to anti-social behaviour and public nuisance caused by customers who use the premises. A copy of the representation is available.

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

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

## **8.0 RELEVANT RISKS**

- 8.1 There are none arising directly from this report.

## **9.0 OTHER OPTIONS CONSIDERED**

- 9.1 There is no provision for other options to be considered.

## **10.0 CONSULTATION**

- 10.1 Statutory consultation has been undertaken in respect of this application.

## **11.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 11.1 There are no specific implications arising from this report.

## **12.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 12.1 There are no specific implications arising from this report.

## **13.0 LEGAL IMPLICATIONS**

- 13.1 A decision of this Committee can be subject to Appeal.

## **14.0 EQUALITIES IMPLICATIONS**

- 14.1 There are no specific implications arising from this report.

- 14.2 Equality Impact Assessment (EIA)  
Is an EIA required? No

## **15.0 CARBON REDUCTION IMPLICATIONS**

15.1 There are no specific implications arising from this report.

## **16.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

16.1 There are no Planning implications arising from this report.

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## **APPENDICES**

- Application to vary a Premises Licence
- Representation received from local resident

## **REFERENCE MATERIAL**

None

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

<b>Council Meeting</b>	<b>Date</b>
<b>None</b>	