



## Licensing Act 2003 Sub-Committee

<b>Date:</b>	Thursday, 8 August 2013
<b>Time:</b>	10.00 am
<b>Venue:</b>	Council Chamber, Wallasey Town Hall

**Contact Officer:** Anne Beauchamp  
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### AGENDA

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

Members of the Committee 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 - BIRKNHEAD PARK FOOTBALL CLUB (RUGBY), 141 PARK ROAD NORTH, BIRKENHEAD (Pages 1 - 6)**  

= L U N C H B R E A K =

1.00 PM
4. **APPLICATION FOR A PREMISES LICENCE - PEBBLES, NORTH PARADE, HOYLAKES (Pages 7 - 12)**
5. **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

8 AUGUST 2013

<b>SUBJECT:</b>	<b>APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>BIDSTON AND ST JAMES WARD</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</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 **Birkenhead Park Football Club (Rugby)** and relates to the premises known as **Birkenhead Park Football Club (Rugby), 141 Park Road North, Birkenhead.**

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 These premises currently have a Club Premises Certificate with the following hours:

##### Supply of Alcohol

Monday to Thursday 12:00 to 23:00  
Friday and Saturday 11:00 to 23:30  
Sunday 12:00 to 22:30

##### Hours Open to Members and Guests

Monday to Thursday 08:00 to 23:30  
Friday and Saturday 08:00 to 00:30  
Sunday 09:00 to 23:00

##### Regulated Entertainment (Live and Recorded Music)

Monday to Thursday 12:00 to 23:00  
Friday and Saturday 11:00 to 23:30  
Sunday 12:00 to 22:30

#### 3.0 APPLICATION

3.1 The application for the grant of a new Premises Licence is as follows:

##### Sale by Retail of Alcohol

Monday to Thursday 10:00 to 23:00  
Friday and Saturday 10:00 to 02:00  
Sunday 10:00 to 22:30

##### Hours Open to the Public

Monday to Thursday 09:00 to 23:30  
Friday and Saturday 09:00 to 02:45  
Sunday 09:00 to 23:00

##### Regulated Entertainment (Live and Recorded Music)

Monday to Thursday 19:00 to 23:00  
Friday and Saturday 19:00 to 02:00  
Sunday 19:00 to 22:30

##### Late Night Refreshment

Friday and Saturday 23:00 to 02:00

**Non-standard timings:****New Years Eve**

Supply of Alcohol

11:00 to 03:00

Live and Recorded Music

11:00 to 03:00

Hours Open to Members and Guests

08:00 to 04:00

**Non-standard timings:**

The above Licensable Activities have been requested to be extended as follows:

Christmas Eve until 02:00

New Years Eve until 04:00

Hours Open to the Public:

Christmas Eve until 02:45

New Years Eve until 04:45

- 3.2 Members are advised that in accordance with The Live Music Act 2012, Live Music is no longer considered as the provision of regulated entertainment at a premises open for the supply of alcohol if it takes place between 08:00 and 23:00, the Live Music is unamplified or the Live Music is amplified and takes place in present of an audience of no more than 200 persons.
- 3.3 Following consultation with the Licensing Authority, acting as a Responsible Authority, the applicant has agreed to amend the Operating Schedule by including the following conditions:
- The premises must adopt a Challenge 25 policy in relation to the sale of alcohol and display appropriate signage.
  - The premises will only accept a photographic driving licence, passport or PASS accredited proof of age card as a means of proof of age (PASS = Proof of Age Standards Scheme)
  - The premises must use a refusals log in conjunction with the Challenge 25 policy. This log must record all instances of challenges made under the policy. The refusals log must be made available on request to an Authorised Officer.
  - All employees involved in the sale of alcohol must be trained on their responsibilities relating to age restricted sales, including the Challenge 25 policy. This training must take place before an employee is permitted to serve alcohol at the premises, and refresher training should take place at regular intervals, in all cases at least once every 6 months. Written records of training must be made available to an Authorised Officer on request.
  - The premises will ensure that at all times there are working CCTV cameras which cover the gates of the premises on Park Road North and the exit of the premises.
  - A 'Dispersal Policy' must be in place which outlines the roles and responsibilities of the Exit Marshall. This policy must include the following requirements:

- An Exit Marshall must be on duty at the premises when the premises are open beyond 23:00
  - There must be an Exit Marshall register which must be signed by the Exit Marshall at the beginning and end of their shift. This must be made available to an Authorised Officer on request
  - The Exit Marshall must monitor people leaving the premises to ensure that noise is kept to a minimum
  - Customers waiting for transport (i.e. taxis) must wait within the grounds of the club
  - Notices must be placed in a prominent position at the exit to the premises and the gates leading to Park Road North reminding people to leave the premises in a quiet and orderly manner. This notice must also contain the following wording: “When ordering taxis please ask to be picked up from the clubhouse, not Park Road North”.
  - Assistance provided to customers who require a taxi (e.g. provide details of taxi companies who provide a customer call-back service, telephone taxis on customers behalf)
  - Plus any other requirements deemed suitable by the Premises Licence Holder and/or Designated Premises Supervisor
- An incident report book (provided by the Licensing Authority) must be used to record all incidents in and around the premises. The incident report book must be made available to an Authorised Officer on request.
  - The Premises Licence Holder or representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment. Steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results, including any remedial action taken. This must be made available to an Authorised Officer on request.
  - All external doors and windows must be kept closed, except in the event of an emergency or to permit access to or egress from the premises, from 21:00.
  - Bottles or glass must not be disposed of from the premises between the hours of 21:00 and 09:00 so as not to cause a disturbance to residents in the vicinity of the premises.

3.4 The Secretary of the Club has advised that should this application be granted, the Club Premises Certificate will be surrendered.

#### **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 is available.
- 4.2 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.

#### **5.0 RELEVANT REPRESENTATIONS**

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

Nine representations have been received from local residents. The representations relate to noise nuisance from entertainment coming from the premises and nuisance caused by persons leaving the premises. Copies of the representations are available.

Ward Councillor, Harry Smith, will address the Sub-Committee on behalf of local residents.

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

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

#### **6.0 RELEVANT RISKS**

- 6.1 There are none arising directly from this report.

#### **7.0 OTHER OPTIONS CONSIDERED**

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

#### **8.0 CONSULTATION**

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

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

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

**10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

10.1 There are no specific implications arising from this report.

**11.0 LEGAL IMPLICATIONS**

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

**12.0 EQUALITIES IMPLICATIONS**

12.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

**13.0 CARBON REDUCTION IMPLICATIONS**

13.1 There are no specific implications arising from this report.

**14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

14.1 There are no Planning implications arising from this report.

**15.0 RECOMMENDATION**

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

**16.0 REASONS FOR RECOMMENDATION**

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

**REPORT AUTHOR:**            **Richard Leyland**  
Licensing Team Leader  
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**APPENDICES**

- Application for a Premises Licence
- Representations received from Local Residents

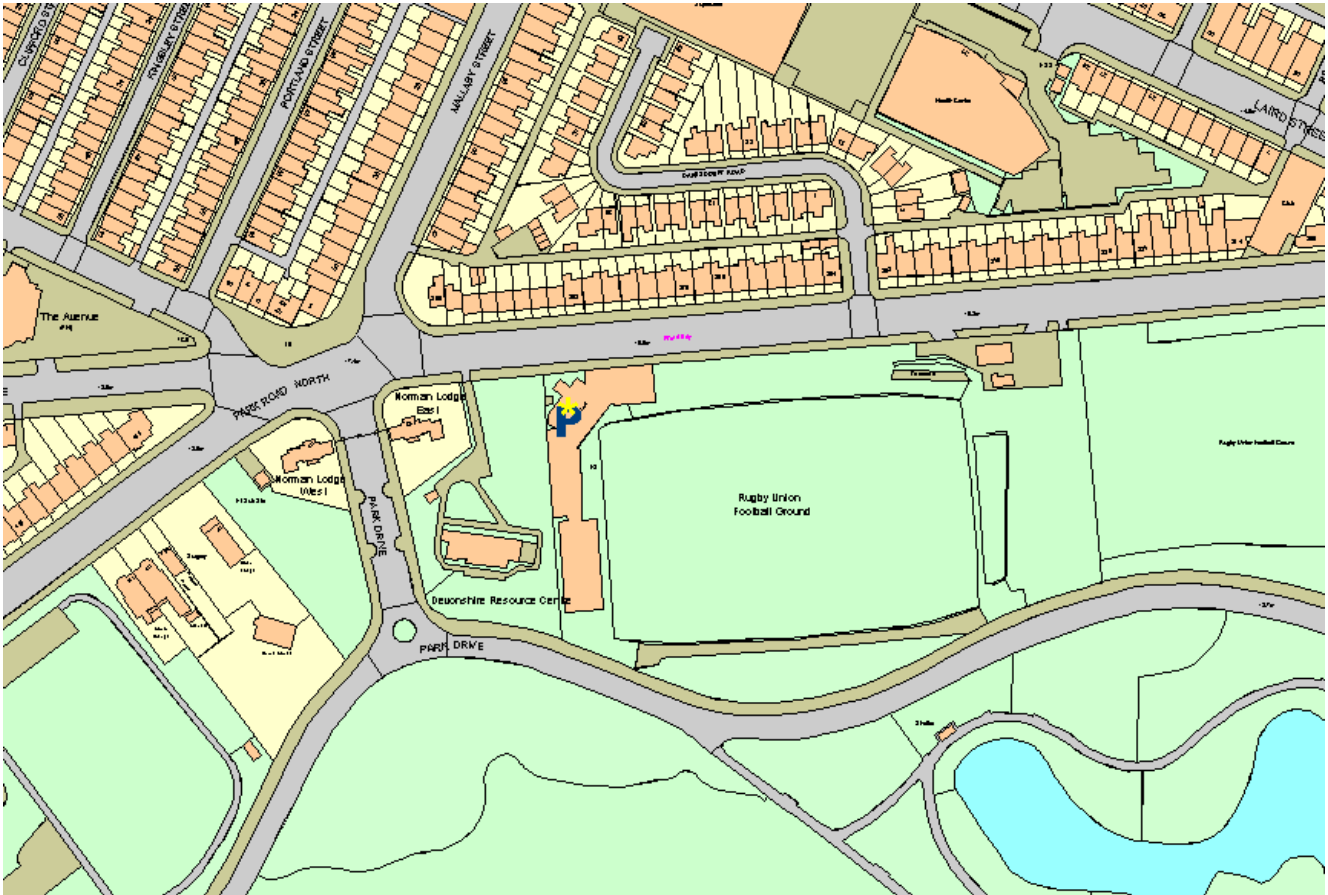
**REFERENCE MATERIAL**

- None

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date

# Location plan of Premises



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## WIRRAL COUNCIL

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

8 AUGUST 2013

SUBJECT:	APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	HOYLAKE AND MEOLS WARD
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

#### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to consider an application for a Provisional Statement under the provisions of the Licensing Act 2003. The application is made by **Pebbles (Hoylake) Limited** and relates to the premises to be known as **Pebbles, North Parade, Hoylake**.

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 These premises are currently vacant and were previously used as a public toilet.

2.2 Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, a Provisional Statement is required to be submitted. If a Provisional Statement is granted, the applicant is required to apply for a Premises Licence.

2.3 When a person applies for a Premises Licence in respect of premises for which a Provisional Statement has been made, representations by Responsible Authorities and other persons will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement;
- the work in the schedule of works has been satisfactorily completed;
- given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
- there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made

### **3.0 APPLICATION**

3.1 The application for a Provisional Statement is as follows:

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

Sunday to Saturday 08:00 to 21:30

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

Sunday to Saturday 08:00 to 21:30

#### **Regulated Entertainment (Live Music, Recorded Music and Performance of Dance)**

Sunday to Saturday 12:00 to 21:30

3.2 The applicant has advised that whilst the application refers to a closing time of 21:30, the premises will close at dusk between 1 September and 31 March in accordance with a condition imposed by the Planning Authority.

3.3 Members are advised that in accordance with The Live Music Act 2012, Live Music is no longer considered as the provision of regulated entertainment at a premises open for the supply of alcohol if it takes place between 08:00 and 23:00, the Live Music is unamplified or the Live Music is amplified and takes place in present of an audience of no more than 200 persons.

### **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 is available.

4.2 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.

### **5.0 RELEVANT REPRESENTATIONS**

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

Nine representations have been received from local residents. Three petitions have also been received signed by a total number of 77 local residents who are against the application. The representations and petitions relate to concerns that if the application is granted, public nuisance from entertainment coming from the premises will be caused and the increased traffic within the vicinity of the premises will also cause a nuisance. Copies of the representations and petition are available.

A representation has also been received from Ward Councillor, John Hale. The representation supports the concerns expressed by local residents. A copy of the representation is available.

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

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

## **6.0 RELEVANT RISKS**

- 6.1 There are none arising directly from this report.

## **7.0 OTHER OPTIONS CONSIDERED**

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

## **8.0 CONSULTATION**

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

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

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

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

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

## **11.0 LEGAL IMPLICATIONS**

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

## **12.0 EQUALITIES IMPLICATIONS**

- 12.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

## **13.0 CARBON REDUCTION IMPLICATIONS**

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

## **14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 14.1 The Planning Authority have advised of the following condition imposed on the Planning Decision:

- The café hereby permitted shall be closed between 21:30 hours and 08:00 hours from 1 April to 31 August inclusively, and close between dusk (30 minutes before sunset) and 08:00 hours between 1 September and 31 March inclusively.

14.2 The Planning Officer has advised that the reason for this condition being imposed is as follows:

- 1, Residential amenity - it was considered necessary to limit opening to no later than 21.30 hours to keep noise and general disturbance within reasonable limits.
- 2, Birds - a more stringent restriction was imposed for the period when birds are 'overwintering' - i.e. using the north Wirral shore for feeding/loafing/roosting. The application site is within the Mersey Narrows and North Wirral Foreshore Special Protection Area (SPA) and Ramsar site, and the Dee Estuary Special Area of Conservation (SAC) - these are internationally and nationally imposed designations. These designations mean that the proposed use of the building had to be 'screened' under the 'Habitat Regulations' to ascertain whether 'Appropriate Assessment' was required - put simply, because there are potential impacts to internationally important populations and assemblages of over-wintering birds, accredited ecologists had to be appointed by the Council, and Natural England consulted to reach a view whether there would be a significant impact to those birds if planning permission was granted. As part of this screening, it was agreed that a condition was necessary to restrict opening hours during the over-wintering period to limit the disturbance - particularly in relation to activity around sunset and overnight.

## **15.0 RECOMMENDATION**

15.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for a Provisional Statement in respect of the above premises.

## **16.0 REASONS FOR RECOMMENDATION**

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

**REPORT AUTHOR:**            **Richard Leyland**  
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## **APPENDICES**

- Application for a Provisional Statement
- Representations from Local Residents and a Ward Councillor

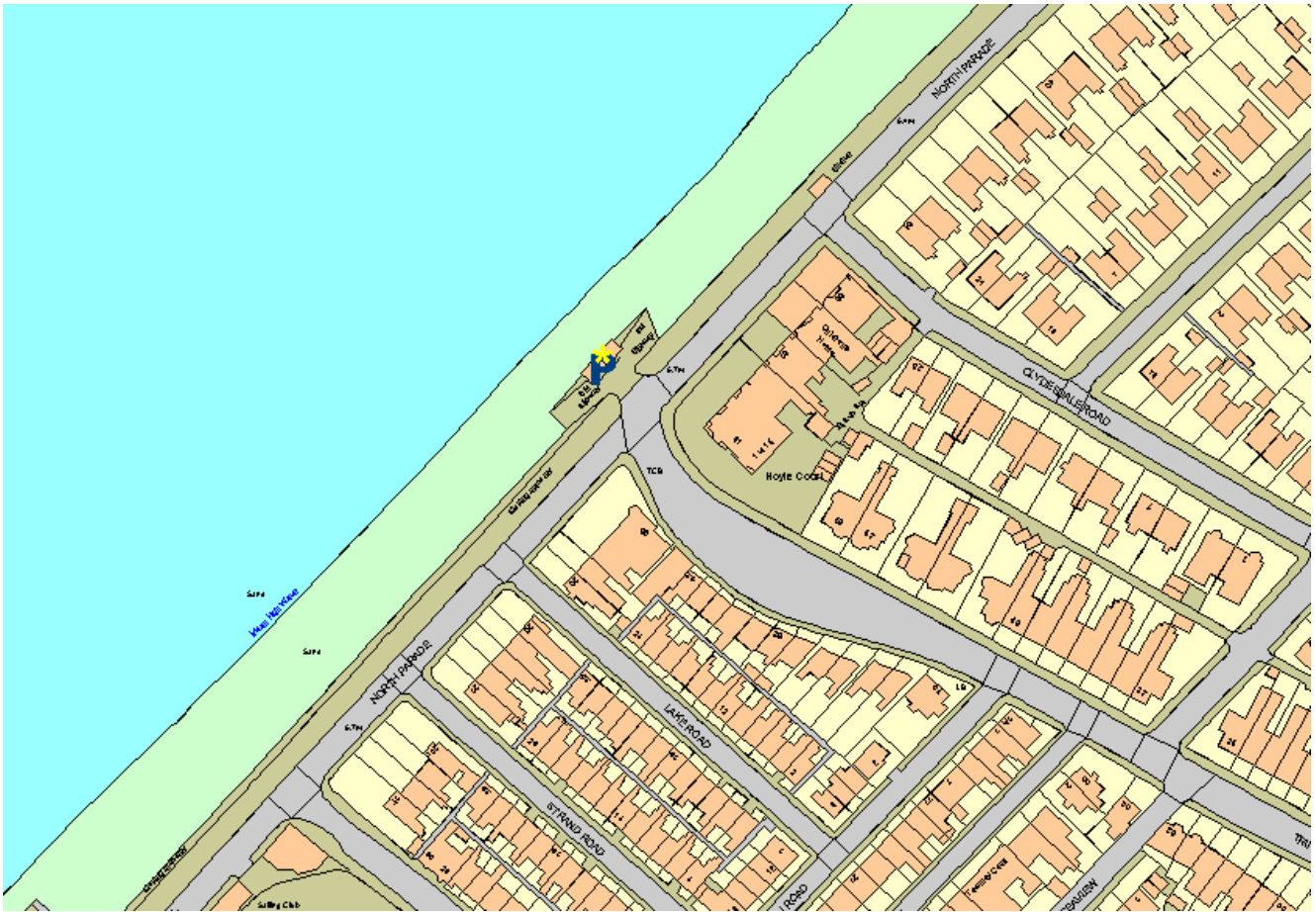
**REFERENCE MATERIAL**

- None

**SUBJECT HISTORY (last 3 years)**

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

# Location plan of Premises



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