



## Licensing Act 2003 Sub-Committee

<b>Date:</b>	<b>Thursday, 12 September 2013</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, 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 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 TO VARY A PREMISES LICENCE - THE COURTYARD, 7-9 ROSE MOUNT, OXTON, CH43 5SG (Pages 1 - 6)**
- = LUNCH BREAK =**
- 1 PM**
- 4. APPLICATION TO VARY A PREMISES LICENCE - THE ROYAL OAK, 39 LISCARD VILLAGE, LISCARD (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

12 SEPTEMBER 2013

<b>SUBJECT:</b>	<b>APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>OXTON 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 to vary a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **John Francis Mitchell** and relates to the premises known as **The Courtyard, 7-9 Rose Mount, Oxton, CH43 5SG**.

#### 2.0 BACKGROUND AND KEY ISSUES

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

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

Monday to Saturday 11:00 to 00:00  
Sunday 12:00 to 23:30

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

Monday to Saturday 23:00 to 00:00  
Sunday 23:00 to 23:30

#### 3.0 APPLICATION

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

##### **Sale by Retail of Alcohol (unchanged)**

Monday to Saturday 11:00 to 00:00  
Sunday 12:00 to 23:30

##### **Late Night Refreshment (unchanged)**

Monday to Saturday 23:00 to 00:00  
Sunday 23:00 to 23:30

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

Monday to Saturday 11:00 to 00:30  
Sunday 12:00 to 00:00

##### **Regulated Entertainment (Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description)**

Monday to Saturday 11:00 to 00:00  
Sunday 12:00 to 23:30

## **Non-Standard Timings**

All of the above Licensable Activities have been requested to be extended as follows (with Late Night Refreshment to commence from 23:00 and an additional 30 minutes for Hours Open to the Public):

09:00 to 01:00 - Christmas Eve

09:00 to 01:00 - Boxing Day

09:00 to 01:00 - Sunday prior to a Bank Holiday Monday

09:00 to 02:00 - New Years Eve

3.2 The applicant has requested to remove the following condition which is currently imposed on the Premises Licence:

- The sale of alcohol must be ancillary to the sale of food.

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.

Six representations have been received from local residents who consider that the granting of the application will increase noise nuisance coming from the premises and nuisance being caused by customers of the premises who congregate outside the premises. Copies of the representations are available.

Representations have also been received from Ward Councillors, Patricia Williams and Alan Brighthouse. The representations support the concerns expressed by local residents. Copies of the representations are available.

## **Environmental Health (Pollution Control)**

A representation has been received from Environmental Health. The representation relates to concerns from entertainment being provided at the premises due to the close proximity of residential properties. 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 (Health and Safety)  
Wirral Licensing Authority  
Public Health  
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 that in accordance with the Planning Permission for these premises, the sale of alcohol must remain ancillary to the primary use of the premises as a restaurant.

## **15.0 RECOMMENDATION**

15.1 The Licensing Act 2003 Sub-Committee are asked to consider the application to vary the 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 to vary a Premises Licence
- Representations received from local residents and Ward Councillors

## **REFERENCE MATERIAL**

- None

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

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

# Location Plan of Premises



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**LICENSING ACT 2003 COMMITTEE  
LICENSING ACT 2003 SUB-COMMITTEE**

**12 SEPTEMBER 2013**

<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>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

**1.0 EXECUTIVE SUMMARY**

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 **Marston's PLC** and relates to the premises known as **The Royal Oak, 39 Liscard Village, Liscard.**

**2.0 BACKGROUND AND KEY ISSUES**

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

**Sale by Retail of Alcohol**

Monday to Saturday 10:00 to 00:00  
Sunday 11:00 to 00:00

**Hours Open to the Public**

Monday to Saturday 10:00 to 00:30  
Sunday 11:00 to 00:30

**Regulated Entertainment (Live Music, Recorded Music, Performance of Dance, Exhibition of Films and Indoor Sporting Events)**

Monday to Saturday 10:00 to 00:00  
Sunday 11:00 to 00:00

**3.0 APPLICATION**

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

**Sale by Retail of Alcohol**

Monday to Thursday 10:00 to 00:00  
Friday and Saturday 10:00 to 01:00  
Sunday 11:00 to 00:00

**Hours Open to the Public**

Monday to Thursday 10:00 to 00:30  
Friday and Saturday 10:00 to 01:30  
Sunday 11:00 to 00:30

**Regulated Entertainment (Live Music, Recorded Music, Performance of Dance, Exhibition of Films and Indoor Sporting Events)**

Monday to Thursday 10:00 to 00:00  
Friday and Saturday 10:00 to 01:00  
Sunday 11:00 to 00:00

**Late Night Refreshment**

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

- 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.

#### **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.

A representation has been received by Central Liscard Residents Association. The representation relates to a history of anti-social behaviour associated with these premises and if the application is granted then this will increase resulting in the Crime and Disorder and Public Nuisance Licensing Objectives being undermined. A copy of the representation is available.

Representations have also been received from Ward Councillors, Janette Williamson and Bernie Mooney. The representations support the concerns expressed by Central Liscard Residents Association. Copies of the representations are 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  
Wirral Licensing Authority  
Public Health  
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 to vary the 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 to vary a Premises Licence
- Representations received from a Residents Association and Ward Councillors

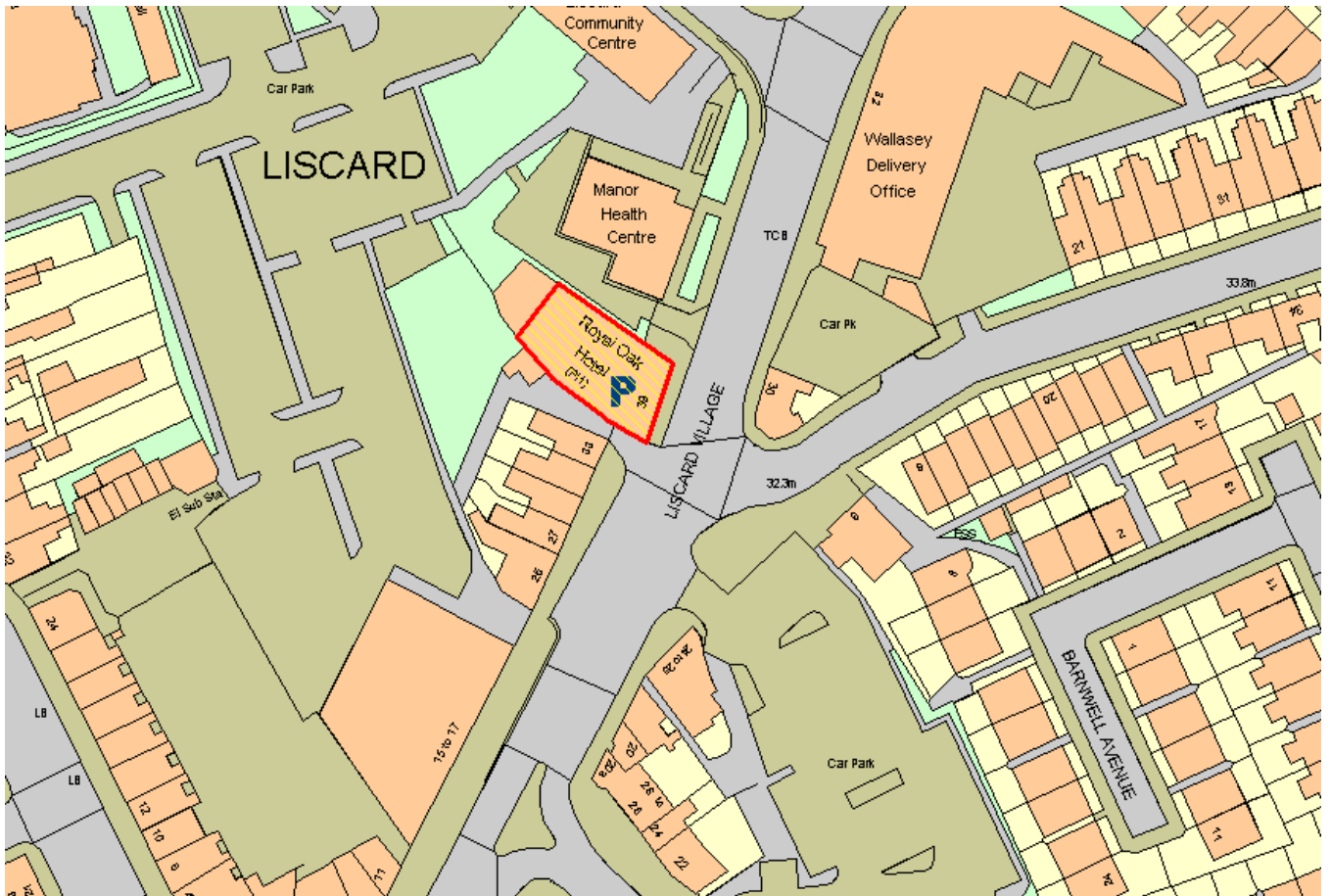
## **REFERENCE MATERIAL**

- None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing Act 2003 Sub-Committee</b>	<b>14/10/2010</b>

# Location Plan of Premises



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