

LICENSING ACT 2003 SUB-COMMITTEE

Wednesday, 4 November 2015

Present:

Councillors S Niblock
 D Realey
 M Sullivan

27 **APPOINTMENT OF CHAIR**

Resolved – That Councillor S Niblock be appointed Chair for this meeting.

28 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Sub-Committee were 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.

No such declarations were made.

29 **APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - SUNLIGHT RESTAURANT AND BAR 2C BROMBOROUGH ROAD, BEBINGTON.**

The Strategic Director of Regeneration and Environment reported upon an application that had been received from SR (Wirral) Limited to vary a Premises Licence in respect of Sunlight Restaurant and Bar, 2c Bromborough Road, Bebington under the provisions of the Licensing Act 2003.

The hours requested within the variation were outlined within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives and Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted. A copy of the full application was available.

Representations had been received from seven local residents. A petition signed by thirteen local residents had also been received. The representations and petition related to noise emanating from the premises and anti-social behaviour caused by customers of the premises. Copies of the representations and petition were available.

The applicant attended the meeting. Three representatives of the Church Farm Owners Association were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that although a Ward Councillor had been nominated to speak they had not attended. The Licensing Manager further advised that the applicant had provided

a written submission outlining the nature of how the premises would be operated and that after consideration of this and discussions that had taken place prior to the meeting, the representatives of the Church Farm Owners Association wished to withdraw their representations.

The applicant informed Members that the sole purpose of the application to vary the Premises Licence was in order that the premises may operate longer hours on Fridays and Saturdays as it had already done so with the use of Temporary Event Notices.

The applicant responded to questions from Members of the Sub-Committee and Mr D K Abraham, Legal Advisor to the Sub-Committee. In response to questions from Members, the applicant agreed to liaise with representatives of the Church Farm Owners Association and offered to place a condition on the Premises Licence that drinks must not be taken into the area outside the premises building after 11.30 pm.

The Vice Chair of the Church Farm Owners Association advised that they were content with the application after hearing how the premises would be operated in the future.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under section 182 of the Licensing Act 2003.

Members gave consideration to the location of the premises and the representations made by residents.

In determining the matter, Members took into account the discussions that had taken place prior to the meeting between the applicant and representatives of the Church Farm Owners Association which had resulted in the Church Farm Owners Association withdrawing their representations after learning the nature of the application.

Members also had regard to the written representations submitted by local residents, in particular, concerns relating to public nuisance caused by customers of the restaurant whilst in the outside smoking area when attending private functions. In considering these concerns Members took into account the condition offered by the applicant to restrict drinking in the outside area to 11.30 pm.

Members noted the willingness of both the applicant and the Church Farm Owners Association to liaise closely and address any concerns that may arise in the future.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved -

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application to vary the Premises Licence in respect of Sunlight Restaurant and Bar, 2C Bromborough Road, Bebington, be granted with the following hours:

Sale by Retail of Alcohol

Monday to Thursday	08:00 to 23:00
Friday and Saturday	08:00 to 01:00
Sunday	08:00 to 22:30

Hours Open to the Public

Monday to Thursday	08:00 to 23:30
Friday and Saturday	08:00 to 01:30
Sunday	08:00 to 22:30

Live Music

Sunday to Thursday	12:00 to 22:30
Friday and Saturday	12:00 to 01:00

Recorded Music

Monday to Thursday	12:00 to 23:00
Friday and Saturday	12:00 to 01:00
Sunday	12:00 to 22:30

Late Night Refreshment

Friday and Saturday	23:00 to 01:00
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Non-Standard Timings

Sale by Retail of Alcohol

Good Friday	08:00 to 01:00
Christmas Day	08:00 to 01:00
New Years Eve	08:00 to 01:00

Hours Open to the Public

Good Friday	08:00 to 01:30
Christmas Day	08:00 to 01:30
New Years Eve	08:00 to 01:30

Live and Recorded Music

Good Friday	12:00 to 01:00
Christmas Day	12:00 to 01:00
New Years Eve	12:00 to 01:00

Late Night Refreshment

Good Friday	23:00 to 01:00
Christmas Day	23:00 to 01:00
New Years Eve	23:00 to 01:00

(3) That the following condition be attached to the Premises Licence:

- **Drinks must not be taken into the outside area of the premises after 11.30 pm.**