

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:	LISCARD 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 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	