

# 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>