

# WIRRAL COUNCIL

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

1 MARCH 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>BEBINGTON 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 Anne Fleming and relates to the premises to be known as **Sunlight Restaurant and Bar, 2C Bromborough Road, Bebington.**

### 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 08:00 to 23:00  
Sunday 10:00 to 22:30

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

Monday to Saturday 08:00 to 23:00  
Sunday 10:00 to 22:30

#### **Regulated Entertainment (Live Music)**

Sunday Saturday 18:00 to 22:30

#### **Entertainment Facilities (Facilities for Making Music)**

Sunday Saturday 18:00 to 22:30

### **3.0 APPLICATION**

3.1 An application has been received for the grant of a new Premises Licence for the following hours:

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

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

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

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

#### **Regulated Entertainment (Live Music)**

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

#### **Regulated Entertainment (Recorded Music)**

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

#### **Entertainment Facilities (Facilities for Making Music)**

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

#### **Entertainment Facilities (Facilities for Dancing)**

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

#### **Late Night Refreshment**

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

#### **Non-Standard Timings**

The following non-standard timings have been requested for all of the above Licensable Activities (Late Night Refreshment to start from 23:00) and Hours Open to the Public:

New Years Eve	12:00 to 01:00
Christmas Day	12:00 to 18:00
Good Friday	12:00 to 23:00

#### **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.

##### **Interested Parties**

In respect of this application, four representations have been received from local residents. A representation has also been received from Church Farm Owners Association together with a petition signed by 23 residents of Church Farm and Ormerod Court. The representations relate to anti-social behaviour which is currently a problem within the vicinity of the premises which they consider could increase if this application for later hours is granted. Concerns have also been raised regarding noise from entertainment coming from the premises at a late hour. Copies of the representations are available.

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

Wirral Safe Guarding Children Board  
Environmental Health  
Planning Authority  
Fire Authority  
Trading Standards  
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 is 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 Director of Technical Services (Development Control) has advised of the following conditions currently attached to the Planning Permission:

- 1, 'The Premises shall not trade nor be open to the public between the hours of 23:00 hours and 08:00 hours'
- 2, 'The outside dining terrace to the side shall not be used between the hours of 21:00 hours and 08:00 hours'

## **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.

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## **APPENDICES**

- Application for the grant of a Premises Licence
- Representations received from Local Residents

**REFERENCE MATERIAL**

- None

**SUBJECT HISTORY (last 3 years)**

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