

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

31 AUGUST 2012

SUBJECT:	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	LISCARD WARD
REPORT OF:	ACTING 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 **La-Luz Limited** and relates to the premises known as **Soft Rock Café, 54/56 Wallasey Road, 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

Sunday to Thursday 09:00 to 23:30
Friday and Saturday 09:00 to 00:00

Hours Open to the Public

Monday to Sunday 09:00 to 00:00

Regulated Entertainment (Recorded Music)

Sunday to Thursday 09:00 to 23:30
Friday and Saturday 09:00 to 00:00

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

Monday to Sunday 09:00 to 23:30

Entertainment Facilities (Facilities for Making Music, Dancing and Entertainment Facilities of a Similar Description)

Sunday to Thursday 09:00 to 23:30
Friday and Saturday 09:00 to 00:00

Late Night Refreshment

Monday to Sunday 23:00 to 00:00

3.0 APPLICATION

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

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 00:00

Hours Open to the Public

Sunday to Saturday 08:00 to 00:30

Regulated Entertainment (Recorded Music)

Sunday to Saturday 08:00 to 00:00

Regulated Entertainment (Performance of Plays, Exhibition of Films, Live Music, Performance of Dance and Anything of a Similar Description)

Sunday to Saturday 08:00 to 23:30

Entertainment Facilities (Facilities for Making Music, Dancing and Entertainment Facilities of a Similar Description)

Sunday to Saturday 08:00 to 00:00

Late Night Refreshment

Sunday to Saturday 23:00 to 00:00

3.2 The applicant has requested to increase the licensed area so that the mezzanine floor is included on the Premises Licence.

3.3 The applicant has also requested to remove the following condition from the Premises Licence:

- The sale of alcohol may be ancillary to the use as a restaurant

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 from a Local Resident. A representation has also been received from Central Liscard Area Residents Association which includes a petition signed by 26 local residents. The representations relate to public nuisance from entertainment taking place at the premises and nuisance caused by customers outside the premises. Copies of the representations are available.

A representation has also been received from Ward Councillor, Bernadette Mooney. The representation supports the concerns expressed by Local Residents. A copy of the representation is available

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

Wirral Safe Guarding Children Board
Trading Standards
Planning Authority
Fire Authority
Merseyside Police
Environmental Health
Primary Care Trust
Wirral Licensing Authority

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 Director of Technical Services (Development Control) has advised of the following conditions on the Planning Permission:

- the use of the premises shall not take place other than the hours of 09:00 and 00:00, Monday to Sunday.
- the slide and fold doors on the front elevation of the premises shall remain closed after 21:00, Monday to Sunday.

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.

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APPENDICES

- Application to vary a Premises Licence
- Representations received from Local Residents

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location Plan of Premises

