

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

30 AUGUST 2012

SUBJECT:	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	HESWALL 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 **Marcus Bemrose** and relates to the premises known as **Terrace C, 184 Telegraph Road, Heswall**.

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 11:00 to 01:00
Friday and Saturday 11:00 to 02:00

Hours Open to the Public

Sunday to Thursday 11:00 to 01:30
Friday and Saturday 11:00 to 02:30

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

Sunday to Thursday 11:00 to 01:00
Friday and Saturday 11:00 to 02:00

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

Sunday to Thursday 11:00 to 01:00
Friday and Saturday 11:00 to 02:00

Late Night Refreshment

Sunday to Thursday 23:00 to 01:00
Friday and Saturday 23:00 to 02:00

Non-Standard Timings

All of the above Licensable Activities:

Christmas Eve, Boxing Day and New Years Eve plus each Sunday prior to a Bank Holiday Monday until 03:00

Hours Open to the Public until 03:30

3.0 APPLICATION

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

Sale by Retail of Alcohol

Sunday to Thursday 11:00 to 02:00
Friday and Saturday 11:00 to 03:00

Hours Open to the Public

Sunday to Thursday 11:00 to 02:30
Friday and Saturday 11:00 to 03:30

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

Sunday to Thursday 11:00 to 02:00
Friday and Saturday 11:00 to 03:00

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

Sunday to Thursday 11:00 to 02:00
Friday and Saturday 11:00 to 03:00

Late Night Refreshment

Sunday to Thursday 23:00 to 02:00
Friday and Saturday 23:00 to 03:00

Non-Standard Timings (unchanged)

All of the above Licensable Activities:

Christmas Eve, Boxing Day and New Years Eve plus each Sunday prior to a Bank Holiday Monday until 03:00

Hours Open to the Public until 03:30

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. The representation relates to public nuisance caused by customers leaving the premises at a late hour. 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:

- Trading at the premises shall not take place between 00:00 and 08:00 hours Sunday to Thursday, 01:00 hours to 08:00 hours on Friday and Saturday and 00:00 hours and 08:00 hours on Bank Holidays.
- The premises shall be closed between 01:30 hours and 08:00 hours Fridays and Saturdays, 01:00 hours and 08:00 hours on Sundays to Thursdays and 00:00 hours and 08:00 hours at all other times then when permitted by an events licence on Bank Holidays.

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.

REPORT AUTHOR: **Richard Leyland**
Licensing Team Leader
telephone: 0151 691 8478
email: richardleyland@wirral.gov.uk

APPENDICES

- Application to vary a Premises Licence
- Representation received from a Local Resident

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location Plan of Premises

