

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

30 JANUARY 2013

SUBJECT:	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	UPTON 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 **Maheswaran Krisnapillai** and relates to the premises known as **MNS Food and Wine and News, 105 Royden Road, Upton**.

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

Non Standard Timings

Christmas Day 12:00 to 15:00 and 19:00 to 22:30
Good Friday 08:00 to 22:30

3.0 APPLICATION

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

Sale by Retail of Alcohol

Sunday to Saturday 06:00 to 00:00

Hours Open to the Public

Sunday to Saturday 06:00 to 00:00

3.2 The applicant has requested to remove the non-standard timings as stated within paragraph 2.1 of this report.

3.3 The applicant has also requested to increase the licensed area. A copy of the existing and proposed plan of the premises is available.

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 Representation has been received in respect of the above application.

Merseyside Police

Merseyside Police have made a representation to the application as they consider that crime and disorder and public nuisance will increase in the vicinity of the premises if the application is granted

The representation also refers to the fact that an illegal immigrant was found to be working at the premises which lead the Premises Licence being reviewed by the Licensing Act 2003 Sub-Committee on 27 January 2012. Merseyside Police have advised that the conditions imposed by the Sub-Committee were not being complied with when the premises were inspected by Police Licensing Officers. These conditions are now being complied with.

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
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 There are no Planning implications arising from this report.

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 Merseyside Police
- Existing and proposed plan of the premises

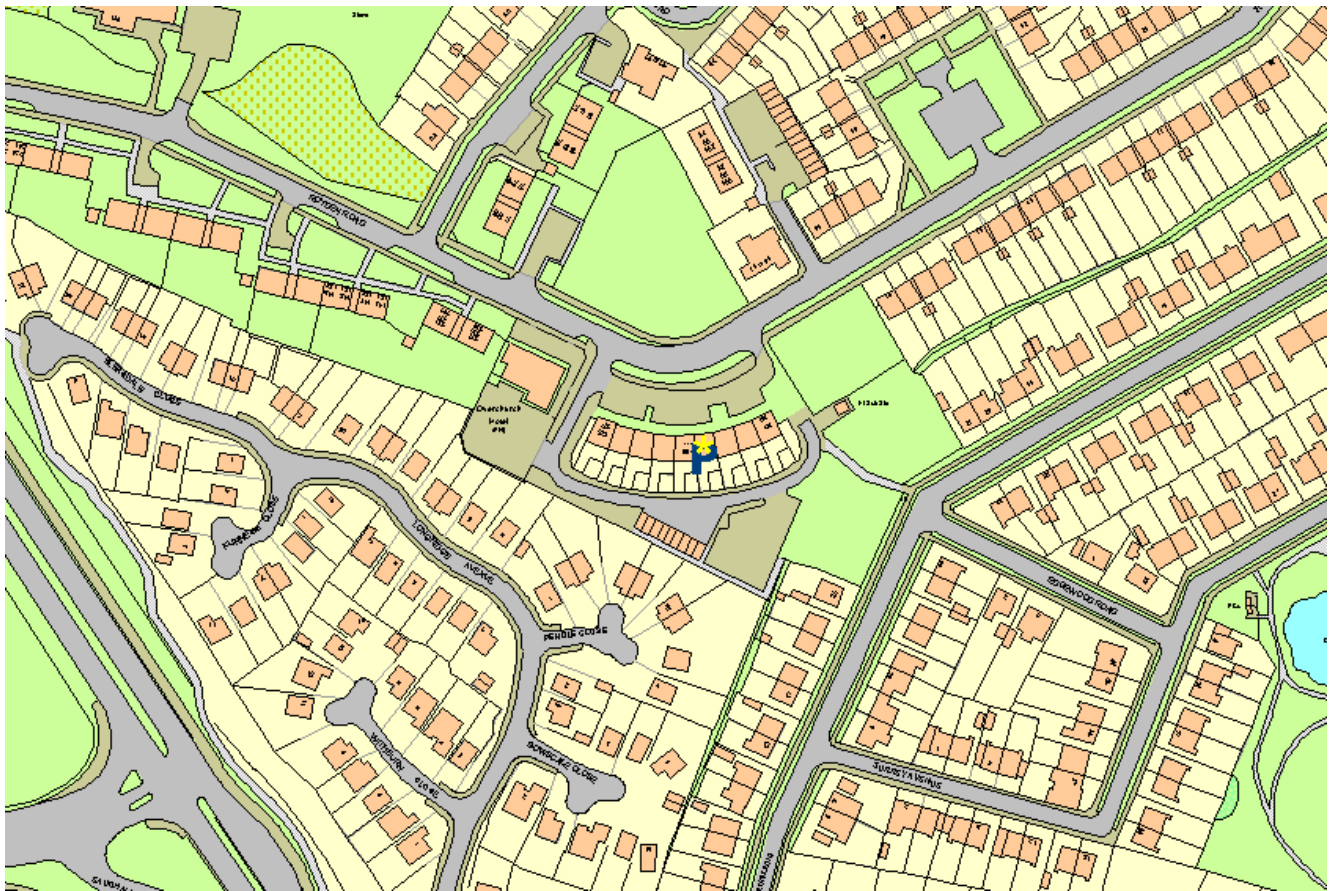
REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Act 2003 Sub-Committee	27 January 2012

Location Plan of Premises



© Crown copyright and database rights 2012 Ordnance Survey 100019803
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form