

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

8 AUGUST 2013

SUBJECT:	APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	BIDSTON AND ST JAMES WARD
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

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 **Birkenhead Park Football Club (Rugby)** and relates to the premises known as **Birkenhead Park Football Club (Rugby), 141 Park Road North, Birkenhead.**

2.0 BACKGROUND AND KEY ISSUES

2.1 These premises currently have a Club Premises Certificate with the following hours:

Supply of Alcohol

Monday to Thursday 12:00 to 23:00
Friday and Saturday 11:00 to 23:30
Sunday 12:00 to 22:30

Hours Open to Members and Guests

Monday to Thursday 08:00 to 23:30
Friday and Saturday 08:00 to 00:30
Sunday 09:00 to 23:00

Regulated Entertainment (Live and Recorded Music)

Monday to Thursday 12:00 to 23:00
Friday and Saturday 11:00 to 23:30
Sunday 12:00 to 22:30

3.0 APPLICATION

3.1 The application for the grant of a new Premises Licence is as follows:

Sale by Retail of Alcohol

Monday to Thursday 10:00 to 23:00
Friday and Saturday 10:00 to 02:00
Sunday 10:00 to 22:30

Hours Open to the Public

Monday to Thursday 09:00 to 23:30
Friday and Saturday 09:00 to 02:45
Sunday 09:00 to 23:00

Regulated Entertainment (Live and Recorded Music)

Monday to Thursday 19:00 to 23:00
Friday and Saturday 19:00 to 02:00
Sunday 19:00 to 22:30

Late Night Refreshment

Friday and Saturday 23:00 to 02:00

Non-standard timings:

New Years Eve

Supply of Alcohol

11:00 to 03:00

Live and Recorded Music

11:00 to 03:00

Hours Open to Members and Guests

08:00 to 04:00

Non-standard timings:

The above Licensable Activities have been requested to be extended as follows:

Christmas Eve until 02:00

New Years Eve until 04:00

Hours Open to the Public:

Christmas Eve until 02:45

New Years Eve until 04:45

- 3.2 Members are advised that in accordance with The Live Music Act 2012, Live Music is no longer considered as the provision of regulated entertainment at a premises open for the supply of alcohol if it takes place between 08:00 and 23:00, the Live Music is unamplified or the Live Music is amplified and takes place in present of an audience of no more than 200 persons.
- 3.3 Following consultation with the Licensing Authority, acting as a Responsible Authority, the applicant has agreed to amend the Operating Schedule by including the following conditions:
- The premises must adopt a Challenge 25 policy in relation to the sale of alcohol and display appropriate signage.
 - The premises will only accept a photographic driving licence, passport or PASS accredited proof of age card as a means of proof of age (PASS = Proof of Age Standards Scheme)
 - The premises must use a refusals log in conjunction with the Challenge 25 policy. This log must record all instances of challenges made under the policy. The refusals log must be made available on request to an Authorised Officer.
 - All employees involved in the sale of alcohol must be trained on their responsibilities relating to age restricted sales, including the Challenge 25 policy. This training must take place before an employee is permitted to serve alcohol at the premises, and refresher training should take place at regular intervals, in all cases at least once every 6 months. Written records of training must be made available to an Authorised Officer on request.
 - The premises will ensure that at all times there are working CCTV cameras which cover the gates of the premises on Park Road North and the exit of the premises.
 - A 'Dispersal Policy' must be in place which outlines the roles and responsibilities of the Exit Marshall. This policy must include the following requirements:

- An Exit Marshall must be on duty at the premises when the premises are open beyond 23:00
 - There must be an Exit Marshall register which must be signed by the Exit Marshall at the beginning and end of their shift. This must be made available to an Authorised Officer on request
 - The Exit Marshall must monitor people leaving the premises to ensure that noise is kept to a minimum
 - Customers waiting for transport (i.e. taxis) must wait within the grounds of the club
 - Notices must be placed in a prominent position at the exit to the premises and the gates leading to Park Road North reminding people to leave the premises in a quiet and orderly manner. This notice must also contain the following wording: “When ordering taxis please ask to be picked up from the clubhouse, not Park Road North”.
 - Assistance provided to customers who require a taxi (e.g. provide details of taxi companies who provide a customer call-back service, telephone taxis on customers behalf)
 - Plus any other requirements deemed suitable by the Premises Licence Holder and/or Designated Premises Supervisor
- An incident report book (provided by the Licensing Authority) must be used to record all incidents in and around the premises. The incident report book must be made available to an Authorised Officer on request.
 - The Premises Licence Holder or representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment. Steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results, including any remedial action taken. This must be made available to an Authorised Officer on request.
 - All external doors and windows must be kept closed, except in the event of an emergency or to permit access to or egress from the premises, from 21:00.
 - Bottles or glass must not be disposed of from the premises between the hours of 21:00 and 09:00 so as not to cause a disturbance to residents in the vicinity of the premises.

3.4 The Secretary of the Club has advised that should this application be granted, the Club Premises Certificate will be surrendered.

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.

Nine representations have been received from local residents. The representations relate to noise nuisance from entertainment coming from the premises and nuisance caused by persons leaving the premises. Copies of the representations are available.

Ward Councillor, Harry Smith, will address the Sub-Committee on behalf of local residents.

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

Wirral Safe Guarding Children Board
Trading Standards
Planning Authority
Fire Authority
Environmental Health
Public Health
Wirral Licensing Authority
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 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 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.

REPORT AUTHOR:

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APPENDICES

- Application for a Premises Licence
- Representations received from Local Residents

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location plan of Premises



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