

# WIRRAL COUNCIL

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

9 AUGUST 2013

<b>SUBJECT:</b>	<b>APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>BIRKENHEAD AND TRANMERE WARD</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 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 **Sinnathamby Elangaiventhan** and relates to the premises known as **The Observatory, Oxton Road, Birkenhead**.

### 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	11:00 to 23:00
Sunday	12:00 to 22:30
Good Friday	12:00 to 22:30
Christmas Day	12:00 to 15:00 & 19:00 to 22:30

- 2.2 The Premises Licence currently permits the sale of alcohol for consumption On and Off the premises.

### 3.0 APPLICATION

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

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

Monday to Saturday	10:00 to 22:00
Sunday	12:00 to 22:00
Good Friday	12:00 to 22:00
Christmas Day	12:00 to 15:00 & 19:00 to 22:00

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

Sunday to Saturday	07:00 to 22:00
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- 3.2 The applicant has requested to remove the facility for consumption On the premises and restrict to Off sales only.
- 3.3 The applicant has also requested to remove the following condition which is currently imposed on the Premises Licence:
- Children must not be permitted on the premises.
- 3.4 The layout of the premises has also been altered and an amended plan has been submitted as part of the application to vary the Licence.

#### **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 who is against the application. A petition has also been received signed by 279 residents. The representation and petition relate to public nuisance being caused by Street Drinkers within the vicinity of the premises and concerns that if the application is granted public nuisance will increase. A copy of the representation and the petition are available.

A representation has also been received from Birkenhead and Tranmere Ward Councillors. The representation supports the concerns expressed by local residents. A copy of the representation is available.

##### **Merseyside Police**

A representation has been received from Merseyside Police. The representation relates to alcohol related crime and disorder within the area surrounding these premises. Merseyside Police have stated that these premises are located at the centre of the worst alcohol related anti-social behaviour in Wirral. Merseyside Police have also indicated that there is currently a problem with street drinkers within the vicinity of the premises and that if the application is granted there would be an increase in the risk to public safety. A copy of the representation is available.

##### **Public Health**

A representation has been received from Public Health on the grounds of Public Safety. A copy of the representation is available.

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  
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.

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## APPENDICES

- Application to vary a Premises Licence
- Representations and petition received from a local resident and Ward Councillors

## REFERENCE MATERIAL

- None

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date

# Location Plan of Premises



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