

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

12 SEPTEMBER 2013

SUBJECT:	APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	OXTON 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 to vary a Premises Licence under the provisions of the Licensing Act 2003. The application is made by **John Francis Mitchell** and relates to the premises known as **The Courtyard, 7-9 Rose Mount, Oxton, CH43 5SG**.

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 00:00
Sunday 12:00 to 23:30

Late Night Refreshment

Monday to Saturday 23:00 to 00:00
Sunday 23:00 to 23:30

3.0 APPLICATION

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

Sale by Retail of Alcohol (unchanged)

Monday to Saturday 11:00 to 00:00
Sunday 12:00 to 23:30

Late Night Refreshment (unchanged)

Monday to Saturday 23:00 to 00:00
Sunday 23:00 to 23:30

Hours Open to the Public

Monday to Saturday 11:00 to 00:30
Sunday 12:00 to 00:00

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

Monday to Saturday 11:00 to 00:00
Sunday 12:00 to 23:30

Non-Standard Timings

All of the above Licensable Activities have been requested to be extended as follows (with Late Night Refreshment to commence from 23:00 and an additional 30 minutes for Hours Open to the Public):

09:00 to 01:00 - Christmas Eve

09:00 to 01:00 - Boxing Day

09:00 to 01:00 - Sunday prior to a Bank Holiday Monday

09:00 to 02:00 - New Years Eve

3.2 The applicant has requested to remove the following condition which is currently imposed on the Premises Licence:

- The sale of alcohol must be ancillary to the sale of food.

3.3 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.

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.

Six representations have been received from local residents who consider that the granting of the application will increase noise nuisance coming from the premises and nuisance being caused by customers of the premises who congregate outside the premises. Copies of the representations are available.

Representations have also been received from Ward Councillors, Patricia Williams and Alan Brighouse. The representations support the concerns expressed by local residents. Copies of the representations are available.

Environmental Health (Pollution Control)

A representation has been received from Environmental Health. The representation relates to concerns from entertainment being provided at the premises due to the close proximity of residential properties. 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 (Health and Safety)
Wirral Licensing Authority
Public Health
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 The Planning Authority have advised that in accordance with the Planning Permission for these premises, the sale of alcohol must remain ancillary to the primary use of the premises as a restaurant.

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 and Ward Councillors

REFERENCE MATERIAL

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location Plan of Premises



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