

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

21 January 2015

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| SUBJECT: | APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 |
| WARD AFFECTED: | WEST KIRBY AND THURSTASTON 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 **Anthony Woof** and relates to the premises known as **West Kirby Arts Centre, 29 Brookfield Gardens, West Kirby**.

2.0 BACKGROUND AND KEY ISSUES

2.1 These premises do not have a Premises Licence.

2.2 This application was listed to be considered by the Licensing Act 2003 on 15 December 2014, however, following a request from Local Residents and agreement from the Applicant, Members resolved that the application be adjourned to a later date to enable discussions to take place between the Applicant and Local Residents.

2.3 On 4 January 2015, the applicant held a public meeting at the Centre which was attended by 16 local residents. A letter has been received from the applicant outlining the discussion at the meeting and setting out a list of conditions which will be added to the Premises Licence, if granted. A copy of this letter to local residents. A copy of this letter is available.

3.0 APPLICATION

3.1 The application for a Premises Licence is as follows:

Sale by Retail of Alcohol

Sunday to Saturday 12:00 to 22:00

The applicant has indicated that the sale of alcohol will be for consumption on the premises only.

Hours Open to the Public

Sunday to Saturday 08:30 to 22:00

Performance of Plays, Exhibition of Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description

Sunday to Saturday 08:30 to 22:00

3.2 Following discussions with Merseyside Police, the applicant has agreed to amend the application to include the following conditions in the Operating Schedule:

- An additional two CCTV cameras must be installed within the Gallery area of the premises.
- An incident booked must be maintained at the premises.
- The premises must promote the use of taxis that provide a call back facility.
- Notices must be displayed asking customers to leave the premises quietly.

3.3 A letter has been sent to local residents by the applicant which provides further information in relation to the Premises Licence Application. A copy of this letter 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. Amendments to the operating schedule can be found at paragraphs 2.3 and 3.2 of this report.

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 application be granted.

5.0 RELEVANT REPRESENTATIONS

5.1 The following representations have been received in respect of the above application.

Local Resident

In respect of this application, 18 representations have been received from Local Residents. A petition containing 34 signatures has also been received. The representations relate to public nuisance and anti-social behaviour which it is considered will be caused by customers of the premises if the application is granted. Copies of the representations are available.

Four representations have also been received in support of the application. It is considered within the representations that the granting of the Premises

Licence will not undermine any of the Licensing Objectives. Copies of the representations are 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
Licensing Authority
Merseyside Police
Public Health

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 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 9.1 There are no previously approved actions outstanding.

10.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 10.1 There are no specific implications arising from this report.

11.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 11.1 There are no specific implications arising from this report.

12.0 LEGAL IMPLICATIONS

- 12.1 A decision of this Committee can be subject to Appeal.

13.0 EQUALITIES IMPLICATIONS

- 13.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

14.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no specific implications arising from this report.

15.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

15.1 The Planning Authority have advised that a change of use was granted on 5 October 2011 from a vacant church hall to an art gallery with the following restriction:

‘The art gallery premises shall not be used except between the hours of 08.30 hours and 22.00 hours Mondays to Saturdays and 10.00 hours and 18.00 hours Sundays’

16.0 RECOMMENDATIONS

16.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for a Premises Licence in respect of the above premises.

17.0 REASONS FOR RECOMMENDATIONS

17.1 It is a statutory requirement for this Committee to determine the application due to relevant representations received.

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APPENDICES

- None

BACKGROUND PAPERS/REFERENCE MATERIAL

- Application for a Premises Licence
- Representations received in support and against application
- Letter sent to Local Residents from Applicant
- Letter received from Applicant amending operating schedule

BRIEFING NOTES HISTORY

- None

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|-----------------|------|
| | |

Location plan of Premises



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