

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE LICENSING ACT 2003 SUB-COMMITTEE

5 August 2015

SUBJECT:	APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003
WARD AFFECTED:	CLAUGHTON 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 **Christopher Nolan** and relates to the premises known as **Fusion Bar and Grill, 28 Upton Road, Claughton**.

2.0 BACKGROUND AND KEY ISSUES

2.1 These premises do not have a Premises Licence.

3.0 APPLICATION

3.1 The application for a Premises Licence is as follows:

Sale by Retail of Alcohol

Monday to Saturday	10:00 to 00:00
Sunday	10:30 to 23:00

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

Hours Open to the Public

Monday to Saturday	09:00 to 00:00
Sunday	10:30 to 23:00

Recorded Music

Monday to Saturday	09:00 to 00:00
Sunday	10:30 to 23:00

Late Night Refreshment

Monday to Saturday	23:00 to 00:00
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- 3.2 Members should note that following a meeting between the Applicant and Local Residents, the Applicant agreed to withdraw the request for Live Music from the application.
- 3.3 Following discussions with Merseyside Police, the applicant also agreed to amend the application to include the following conditions in the Operating Schedule:
- CCTV coverage must be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras must encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs and the public have access to.
 - The outside entrance and any smoking areas must be covered by infra-red cameras to ensure evidential quality.
 - CCTV equipment must be maintained in good working order and be correctly time & date stamped, recordings shall be kept for a period of 28 days and handed to Police or Local Authority approved Officer on request.
 - The recording equipment must be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual.
 - Appropriate signage representative of the above must be displayed in conspicuous positions.
 - There must be sufficient members of trained staff available to be able to download evidence at the request of the Police or Local Authority approved officer on request.
 - A zero tolerance drugs policy must be adopted at the premises. This must include regular checks of the toilet areas and a record kept which must be made available to the Police or Local Authority approved officer on request. Appropriate signage to be displayed in prominent positions.
 - A "Challenge 21" policy must be in place and appropriate signage displayed. Alcohol will only be sold to people who can prove to or satisfy the seller that they are aged 18 or over. Proof of age documents will be limited solely to passport, photo-driving licence or any PASS accredited proof of age card.
 - All staff, responsible for the sale of alcohol, employed at the premises, must be provided with training on their duties and responsibilities under the Licensing Act 2003. Records of such staff training shall be maintained and made available to Police and authorised officers of the Local Authority on request.
 - No open glasses, bottles or alcoholic containers to be taken from the premises.
 - Removal of empty bottles to the waste storage area must only take place between 09.00 and 22.00 hours.

- Notices must be displayed in prominent locations throughout the premises and adjacent to all exits advising customers to leave the premises quietly having due respect to local residents.

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 paragraph 3.3 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 Residents

In respect of this application, 26 representations have been received from Local Residents which 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. A Petition signed by 29 Local Residents has also been received who are against the application. Copies of the representations and the petition are available.

A petition has also been received signed by 133 persons who are in support of the application. A Facebook extract has also been submitted by the applicant which shows support of the premises and that the Licensing Objectives will not be undermined. A copy of the petition and Facebook extract is available.

Fire Authority

A representation has been received from the Fire Authority who have advised that the plan submitted with the application does not indicate sufficient details of the fire warning and emergency lighting system. A copy of the representation is available.

Planning Authority

A representation has been received from the Planning Authority who have advised that on 8 June 2015, the premises were granted approval for the change of use of the premises to a restaurant subject to the following condition:

‘The use hereby permitted shall not be open to the public between the hours of 23:00 and 08:00’

The Planning Authority therefore consider that as the premises were only recently granted the change of use subject to the above condition due to the potential negative impact on the amenity of neighbouring residential properties, they have concerns that if the application is granted beyond 23:00 then this will have a negative impact on the public nuisance licensing objective. 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
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 See 5.1 of this Report.

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

- None

BRIEFING NOTES HISTORY

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Location plan of Premises



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