

# WIRRAL COUNCIL

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

14 JANUARY 2016

<b>SUBJECT:</b>	<b>APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>WARD AFFECTED:</b>	<b>HESWALL WARD</b>
<b>REPORT OF:</b>	<b>ASSISTANT CHIEF EXECUTIVE</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 **The Exchange Bar Limited** and relates to the premises known as **The Exchange, 1-5 The Mount, Heswall**.

### 2.0 BACKGROUND AND KEY ISSUES

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

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

Sunday to Saturday 10:00 to 23:30

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

Sunday to Saturday 10:00 to 00:00

#### **Live Music, Recorded Music and Performance of Dance**

Sunday to Saturday 10:00 to 23:30

#### **Exhibition of Films and Indoor Sporting Events**

Sunday to Saturday 10:00 to 23:30

#### **Late Night Refreshment**

Sunday to Saturday 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**

Sunday to Thursday 10:00 to 23:30  
Friday & Saturday 10:00 to 01:30

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

Sunday to Thursday 10:00 to 00:00  
Friday & Saturday 10:00 to 02:00

#### **Recorded Music**

Sunday to Thursday 10:00 to 00:00  
Friday & Saturday 10:00 to 02:00

#### **Live Music**

Sunday to Thursday 11:00 to 00:00  
Friday & Saturday 11:00 to 02:00

All other Licensable Activities to remain the same.

## **Non-Standard Timing**

### **Sale by Retail of Alcohol, Regulated Entertainment and Late Night Refreshment**

10:00 on New Years Eve to 23:30 on  
New Years Day (the premises to  
close 30 minutes after the end of the  
non-standard timing)

3.2 Following discussions with Merseyside Police, the applicant has agreed to the following conditions to be included on the Premises Licence if the application is granted:

- 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 access to and egress from the premises and all areas where the sale/ supply of alcohol occurs and the public have access. Any outside seating and smoking areas must be covered. Equipment must be maintained in good working order and checked every 12 months. The system must record in real time and operate whilst the premises are open for licensable activities. The recordings must be kept available 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 with the minimum of delay at the request of the Police or Local Authority approved officer on request.
- A minimum of two Door Supervisors must be employed at the premises from 22.00 hours on Fridays and Saturdays and remain on duty until the premises are clear of customers.
- A register of all door supervisors must be kept at the premises, with recorded details of dates and times on duty, full names and SIA numbers.
- All incidents involving door supervisors must be recorded in the door supervisor register. This register must be made available for immediate inspection at the request of the Police or any other Responsible Authority.

3.3 Following discussions with Trading Standards, the applicant has also agreed for the following conditions to be included on the Premises Licence if the application is granted:

- All staff must receive British Institute of Innkeeping Awarding Body training, Fair Trading Award 'Do You Pass' training or equivalent training in relation to Age Restricted Sales.
- All staff must receive refresher training in relation to age restricted sales every 6 months.
- Training records must be kept in the premises and made available for inspection upon request.
- A Challenge 25 Policy should be implemented and maintained. Notices must be displayed in relation to this Policy.
- A Refusals Register must be kept and maintained and made available for inspection upon request

#### **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 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, 16 representations have been received from local residents. The representations relate to concerns that if the application is granted, the existing problems of anti-social behaviour and public nuisance caused by customers of the premises together with nuisance from loud music will continue until a later hour. Copies of the representations are available.

##### **Wirral Licensing Authority**

A representation has been received from the Licensing Authority. The representation relates to a recent complaint received from a local resident concerning loud music coming from the premises. On investigation of the complaint by Licensing Enforcement Officers it was found that the complaint was upheld. On both occasions when loud music was heard by the local resident and Licensing Enforcement Officer, the premises were open beyond the permitted hours. 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  
Public Health  
Environmental 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 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 There are no planning implications arising from this report.

## **16.0 RECOMMENDATIONS**

16.1 The Licensing Act 2003 Sub-Committee are asked to consider the application to vary 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 to vary a Premises Licence
- Representations received from local residents and the Licensing Authority

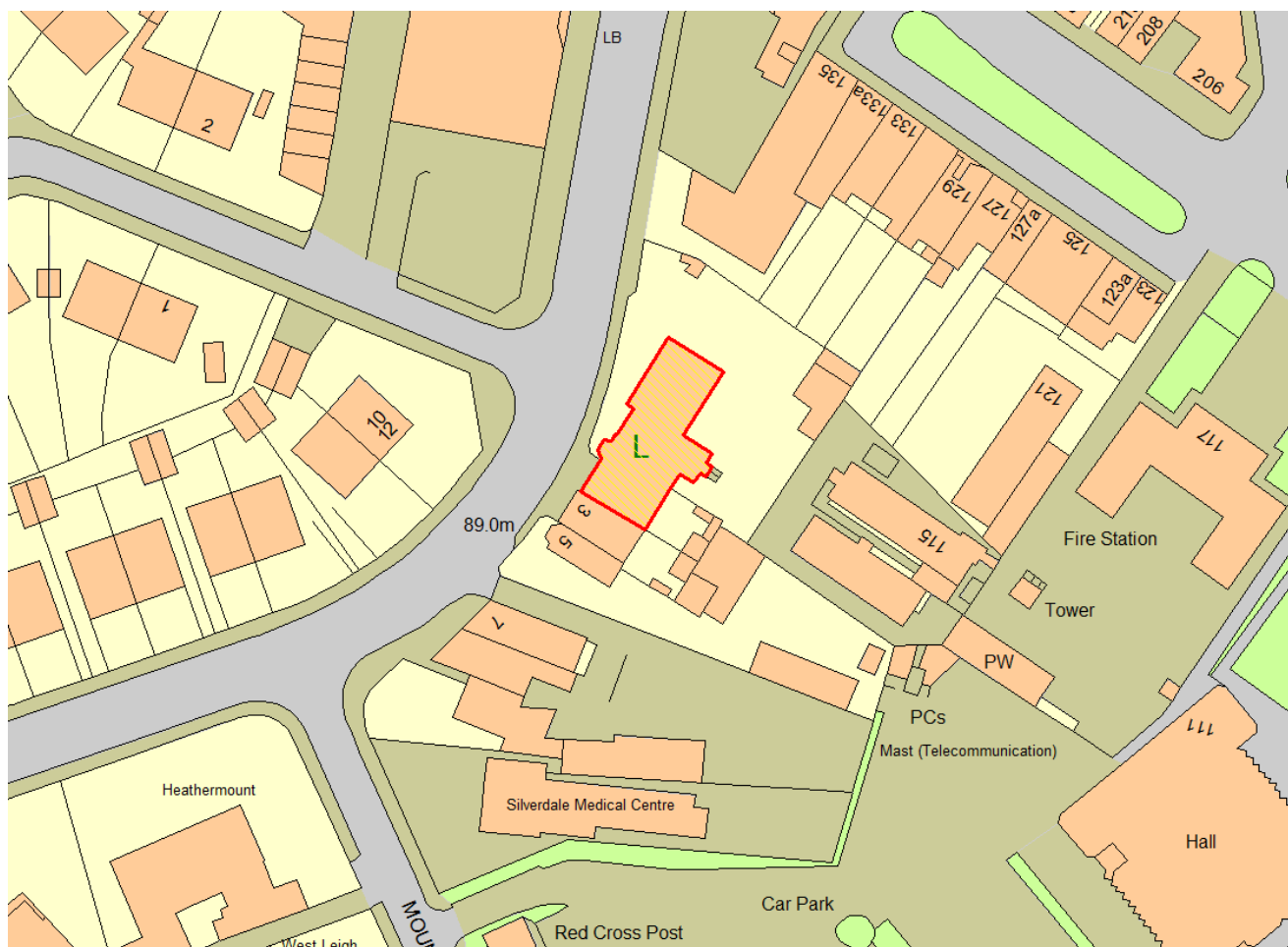
### BRIEFING NOTES HISTORY

- None

### SUBJECT HISTORY (last 3 years)

Council Meeting	Date

# Location plan of Premises



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