

LICENSING ACT 2003**LICENSING ACT 2003 SUB-COMMITTEE****11 DECEMBER 2020**

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| REPORT TITLE | APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 |
| REPORT OF | DIRECTOR OF LAW AND GOVERNANCE |

REPORT SUMMARY

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 **David Doyle** and relates to the premises known as **Thirty Six, Conway Street, Birkenhead**.

RECOMMENDATION/S

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

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

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

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

- 3.1 The table below shows the hours permitted under the current Premises Licence and details of the application in terms of hours for licensable activities to take place.

| Current Hours: | Hours applied for: |
|---|---|
| <p>Sale by Retail of Alcohol</p> <p>Monday to Thursday 10:00 to 04:00 Friday and Saturday 10:00 to 05:00 Sunday 10:00 to 04:00</p> <p>Live Music</p> <p>Monday to Thursday 20:00 to 04:00 Friday and Saturday 20:00 to 05:00 Sunday 20:00 to 04:00</p> <p>Recorded Music and Anything of a Similar Description</p> <p>Monday to Thursday 10:00 to 04:00 Friday and Saturday 10:00 to 05:00 Sunday 10:00 to 04:00</p> <p>Late Night Refreshment</p> <p>Monday to Thursday 23:00 to 04:00 Friday and Saturday 23:00 to 05:00 Sunday 23:00 to 04:00</p> <p>Hours Open to the Public</p> <p>Monday to Thursday 10:00 to 04:30 Friday and Saturday 10:00 to 05:30 Sunday 10:00 to 04:30</p> | <p>Sale by Retail of Alcohol</p> <p>Monday to Thursday 10:00 to 04:00 Friday and Saturday 10:00 to 05:00 Sunday 10:00 to 05:00</p> <p>Live Music</p> <p>Monday to Thursday 20:00 to 04:00 Friday and Saturday 20:00 to 05:00 Sunday 20:00 to 05:00</p> <p>Recorded Music and Anything of a Similar Description</p> <p>Monday to Thursday 10:00 to 04:00 Friday and Saturday 10:00 to 05:00 Sunday 10:00 to 05:00</p> <p>Late Night Refreshment</p> <p>Monday to Thursday 23:00 to 04:00 Friday and Saturday 23:00 to 05:00 Sunday 23:00 to 05:00</p> <p>Hours Open to the Public</p> <p>Monday to Thursday 10:00 to 04:30 Friday and Saturday 10:00 to 05:30 Sunday 10:00 to 05:30</p> |

- 3.2 The application is also to amend the plan attached to the Premises Licence to include an outside area. The applicant has proposed that the following conditions be imposed in respect of the outside area:

- (i) Alcohol will not be served in the outdoor area after 02:00 daily
- (ii) No live music will be played in the outdoor area after 23:00 on any day.

- (iii) The volume of recorded music in all outdoor areas will be reduced to background level after 23:59 each day.
- (iv) No recorded music will be played in the outdoor areas after 02:00 on any day.
- (v) The provision of late night refreshment will cease in the outdoor area no later than 02:00 each day.

3.3 The outside area referred to in the application to vary the Premises Licence currently has a Premises Licence with the following hours:

Sale by Retail of Alcohol (for consumption 'on' the premises only)

Sunday to Saturday 10:00 to 23:00

Hours Open to the Public

Sunday to Saturday 10:00 to 23:30

The following conditions are attached to the Premises Licence:

- The Premises Licence Holder must risk assess the requirement to employ door supervisors in such number and at such times as deemed necessary. Full cognisance must be given to any Police advice.
- A register of all SIA Registered Door Supervisors must be kept at the premises with recorded details of dates and times on duty, full names and SIA numbers, signed on and off duty by the Designated Premises Supervisor or deputy. All incidents involving door supervisors must be recorded in the door supervisor register.
- CCTV must be installed at the premises and coverage must be provided in the form of a recordable system capable of providing images of evidential quality in all lighting conditions. CCTV cameras must encompass all entrances and exits to the premises and all areas where the sale, supply or consumption of alcohol occurs. External CCTV cameras must cover the front entrance to the premises. The CCTV equipment must be maintained in good working order and checked every 12 months. The CCTV system must record in real time and operate whilst the premises are open for licensable activities. The CCTV recordings must be kept available for a period of 31 days and handed to Merseyside police officers or staff on request, for evidential purposes. There must be sufficient members of trained staff available to be able to download evidence with the minimum of delay. The Recording equipment must be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual.
- The Premises Licence Holder/Designated Premises Supervisor must implement a written drugs policy, this must include strategies to minimise the use and supply of illegal drugs within the premises. The drugs policy must include a structured training policy for all staff covering the issues of misuse of drugs in relation to licensed premises. Regular toilet checks are to be made and recorded. Appropriate signage in relation to the drugs policy must be displayed. Staff must inform police immediately of any suspicious activity within, or in the vicinity of the premises.
- All drugs found or seized will be placed in a secure Drugs Box (strong box) to which only Merseyside Police will have access. The boxes must be routinely emptied by local policing staff in the presence of venue management.
- All incidents of crime and disorder must be reported to the police. Incidents must be recorded in a log book to be kept at the premises and made available to Merseyside Police on request.

- All staff involved in the sale of alcohol must hold a minimum level 1 Award in Responsible Alcohol Retailing, minimum level 2 Award for Personal Licence Holders or receive training provided by Wirral Trading Standards in relation to age restricted sales. Staff training records shall be available for inspection by an Authorised Officer on request.
- All staff involved in the sale of alcohol must receive refresher training at least every 6 months. The refresher training must include the prevention of the sale of alcohol to persons under the age of 18, the Challenge 25 Policy, the sale of alcohol to persons who are drunk, and the social responsibility of persons involved in the sale of alcohol.
- No persons under the age of 18 shall be permitted on the premises at any time with the exception of any members of staff employed at the premises.
- The premises must operate a Challenge 25 scheme where all staff are trained in that scheme prior to serving any age restricted products, training records to be kept for inspection by an authorised officer of the local authority for a period of at least 12 months.
- A Refusals Register should be kept and maintained and should be available for inspection upon request.
- Plastic/polycarbonate or other non-glass drinking vessels must be used at all times.
- All incidents of crime and disorder must be reported to the police. Incidents must be recorded in an incident book to be kept at the premises and made available to Merseyside Police on request.
- Notices must be displayed on the premises asking customers to leave quietly.

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 to promote the four Licensing Objectives. A copy of the full application is available.

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.

Following discussions with Merseyside Police the applicant has agreed to include the following conditions on the Premises Licence should the variation be granted:

- The Premises Licence Holder/Designated Premises Supervisor shall implement a written drugs policy, this shall include strategies to minimise the use and supply of illegal drugs within the premises. The drugs policy shall include a structured training policy for all staff covering the issues of misuse of drugs in relation to licensed premises. Regular toilet checks are to be made and recorded. Appropriate signage in relation to the drugs policy shall be displayed. Staff will inform police immediately of any suspicious activity within, or in the vicinity of the premises.
- All drugs found or seized will be placed in a secure Drugs Box (strong box) to which only Merseyside Police will have access. The boxes will be routinely emptied by local policing staff in the presence of venue management.

- All incidents of crime and disorder will be reported to the police. Incidents are to be recorded in a log book to be kept at the premises and made available to Merseyside Police on request.
- No open vessels, glasses, bottles or alcohol containers will be allowed to be taken beyond the delineated Licensed Area with the exception of any external drinking areas covered by a valid Pavement Cafe Licence.
- Staff shall be trained in all aspects of responsible alcohol retailing and will occur before a staff member is authorised to sell alcohol. Staff training records shall be available for inspection by the police or other responsible authority upon request.
- All outside entertainment shall cease at midnight with the exception of New Years' Eve.
- No persons under the age of 18 shall be permitted on the premises at any time with the exception of any members of staff employed at the premises.
- Premises shall operate a Challenge 21 scheme where all staff are trained in that scheme prior to serving any age restricted products, training records to be kept for inspection by an authorised officer for a period of at least 12 months.
- All incidents of crime and disorder will be reported to the police. Incidents are to be recorded in an incident book to be kept at the premises and made available to Merseyside Police on request.
- CCTV coverage shall be provided in the form of a recordable system capable of providing good quality, clear images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises and all areas where the sale, supply or consumption of alcohol occurs. External cameras will cover the front entrance to the premises. Equipment shall be maintained in good working order and checked every 12 months. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a period of 31 days and handed to Merseyside police officers or staff on request, for evidential purposes, in line with relevant Data Protection Legislation. There will be sufficient members of trained staff available to be able to download evidence with the minimum of delay. The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual.
- There must be a minimum of two SIA registered Door Supervisors on duty when the premises open for trade. On Friday and Saturday an additional SIA registered Door Supervisor must be on duty from 03:00. All Door Supervisors must remain on duty until the premises closes.
- Whenever the outside beer garden area is open for licensable activities a further two SIA registered door supervisors will be employed at the premises each day from midnight until close of business. On Friday and Saturdays, all Sundays preceding a Bank Holiday, New Years' Eve and Boxing night a further two SIA registered door supervisors will be employed from 02:00 until close of business.

- The Premises Licence Holder shall risk assess the requirement to employ additional door supervisors in such number and at such times as deemed necessary. Full cognisance will be given to any Police advice.
- A register of all SIA Registered Door Supervisors will be kept at the premises with recorded details of dates and times on duty, full names and SIA numbers, signed on and off duty by the DPS or deputy. All incidents involving door supervisors will be recorded in the door supervisor register.

4.2 RELEVANT REPRESENTATIONS

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

Licensing Authority

In respect of this application, a representation has been received from the Licensing Authority. The representation relates to concerns of noise nuisance as the applicant wishes to include the outside area on the Premises Licence. The Licensing Authority has reported that complaints have previously been received from local residents relating to noise coming from inside licensed premises. A copy of the representation is available.

Environmental Health

In respect of this application, a representation has been received from Environmental Health. The Environmental Health Officer has concerns in respect of noise nuisance emanating from the outside area should entertainment be permitted beyond 23:00 due to residential properties within the vicinity of the premises. A copy of the representation is available.

Ward Councillor

In respect of this application, a representation has been received from Ward Councillor, Jean Stapleton in respect of residents being disturbed by loud noise coming from the outside area at a late hour. A copy of the representation is available.

4.3 There have been no representations received from the following Responsible Authorities:

Wirral Safeguarding Children Board
 Fire Authority
 Trading Standards
 Merseyside Police
 Public Health

5.0 FINANCIAL IMPLICATIONS

5.1 There are no specific implications arising from this report.

6.0 LEGAL IMPLICATIONS

6.1 A decision of this Committee can be subject to Appeal.

7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

7.1 There are no specific implications arising from this report.

8.0 RELEVANT RISKS

8.1 There are none arising directly from this report.

9.0 ENGAGEMENT/CONSULTATION

9.1 Statutory consultation has been undertaken in respect of this application.

10.0 EQUALITY IMPLICATIONS

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

No because there is no relevance to equality.

11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

11.1 There are none arising from the content of this report.

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APPENDICES

None

BACKGROUND PAPERS

- Application to vary a Premises Licence
- Representation received from the Licensing Authority
- Representation received from Environmental Health
- Representation received from Councillor Stapleton

SUBJECT HISTORY (last 3 years)

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