

LICENSING ACT 2003**LICENSING PANEL****30 JUNE 2021**

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 **Fit Foods Wirral Limited** and relates to the premises known as **Fit Grill, 1a Village Road, Oxtou**.

RECOMMENDATION/S

The Licensing Panel 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 These premises currently have a Premises Licence with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 21:30

Hours Open to the Public

Sunday to Saturday 08:00 to 22:00

3.2 APPLICATION

The application to vary the Premises Licence is as follows:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 23:00

Hours Open to the Public

Sunday to Saturday 08:00 to 00:00

- 3.3 The application is also to remove the following condition from the Premises Licence:

- The primary use of the premises shall be that of a cafe/restaurant and alcohol will only be sold as an ancillary to the provision of food.

- 3.4 The applicant has advised that the removal of the above condition will not change the primary use of the premises as a restaurant but that they are seeking flexibility to provide some customers with alcohol without the provision of food. The Planning Authority have advised that any material change of use to the premises would require separate Planning Permission.

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 Panel are advised that the proposals set out in the operating schedule may become conditions of licence should the application be granted.

4.2 RELEVANT REPRESENTATIONS

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

Local Residents

In respect of this application, 8 representations have been received from Local Residents. The representations relate to concerns of crime and disorder, and public nuisance being caused to local residents should the application be granted. Copies of the representations are 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
Licensing Authority
Environmental 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
- Representations received from Local Residents

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Act 2003 Sub-Committee	15 July 2020